Making Transparency Stick: The Complex Dynamics of Open Data

Abstract

This paper examines the complex dynamics of Open Data reform in the UK, assessing the chances of the policy ‘sticking’ or failing over time. Using the ideas of Patashnik and Zelizer (2013) on what makes policies succeed or fail post-enactment, it begins by looking at the unique features of Open Data. The broad but vague vision of the reform, its symbolism and ‘voteless’ status and the multi-instrument, multi-actor approach all make Open Data exceptional. The paper then examines how these play into the three factors that make a policy ‘stick’ or fail over time: the resources re-allocated by the policy, interpretation of its success by different actors and the institutional support it receives. It concludes by arguing that Open Data is likely to benefit from leadership and the ongoing innovation but may be threatened by resistance, manipulation of the aims and the underlying assumptions, which invite disappointment.

In the last decade, the new Open Data agenda has spread across the world. From the US to Brazil and Tanzania, governments have begun to roll out the publishing of machine readable data in the hope that it will reap an array of political, social and economic benefits.

The UK is committed to being the world’s most transparent government on the basis of its Open Data reforms (Cabinet Office 2013). This paper uses the ideas of Patashnik and Zelizer (2013) to examine the implementation of the programme so far, as it moves from enactment to post-implementation. Open Data makes strong promises to ‘remake’ and recast politics in new ways. Focusing on the idea of policy ‘feedback’, the paper examines the policy design and assesses the policy in terms of its resource, interpretive and institutional dynamics so far.

Shaping policy

In looking at why policies succeed or fail to ‘remake politics’, Patashnik and Zelizer (2013) examine both the enactment and post-enactment phases. They argue that the two processes are interlinked and symbiotic, as weaknesses in policy design shapes post-enactment. Building on work by Schnattschneider and Pierson (1994), they argue that ‘that the capacity of public policies to remake politics is contingent, conditional, and contested’ (1071). Their emphasis is upon the role played by ‘policy feedback’. Strong feedback can create redistribute benefits, creating supportive communities and compelling actors to endorse policy. Weak or non-existence feedback leads to fragile support and the possibility of political neglect. They argue that it is a ‘crucial locus of inquiry’ as ‘pre-existing policies not only stimulate reactions and adaptations among individual citizens, but shape the larger material and ideational context’ (Patashnik and Zelizer 2013, 1075)
Patashnik and Zelizer (2013) argue for a wider, more contextual and interpretive understanding of feedback, as something

...shaped not only by the internal attributes of policies, such as the magnitude and timing of their resource flows, but also by the interaction between such policy-specific characteristics, the strategic goals of officeholders and groups, and the forces arising from an uncertain and contentious political environment (1071).

Following Pierson (1994) they argue that policy contains both ‘resource’ and ‘interpretive’ effects (1075). They then offer three effects that can be used to assess the durability and potential effects of a policy:

- **Resource effects** - concerning the reallocation of benefits and how, and how quickly and ‘deeply’, policies reallocate them.
- **Interpretive effects** - not only ongoing assessment of the reforms but also conflict and ‘battles over the narrative’ as supporters and opponents use (and sometimes abuse) information and arguments to claim the policy is a success or failure. These narratives can then become ‘truths’ that feed back into the process.
- **Institutional supports** - whether the policy is receiving the appropriate level of cooperation from the institutions and mechanisms appointed to implement it.

It is a combination of the strength of these three factors that can determine success or failure of a reform.

**Open Data and the UK ‘Transparency Agenda’**

Open Data concerns the ‘re-use’ of information, combining the power of technology and the knowledge provided by data (Interview). Its essence means publishing ‘government data in a reusable form’ (Huijboon and Van den Broek 2011, 5–6; 1).

The UK’s coalition government has promised a ‘transparency revolution’ to create ‘an effective Open Data ecosystem’ (Cabinet Office 2011, 12). The UK’s ‘Transparency Agenda’ is made up of a series of ‘sub-policies’ spread across different instruments rolled out since 2010, including:

- **Publishing spending data**: online publication of central government spending over £25,000, Treasury spending data (called COINs now OSCAR), local government spending over £500.
- **Publishing service data**: this includes contracts, officials’ salaries, organograms and organisation charts.
- **Platforms**: the development of a central data portal, data.gov.uk, building on the previous innovations by the Brown government.
• **Legal reforms**: amendments to the Freedom of Information Act 2000 and supportive laws on local government openness
• **Charters and international agreements** such as the G8 commitments of 2013 to tax evasion and open corporations (Cabinet Office 2013)

The programme is an amalgam of both mechanisms and ideas (Moss and Coleman 2014: Margetts 2013). The reforms mix ‘high threshold’ experiments in deliberation with low-threshold transparency mechanisms that simply give out information. It also mixes ideas of ‘post-bureaucratic’ politics and ‘crowd sourcing’ with more traditional ‘open government’ ideas of transparency and accountability (Moss and Coleman 2014).

**The Enactment of Open Data 2010-2012**

Every enactment phase decisions can have a large influence on whether a policy generates feedback. Patashnik and Zelizer (2013) argue that the creation shapes the subsequent post-enactment: ‘it is certainly possible for a fragile, poorly conceived policy to overcome the infirmities of its birth and eventually generate strong feedback. But the odds are against it’ (1076). In the case of Open Data in the UK, three features of the enactment process may prove important in shaping the post-enactment dynamics and mark out Open Data as unique: the vision of Open Data, the symbolism and the mechanics.

**Vision**

First, the vision of Open Data is powerful yet vague. It combines a ‘universal’ ideas of transparency with an ambitious range of political, social and economic improvements (Cabinet Office 2012). The political goals include increasing transparency and accountability as well as increasing public participation and public trust (Cabinet Office 2011: Cabinet Office 2013). The more social goals include increasing community empowerment while the economic aims include bringing greater efficiency, savings and acting as a spur, via innovation, to economic growth (Pollock 2009: Omidyar 2014).

It is also diverse in its policy remit. It encompasses a whole variety of issues from international tax evasion to patient involvement in health care (Cabinet Office 2013). Politically, the numerous ‘sub-policies’ also ‘lock-in’ to other reforms: Open Data is connected to ‘shrinking’ the state, empowering local communities and civil society and health service change. The reforms are central to the coalition government’s vision, for example, of devolving power, as new data will ‘wrest power out of the hands of highly paid officials and give it back to the people’ (Cabinet Office 2011a, 5).

The data released so far represents only the early stages of an evolving ‘ecology’ that would require adaption, feedback and accountability mechanisms to enable users and innovators to harness the data for these different ends (Zuiderwijk et al 2014). The ecology would, it is hoped, become ‘dynamic’ and self-sustaining, with reforms driving further innovation, experimentation and openness, changing cultures and institutions driven by the flexibility and innovation potential of information technology, what Chadwick calls ‘information exuberance’ (2012). It may become ‘self-reinforcing’ less through the actions of politicians but due to innovation resulting from use and exploitation of technology by a number of
groups, including journalists and NGOs (Margetts 2013). As well as pre-existing actors, in the case of Open Data, it is hoped that a mixture of private and voluntary ‘data intermediaries’, seeking ‘niche positions’, would then ‘innovate’ to create easy to use portals or applications (Mayer-Schonberger and Cukier 2013, 136-137).

Yet while Open Data is ambitious, it is also unclear. One recent study spoke of how the definition of Open Data itself is ‘deeply ambiguous’ as it ‘blurred the distinction between the technology of Open Data and the politics of Open Government’. It contains heavy determinism-that technology will solve political problems (Bannister and Connolly 2011). It also contains underlying assumptions about behaviour (Dahlberg 2011). Some of the aims are also hedged with uncertainty and the NAO felt that the economic aims were based on ‘highly uncertain assumptions’ (NAO 2012: Worthy 2013a). Crucially, the policy may also conceal particular ideological viewpoints or narratives within the ‘universal’ veneer (Birchall 2011).

Symbolic yet voteless

Second, Open Data powerfully signals a government’s commitment to democratic values, reform and new ideas of governance. It is also laden with ideas of technological ‘determinism’ and modernisation. New governments have been particularly keen on Open Data, frequently conflating it with ‘Open Government’ and Freedom of Information as a signal of a ‘break’ from past ‘secretive’ or ‘remote’ practice. Early on in their life, the Obama administration in 2009, UK Coalition government in 2010 and Renzi administration in 2014 in Italy championed Open Data as cornerstone of administrative and political reform. The number of signatories to the new Open Government Partnership is testament to its force (Cabinet Office 2013).

Edelman famously outlined how, in many cases, the more symbolically radical a policy, the less change takes place (1964). Most ‘symbolic’ policies are not transformative but are simply there to give politicians ‘the opportunity to display their support’ (1076). They ‘do not create new politics’ but ‘refract an old one’ (1076).

However, Open Data is seen as offering a series of transformative opportunities to ‘remake politics’, at least in terms of accountability, participation and empowerment. David Cameron spoke of how Open Data, ‘by bringing information into the open’, will enable the public ‘to hold government and public services to account’ (Cameron 2010). It would increase participation and create ‘a whole army of effective armchair auditors looking over the books’ with citizens working as auditors (Cameron 2010: Fung et al 2013). The Minister in charge of Open Data argued it will create ‘empowered citizens’ and ‘effective personalised 21st century democracy’ (PASC 2014).

Yet, in spite of its ‘radical’ offering, like other transparency policies such as FOI, it essentially ‘voteless’. Although it attracts support from all sides of the elite political spectrum, Open Data brings no electoral advantages. In a 2013 YouGov survey, while expressing enthusiasm for the change, only 4 % of a public panel felt they were ‘highly informed’ about Open Data and the highest level of engagement came over concerns for privacy (Yougov 2013).
Varied composition

Third, the Open Data reforms are actually composed of a range of different incentives and instruments, as Table 1 shows.

Table 1: Open Data Policy Instruments in the UK and US

<table>
<thead>
<tr>
<th>Type of Instrument</th>
<th>UK</th>
<th>US</th>
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<tbody>
<tr>
<td>Experimental applications</td>
<td>Regulation, Contract, Finder and local experiments or third parties e.g. Open Corporates</td>
<td>e-petitions</td>
</tr>
<tr>
<td>Platforms</td>
<td>Data.gov.uk and local portals or stores e.g. Manchester Datastore</td>
<td>Data.gov and local portals e.g. the Missouri Accountability Portal</td>
</tr>
<tr>
<td>Legal Instruments</td>
<td>Protection of Freedoms Act 2012 (contained FOI Law) Local government regulations such as the Local Audit and Accountability Act 2014</td>
<td>DATA law of 2014</td>
</tr>
<tr>
<td>Order/instruction</td>
<td>Letter from Prime Minister G8 anti-corruption charter</td>
<td>Presidential Executive Order of 2009</td>
</tr>
<tr>
<td>Code of Practice</td>
<td>Code of Practice on Local Government Transparency 2014</td>
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Open Data as a reform hides a constellation of policy instruments carrying very different amounts of incentive or ‘force’, from ‘crowd-sourced’ experiment to statute or ‘recommended’ code of practice. It is likely that institutions will respond very differently to them.

Responsibility is also spread across different departments and bodies—the UK Open Data National Action Plan for 2013–2015 highlights initiatives based, for example, in the Home Office on police openness, International Development on aid transparency and between Business, Innovation and Skills and HMRC on money laundering (Cabinet Office 2013). It also involves national, regional and local government, as well as array of third sector bodies, from NGOs to innovators and charities (Cabinet Office 2013). The movement, though focused on public sector bodies, also touches on the private sector, from company records to the transparency on construction projects (Cabinet Office 2013).

Ultimate oversight is from the Prime Minister and transparency team in the Cabinet Office. The Cabinet Office is assisted by a Public Data Panel of experts and by cross-departmental Transparency Boards. The ‘push’ has also come from a series of strategic papers, including a series of white papers and the National Information Infrastructure, independent reviews and high profile commitments as part of the Open Government Partnership (Cabinet Office 2011:2012: Shakespeare 2013). This latter commitment involved a series of 22 commitments to improve Open Data (Cabinet Office 2013).
As Patashnik and Zelizer (2013) point out ‘the struggle to remake politics does not end when reforms are enacted’ (1077). They are ‘trial and error affairs’ influenced by ‘electoral and governing’ factors, from politicians ‘strategic preferences’ to interaction with other policy ‘and the resources of the existing environment’ (1077). The key factors are resources, interpretation and institutional support.

Resource

Resource allocation is central to the success or failure of a policy. The ‘magnitude and timing of the resources received by constituent groups can shape whether a fragile policy begins to “take” (Patashnik and Zelizer 2013, 1078). Delayed or insubstantial benefits can prevent the formation of support networks.

The potential benefits of Open Data are diverse and move from the material to non-material-from direct economic benefits to more diffuse ‘democratic’ improvements. One key criticism of the UK agenda is that the programme is lacking in either clear feedback mechanisms to see what benefits are accrued. Few of the innovations or instruments can ‘signal’ to politicians policy success in a way that would reinforce and entrench the policy (Margetts 2013). From the e-petitions site to local government spending data there appears to be gap (Hale et al 2013; Worthy 2013). Most initiatives have lacked ‘meaningful opportunities to engage’ (Moss and Coleman 2013, 14). So far, in assessing the resource allocation, it is necessary to turn to indirect indicators of benefits: analysis of use and outcomes, before turning to the assumptions that support the policy.

Users

One group than can provide feedback is the users themselves, whose identity and action may point to what benefits are emerging. Research points towards transparency policy having no ‘single user’ but a diverse collection of differently motivated groups and individuals (Meijer et al 2012). Government understanding may be distorted by varying speed: business driven use of data may show quicker results than more socially useful co-production experiments (Lassinantti et al 2013).

Data so far points to use being very different between different innovations-from high level use of the crime map or data.gov.uk to relatively low use of local spending data (Police.uk: Worthy 2013). The experiments conducted so far appear to have fared rather badly (Coleman and Moss 2014).

Users of the data portal appear to be an amorphous mix of social entrepreneur and technologists and locally users are spread between business, NGOs and a few journalists and members of the public (Davies 2010). Locally, use is shaped by contexts and the political environment, so there is no ‘clear path’ or single effect (Lassinantti et al 2013, 29). The evidence from local spending data points to a diverse or fragmented use.

Table 2: Estimated Primary User Groups of Spending Data and Users of FOI
Third party innovations or ‘data intermediaries’ also appear to be attracting a similarly diverse group of users (Worthy 2013). Evidence from the mySociety application TheyWorkForYou found its users to be a combination of male, elderly and politically engaged (Esche 2011). Local government ‘intermediaries’ such as Openly Local and Spend Network appear to attract a mixture of businesses, public and councillors (Worthy 2013). Rather like other transparency policies a mixture of innovators, journalists and others are likely to be key (Margetts 2013). Such a ‘vanguard’ may act as a powerful driver but not a deep ‘pool’ of supporters into which the policy can anchor (Dunion 2011). Here Open Data fits with other transparency instruments such as Freedom of Information (see below).

Indeed, the mention of politicians about the ‘public’ or ‘general’ user may fundamentally misunderstand the dynamics involved in e-participation, at least in the initial stages. Karpf argues that e-participation ‘reveals’ interest but cannot create it (2011):

> Optimism about “open source politics” must be tempered by a recognition of existing power relationships. It simply is not the case that “if you build it, they will come.” Rather, existing networks of elite actors must be courted and brought aboard (Karpf 2011, 338).

Use is skewed towards areas of interest and groups already organised. Moreover, moving from small groups of innovators to larger use is complex (2011). Systems and design must also be ‘calibrated’ to account for variation in interest levels (339).

### Outcomes

If there is no defined support group, another potential source of feedback concerns the outcomes of the policy. However, the outcomes are far from clear. The division, so far, appears between simple and relevant platforms (raw data via platforms or a crime maps) versus more complex participative or deliberative initiatives (over policy). According to PASC, the crime map ‘has been well-used by the public, with more than 53 million visits from 22 per cent of all family households in England and Wales since its launch in 2011’ (PASC 2014). Data.gov.uk is also heavily used (Davies 2010: PASC 2014).

However, policies reliant on experimentation are likely to take time and be uneven. Moss and Coleman (2014) argue that the problem stems from the design of objectives and the lack of clarity. They claim that overall the results of the Open Data experiments in the UK have been ‘disappointing’, despite ‘isolated examples of success’ they lack a ‘clear and
coherent strategy (1). Margett’s (2013) also pointed to a ‘sense of disappointment’ (169). PASC felt that the ‘government’s direction of travel is not clear’, citing a ‘lack of coordination’ and ‘understanding’ (PASC 2014, 46). The UK Public Accounts Committee (2012) highlighted practical concerns over how data was inconsistent, ‘raw’ and ‘very difficult to interpret’.

The discussion of impact and outcomes is underlain with measurement difficulty of some very different policies-measuring the success of a data platform is very different from that of a charter or strategy. The problem lies not only in the units of measurement but the interaction between perceptions and ‘hard’ evidence. Measurement requires understanding use, such as web views, and process tracing alongside more intangible changes to culture or behaviour within a particular context (Meijer 2013). PASC concluded that ‘measuring progress’ of the reforms ‘is difficult if not impossible’, a difficulty that ‘allows Open Data supporters to claim the revolution is well underway and the sceptics to say nothing has changed’ (2014, 41).

Two examples illustrate the difficulty. The UK publication of all local government spending data has been rolled out since 2010. It appears superficially successful, as all 353 local authorities are now publishing all spending over £500 (Cabinet Office 2013). Deeper analysis offers a very varied picture of a policy trumpeted as a means of ‘wresting power’ from local government to people. It has been used to bring about accountability and some participation though there has been little sign of citizen driven audit (Worthy 2013). While there have been a few high profile examples, the general trend is one of unevenness and unpredictability, reflecting the ‘turbulence’ and ‘punctuated equilibrium’ of other online experiments (Hale et al 2013). Local authorities have displayed a varied level of enthusiasm and interest (Worthy 2013a). There are, however data intermediaries such as Openly Local and others, beginning to attract attention (Worthy 2013). Local authorities are themselves are engaged with joined up grassroots experiments but feel they lack resources (LGA 2012).

Similarly unclear is another flagship policy rich with symbolism-the publication of officials’ salaries. The UK government led the way in publishing salaries of senior civil servants in the name of transparency and in the hope it could keep down costs. Yet there has been little ‘downward’ impact so far. Evidence from a similar initiative in Canada found that disclosure had no effect (Gomez and Wald 2010). Moreover, evidence from studies of the private sector point to the possibility that disclosure actually increases overall salaries by creating upward pressure from colleagues (Schmidt 2011). Such a narrow emphasis also obscures other important issues around performance (see Jensen and Wald 1990).

The crowd-sourcing experiments have had particularly unclear effects. Initiatives designed to identify cuts (Spending Challenge) or cut back on unnecessary laws (Your Freedom), were high profile but marked by low interest and abuse (Moss and Coleman 2014, 11-12). A review of the Coalition’s crowd sourced regulatory review, the ‘Red Tape Challenge’, concluded that, because of its design, the ‘crowd’ had little influence (Lodge and Wegrich 2014). The government’s e-petitions initiative, rebooted from early Labour experiments, represents an ‘opportunity missed’ in failing to engage with the public (Moss and Coleman 2014, 11-12). Despite interest and political support, the design of the system means it has a very low success rate and the link from petition to efficacy is complex and uncertain (Hale et
Crowd-sourcing requires careful management and is reliant on a small (and often biases) group to drive change (Clark and Logan 2013). It also requires clear feedback mechanisms. Detailed study also finds that such initiatives are reliant on power laws and a strong initial push-if the topic does not go viral in the first few days it will not succeed (Hale et al 2013).

While the government reforms appear uneven, some of the emerging ‘intermediaries’ appear more successful. Openly Local represents one high profile success, as with the similar innovation Open Corporates, highlighted by David Cameron as a model innovation (Cameron 2013). Elsewhere, the medicine pricing application mastodon C identified £200 million in savings for the NHS (PASC 2014).

Assumptions

The problem may not be the uncertain effects but the presumptions behind what success will be, that may invite disappointment. The reforms, particularly regarding ‘pure’ data publication, work on the assumption that data is static and purposive. The policy perhaps takes too literally and simply the complex, evolving ‘life’ of certain data that exists ‘behind fictions of raw data’ (Davies and Frank 2013, 4). Moreover, they contain assumptions, both simplistic and optimistic, about the behavioural effects of information on citizens-that provision will drive experiments and interest and, in the longer term, lead to particular political action or understanding. The idea that all but a few citizens would engage as ‘armchair auditors’ is perhaps a case in point (Worthy 2013).

This can be seen in the area of information and accountability. A study of the MPs’ Expenses scandal found that, even when presented with clear evidence of wrong doing, many voters were unwilling or unable to act (Vivyan et al 2012). Research into the publication of local performance information pointed towards a dissonance between poor performance and action by citizens, with the public failing to ‘raise’ their ‘voice’, even in highly supportive environments (James and Moseley 2014).

In terms of the general impact of information ‘the public’, complexity, cognitive biases and framing effects all hindering or skewing understanding. Information is rarely interpreted neutrally and even ‘non-political’ information is ‘filtered’ by pre-existing ‘orientations’ or ‘predispositions’ (James 2011, 401-403; Van De Walle and Ryzin 2011, 1438). Emerging evidence points to transparency in different areas and degrees having different and sometimes counter-intuitive effects on public perceptions (de Fine Licht 2014). No amount of EU spending data would shift, for example, deeply held Eurosceptic attitudes (Curtin and Meijer 2006).The danger is that mistaken assumptions, inviting disappointment, may feed doubts and scepticism among those whose support is vital.

Interpretation

Policy is not only shaped by outcomes but also by interpretation. As a policy develops, it is subject to support, opposition and interpretation by many groups that may battle to put their own stamp on policy success or failure. Open Data is a clear commitment of the coalition government and, given its cross-party appeal, is unlikely to be changed by any new
administration. It also has the explicit support of the Prime Minister and a lead department in the Cabinet Office (PASC 2014). This likely to send powerful signals that the policy is valued and important.

As a voteless policy, outside of government the supporting groups are a dynamic and shifting amalgam of civil society bodies, ‘hackers’, an ‘engaged and well-resourced middle layer of skilled government bureaucrats’ and ‘top level politicians’ (Hogge 2010, 3). A study in Sweden found the support network in ‘different phases of the development process, act[ed] in a dynamic rather than stationary manner’ moving across ‘four basic roles; promoters, provider, users and beneficiaries’ (Lassananti 2014, 17). Given the importance of third-parties and developers in moving forward the agenda, the cross-current of support is important, if not vital (Lassananti 2013: cabinet Office 2012). However, the pool of users and supporters comprises a rather fragile group with ‘overlapping perspectives’ (Lassinantti et al 2013, 18). For example, the OGP National Action Plan involved 30 groups including information rights groups (CFOI, Article 19), anti-corruption bodies and political reform NGOs (Corruption Watch, Democratic Society), alongside Open Data innovators (Open Corporates, Open Knowledge Foundation, Open Rights Group) as well as specific charities (Christian Aid, Oxfam, Cancer research). The co-ordination of the CSOs was led by Involve, an organisation that promotes active public involvement in policy (Cabinet Office 2013).

There is clear potential for interpretive conflicts between these groups. Disagreements may stem from politicians sometime variable support, shifting of narratives and the ‘hidden’ ideological aims of the reforms.

One of the main conflictual dangers in any policy stems from politicians who ‘become sceptical of the success or value’ of a policy (2013, 1077). Politicians are the key supporters of Open Data and there has been successive support for Open Data from administrations on both sides of the spectrum (PASC 2014). Yet ‘political commitment’ to transparency is often fragile. The Coalition government itself warned that ‘the formative years of open government will be difficult, tricky and uncomfortable at times’ (Cabinet Office 2012, 6). Initial enthusiasm is frequently tempered by experience of high politics. Politicians’ dislike of the unexpected, experience of the sharp end of unexpected release and partial view of the, frequently negative, results diminishes their enthusiasm. It also often parallels their growing dislike of the press (Worthy 2013). It may also represent a disillusionment with mistaken assumptions (Dahlberg 2011). Obama’s muted second term approach to openness, in contrast to his high profile espousal in his first term, shows how this can happen (Peled 2013).

A further danger is that there is a ‘struggle’ or conflict over the policy and its value (2013). More than simply a growing dislike, politicians may also try to shift the ‘narrative’ in particular directions, ‘hijacking’ the symbolic power of Open Data for their own ends. The flexibility of these ideas leave space for particular actors to shift or alter the ‘story’. In the UK, the Coalition moved from an emphasis on the domestic ‘democratic’ potential towards an emphasis on the economic benefits and the international anti-corruption campaigns (Gray 2013). Although originally inspired by the MPs’ expenses scandal, David Cameron’s commitments at the 2013 G8 meeting on tax transparency ‘typified a broader trend in open
government discourse, away from political accountability and social justice and towards economic growth, digital innovation and supporting startups’ (Gray 2013).

This shift is a move away from what many civil society groups wish for. The NGOs involved in collaborating with the UK Second National Action Plan expressed concern, in public letter to the Prime Minister, that the plan lacked ‘ambition’ and were ‘concerned by the absence of any truly ambitious new commitments’. They recommended that steps be taken to open up companies, allow greater public scrutiny of public money and open up the lobbying process. Only then could the UK ‘send a clear message about the UK’s commitment to open government’ (OGP 2013).

As well as the aims, there may also be more political conflicts hidden within the ‘universalism’ of Open Data. Some critics argue that the supposed ‘neutral’ espousal for Open Data hides an ideological agenda that supports Free Market, small state solutions, empowering the private sector and weakening the public-as seen in the UK with the use of Open Data as a tool of ‘marketisation’ in reform of the National Health service (Margetts 2013: Burchill 2011). In fact, political interpretation may be built into the technology itself and its context. Fung and Weil (2010) argue that certain US spending applications served to ‘frame’ understanding in a negative way, saying little about the impact but only revealing amounts (Fung and Weil 2010).

**Institutions**

Two aspects can be examined in the existence or lack of institutional support: policy drive and institutional enthusiasm.

**Policy drive**

The central ‘push’ or drive for Open Data appears to Prime Ministerial. Underneath the Prime Minister, it stems from a ‘multiplicity of boards, committees and organisations that are distributed both within and beyond departments and wider public sector bodies (2013,10). There is no easily understood, easily accessed, influential mechanism for making things happen (Shakespeare 2013, 13).

The drive is then pushed through a variety of very different mechanisms, with the risk that it may dissipate or lose its forces when passed through certain instruments in the ‘sub-policies’. As outlined above, the instruments used so far have varying degrees of strength both on a practical and symbolic level. They also bring trade-offs-a ‘code’ may enable authorities to flexibly experiment while a law may bring greater compliance and uniformity but stifle ‘innovation’ or ‘responsiveness’ to local conditions. Some are unlikely to maintain their strength over the long term-a Prime Ministerial letter requires credibility while an experiment requires successful use. Some initiatives will only continue as long as the political support and interest is there-and could be quietly dropped (Cabinet Office 2013).

There are signs that governments are keen to move towards more defined, legal mechanisms. In the United States the new DATA law represents the first attempt to put the myriad orders and directives into a standardised piece of legislation. In the UK, only the right to datasets under FOI led to legislative change in 2012 though it is not clear what
impact this has had (PASC 2014). The local government Open Data reforms are also to be made into law (Cabinet Office 2013).

The ‘lock-in’ of Open Data to other reforms and context may also strengthen certain Open Data initiative. The local government spending may be assisted a new mechanisms of local political accountability and transparency orders around access to meetings (House of Commons Library 2014). Other changes may also aid or hinder change— at local government level the decline of the local press may be balanced by a growing proliferation of ‘hyperlocal’ site making use of the information (Worthy 2013a: Hepburn 2014).

**Institutional support**

What institutional politics is emerging? Detailed studies of the politics of Open Data are lacking (Tolbert and Mossberger 2012). Those that exist hint at hidden political complexity: a study in Gangnam-gu found a newly elected mayor innovating with e-democracy to gain ‘public support’ and leverage in battles with the bureaucracy and opposition (Ahn and Breteschnieder 2011). In a US case a combination of scant resources, political skepticism and poor policy choices led to failure in highly propitious environment (Chadwick 2011). Studies by Ahn and Breteschnieder (2011) and Chadwick (2011) highlight the importance of political support and resources within bodies, as well as the infighting between politicians and officials.

Despite the high profile commitment in the UK, it appears that only a few departments and Ministers are enthusiastic, while many are not (PASC 2014). The Treasury is unenthusiastic and described as a ‘blocker’. PASC highlighted departmental ‘apathy and resistance’ and claimed that ‘some civil servants do not seem to share the government’s desire for openness’ (4). The variety also plays into the wider problem of ‘departmentalism’ as ‘the incentives to deliver become diluted if the policy is not perceived to be central to their core objectives’ (Shakespeare 2013, 47). As a sign of increasing internal battles or fading interest, the US lost its key technical adviser in 2012 (Peled 2013). In a parallel with the US reforms, the Coalition government has seen several senior advisors leave including the key data innovator Rohan Silva (Guardian 2013). Unhappiness may be manifested as simply neglect or ‘minimal compliance’ all the way to opposing the policy. This may in part be about skills, priorities and, of course, the politics of how close Open Data is to their main ‘mission’ (PASC 2014: Shakespeare 2013).

The uneven enthusiasm is also in evidence elsewhere— at local government level many councils appeared to be unclear on the aims or relevance of the changes (LGA 2012). While a few are clear innovators, and a few opposed the policy, most appeared engaged in somewhat sceptical minimal compliance (Worthy 2013). There appears to be differences in amounts and details of information published (Rowson 2013). Some local government officials, echoing the ‘political concerns’ of others, viewed the spending data as a means to make local authorities appear as ‘reckless spenders’ of public money (Worthy 2013).

The worst case scenario is that a reform can face entrenched opposition, with weak support and drive and a perception of failure. In the US, a series of intertwined difficulties served to undermine the original US data.gov platform. The reforms were caught between, internally,
only a ‘tiny club’ of agencies co-operating and, externally, low levels of public use (4-5). Peled (2011) argues that

As Open Data continues to pressure agencies to “free” data, most agencies have adopted a passive-aggressive stance to the program... indexing a minimal quantity of mostly useless data while locking more valuable datasets inside closed database “gardens” (7).

The reluctance was not ‘secrecy’ regarding the public but other ‘rival’ departments. Peled concluded that ‘Federal agencies will never “free” precious information assets that define their political status and bargaining power vis-à-vis other agencies (7). This perception of failure led to severe cuts to the platform in later budget battles (Peled 2011). Interestingly, the recent DATA bill was also subject to conflict and an apparent power struggle with allegations of attempts by the OMB to row back and wrest control from other departments (Sunlight Foundation 2014).

**The Freedom of Information Act 2000: A comparison**

The dynamics of Open Data can be better viewed by comparison with FOI. Both reforms are designed to enhance transparency as well as an ambitious range of other objectives FOI aims to increase accountability as well as public trust (Hazell et al 2010). Both are heavy with symbolism yet voteless-the long struggle to pass FOI legislation in the UK was partly due its lack of electoral significance. The two policies are also driven by use and will, it hoped, become self-reinforcing as result.

The UK Freedom of Information Act was passed in 2000 in the UK, following a long struggle (Worthy forthcoming). As a policy, it enshrines in law access rights to information, setting out broadly which bodies the law applies to, dispute mechanisms and what information can be disclosed or not. It thus has a clearer vision of granting access to rights of information to citizens, with an explicit statutory frame of reference.

**Resources**

Like Open Data, FOI promises a series of wide benefits. However, many of these are distinctly non-material and difficult to measure: FOI has been described as bringing ‘concentrated costs and dispersed benefits’ (Fung et al 2007).

At a high level, FOI has led accountability and scandal over Iraq war, health reform and, most importantly, MPs’ expenses (Worthy 2010). Here, users have acted as a ‘vanguard’ with a mixture of journalists, NGOs and the public using, innovating and supporting the Act (Dunion 2011). However, much use is ‘micro-political’, with most FOI used at local level as a tool for micro-politics and individual use (Worthy 2013a). A great deal of quotidian FOI use thus goes unnoticed and ‘below the radar’ (White 2007). It has also kick started innovation such mySociety’s WhatDoTheyKnow.com that allows the making of ‘public’ requests (Hazell et al 2010).
The ‘feedback effects’ on political institutions have been mixed. In terms of impact, FOI has bought more accountability and transparency, with some signs of behaviour change within public bodies (Hazell et al 2010: Worthy 2013). Like other new innovations, FOI has allowed new access and control to groups, as part of widening of what Chadwick call the ‘political information cycle’ (2013). Like other new mechanisms of public participation, it has demonstrated a potential to create ‘turbulence’ and uncertainty. It has shown itself to be an unpredictable mechanism-interviewees spoke of the unexpected nature of issues raised by it (Worthy 2013). (Hale et al 2013). Yet it has created resistance and signs of unhappiness, as different sides battle over interpretation.

**Interpretation**

FOI has been subject to clear ‘battle’ over how the Act is working, with an increasingly public divide between sceptical (mainly) senior politicians and officials and supporters in the media and NGOs. While welcoming it as an idea, politicians have been less keen on the loss of control or unexpected issues or scandals sprung on them (Worthy 2013). Tony Blair claimed FOI was abused by journalists:

> The truth is that the FOI Act isn’t used, for the most part, by ‘the people’. It’s used by journalists. For political leaders, it’s like saying to someone who is hitting you over the head with a stick, ‘Hey, try this instead’, and handing them a mallet (Blair 2010, 516-517).

As well as ‘abuse’, a number of senior officials and politicians have claimed that FOI negatively affects decision-making process or is costly, though there is no real evidence for this (PASC 2014). David Cameron’s more subtle view was to argue that ‘real freedom of Information’ was about ‘spending’ while other requests ‘furred up the arteries’ of government-a comment that revealed a very particular view of what information rights ‘should’ be used for (Hazell and Worthy 2013). The danger is that such negativity may encourage poor behaviour and lead to a small ‘anti- FOI’ group at the very top of government (BBC 14 Mar 2012). While, for example, Blair’s claim that FOI is used only by journalists is demonstrably untrue, it adds to a distorted view of FOI.

On the other side of the divide, though voteless, FOI has a clear constituency of supporters in the media, Parliament and across various NGOs (Worthy and Hazell 2013). Supported by high profile cases such as MPs’ expenses, the symbolic import of FOI legislation offers the reform a robust protection, backed up by a powerful constituency.

As a result of this divide, there remains a continuous ‘fighting on the borders’. Supporters of the Act have constantly innovated, pushed key cases and also sought to persuade successive governments to extend the Act private bodies working on behalf of public authorities (Justice 2012). The scepticism from the top of government has encouraged a series of, to date abortive, attempts to reform the Act in the other direction. This included an attempt to change the costing regime in 2006, to remove Parliament from the ambit of the Act in 2006-2007 and introduce greater protections for Cabinet documents in 2010. Only the removal of the Monarch and heir from the Act was successful, though largely unnoticed (Worthy and
Hazell 2013). As of writing, the government has made signs it may seek to limit what it ambiguously describes as ‘industrial’ users (Worthy and Hazell 2013)

Institutional support

Unlike Open Data, FOI possesses a series of institutional supports (and champions) in the Information Commissioner and Second Tier Tribunal. It has also created new bodies, such as IPSA to oversee MPs’ pay and expenses (Hazell et al 2012). Post-legislative scrutiny of the Act from the UK Parliament welcomed FOI as a key part of democracy (Justice 2012).

As with Open Data, the extent to which FOI is supported varies across departments and local government bodies, dependent on leadership, culture and contexts (Worthy 2013). There is evidence in some places of game playing and of the development of techniques to ‘spin’ or hide information in some areas (Hazell et al 2010: Roberts 2005). Yet, overall it is undoubtedly embedded and is supported as a law and ‘in spirit’ as an important piece of the democratic landscape (Justice 2012). The operation has been effected by resource cuts, as it has around the world (Worthy 2013: Roberts 2013).

Conclusion

So will Open Data succeed or fail? Its vision, symbolism and mix of instruments brings strength but also fragility. On the success side of the balance, the policy has strong political support and a powerful, if vague, narrative. It carries with it the ‘self-perpetuating’ dynamic of technology, which can power clear signs of success (most likely through innovations) to encourage use and bring clear signals to feed back to key actors. The exploitation of symbolism and technology may help entrench Open Data, if harnessed and could ‘fill’ the ‘gap’ of the lack of a supportive constituency, much as the media and NGOs do with FOI.

On the failure side, there is a mixture of resistance, confusion and apathy from different areas as well as the potential for political conflict over ‘hidden’ tensions. There exists a dangerous double problem, as the variety of mechanisms may make actual impact and operation uneven and weak while the assumptions of politicians may invite disappointment.

Patashnik and Zelizer (2013) see the first 10 years of a policy as crucial. Open Data, as an engineered reform, is now entering its fifth year balanced between success and failure. It has not yet ‘remade’ politics or created new constituencies but nor has it yet suffered a clear defeat. Open Data retains the potential to change and the next few years will be crucial.

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