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**Information Policy and the Crises of Neoliberalism: the case of Open Government Data in the UK**  
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Information policy has been claimed as a key tool in the exercise of state power that has increased in significance substantially over the last 30-40 years, resulting in the development of an “informational state” (Braman 2006). This periodization aligns with the era of neoliberalization; the political economic project that is currently in crisis. This suggests that information policy could be a potentially important site of power and struggle in the response to current political and economic crises. In the UK, it is widely recognised that a “very active period of scrutiny within the government of the UK’s national information policy” began around 2007 (Saxby 2011, p. 1), the same year as the first indications of economic crisis developed. Whilst this increase in information policy activity was not the direct outcome of the evolving economic crisis, the development of information policy and political responses to the crises during this period are interrelated.

This paper aims to begin to examine in what ways information policy has played a key role in the UK government’s response to the current political economic crisis, and to examine Braman’s (2006) claim regarding the development of an “informational state”. Focusing specifically on the case of the Open Government Data (OGD) policy initiative in the United Kingdom, the paper examines the development of OGD policy by the UK’s coalition (Conservative-Liberal) government during the period May 2010 to present as it responded to deepening crises and engaged in efforts to push ahead with a neoliberal agenda. Drawing primarily on desk research and interviews with UK policy makers and OGD advocates, and a theoretical approach rooted in critical political economy, the paper analyses the intersection of OGD policy with major policy initiatives of the coalition government: the Transparency Agenda, the Open Public Services Agenda, plans to privatise key public assets, and the economic growth policy.

The arguments made in this paper are based on interviews, desk research and event observations undertaken during the period 2010 to 2013. Desk research focused on the developing policy and regulatory agendas around OGD, following Open Data mailing lists such as [open-government@okfn.org](mailto:open-government@okfn.org), and other online research to keep up to date with developments in the field. Observations of a range of OGD events were completed during the period 2010-11 (and to a lesser extent since), including local Open Data groups, international Open Government Data camps, Open Knowledge Festivals, and a number of short OGD-specific events organized by, for example, universities and government departments. Interviews with 21 OGD advocates were undertaken between February and July 2011. Of these, 11 were civil society OGD advocates (4 defined as ‘core civil society’ advocates due to their membership of a government advisory panel, and the remaining 7 defined as ‘peripheral civil society’ advocates), five were local government employees, four were civil servants, and one represented the corporate Public Sector Information Re-use sector. The interviews aimed to gain understanding of the development of the OGD initiative, including the ideas and activities of activists and how the state-based actors engaged with the phenomenon and responded to the ideas put forward by OGD advocates. Due to the sensitive political nature of some

of the discussions all interviews were carried out on the condition of interviewees' anonymity. This was designed to promote more open discussion with interviewees. Interview data referred to in the body of the article is therefore cited with reference to the category of interviewee (e.g. Core Civil Society; Local Government; etc.), rather than individual names or identifiers.

The rest of the paper is structured as follows. The first section briefly outlines the contours of neoliberalization, and makes the case for the importance of information systems and policy in the development of the neoliberal project. The question of the strategic importance of information policy in the neoliberal response to crisis is then posed. The second section introduces the concept of Open Government Data, and provides a brief overview of the UK's OGD initiative, including the legislative framework that it exists within. It is claimed that whilst many civil society "activists" for Open Government Data have positioned their agenda as a challenge to neoliberal hegemony, research suggests that the initiative also has the potential to be used to leverage the reproduction of the neoliberal project. The third section examines in more detail the specific agendas that the UK's coalition government are aiming to fuel through the opening up of government data. These include efforts to rebuild trust in the political class in the face of multiple crises, the marketization of public services, the possible privatisation of key public information assets, and the leveraging of financial market exploitation of societal risks. The paper concludes by arguing the case for the strategic importance of information policy for the neoliberal state based on the UK government's response to recent political and economic crises, yet questions the framing of these observations in terms of the development of an "informational state" (Braman 2006).

### **Neoliberalism and information policy**

In order to understand better the relationship between Open Government Data, the 2008-present political economic crises and recent policy development in the UK, it is important to recognise key aspects of the neoliberal political economic model that has been dominant in the UK since the 1980s and which is currently in crisis.

During the structural crisis of the Keynesian welfare state in the 1970s interest grew in the economic ideas of neoliberalism as developed by economists such as Friedrich von Hayek and Milton Friedman, and whose intellectual base was located at the University of Chicago. Within the space of a few years during the 1970s, the ideas of these neoliberal economists began to draw more widespread support as an answer to the perceived failings of the Keynesian model in institutions such as the OECD, World Bank, IMF, and the governments of the UK and USA (Crouch 2011, p. 15-6). From these early beginnings, the ideas of neoliberalism began to be transformed into a political economic project whose adherents had universal aspirations.

The key proposition of a neoliberal framework is a preference for market forces over other, particularly state based, forms of economic organisation and management. As Crouch (2011, p. 7) argues,

"There are now many varieties and nuances of neoliberalism, but if we stay with that fundamental preference for the market over the state as a means of resolving problems and achieving human ends, we shall have grasped the essence."

Neoliberal economists are interested in increasing the overall level of wealth in an economy via these market forces, but are “explicitly uninterested in the distribution of this wealth” (Crouch 2011, p. 61). If questioned on the issue of wealth distribution, the general proposition is that the resulting economic growth will enhance the general level of wellbeing in society as a whole due to ‘trickle-down’ effects. In actuality, the neoliberal project has led to deepening economic inequality (Harvey 2007, p. 17) combined with intractable poverty at both national and global levels (Johnston 2005); a pattern which has been more deeply entrenched during the current sustained crisis of the neoliberal economic model (Wren-Lewis 2013).

Recent research has provided evidence that this lack of focus on distribution has had a significant negative impact on many apparently wealthy societies. Wilkinson and Pickett (2010) have shown the critical importance of wealth distribution for wellbeing by demonstrating that in richer countries higher levels of economic inequality result in lower levels of general wellbeing for all income groups across a range of criteria including physical and mental health, child well-being, education, imprisonment, violence, social mobility, trust and community life. These findings suggest serious failings in the basic propositions of the neoliberal economic model in terms of the generation of wellbeing.

Despite these weaknesses in the basic propositions, the neoliberal principle of market expansion has been critical to economic governance in the UK (and elsewhere to a greater or lesser extent) over recent decades. This process has been actualised in a variety of ways, including, but not limited to, efforts to expand Intellectual Property and harmonise regulations at the international level (May 2006); the deregulation and subsequent growth (and collapse) of the financial services industry (Duménil & Lévy 2005); the introduction of New Public Management practices to the public sector (Crouch 2011; Le Grand 2007); a reduction in state involvement in welfare and development (Crouch 2011); and, a hollowing out of democratic forums in favour of increased technocratic decision making (Saad-Filho 2005; Murphy 2000).

Open initiatives (for example, Open Government Data, Open Access, Free and Open Source Software) can be understood, in part, as efforts to reverse the expanded proprietization and commercialization of data and information that occurred as part of neoliberal developments in Intellectual Property law during the last thirty years. However, to understand better the relationship between OGD and neoliberalism it is crucial to understand other significant aspects of political economic trends during this period. Of particular significance are shifts in governance towards more technocratic decision making distanced from democratic processes, the introduction of New Public Management in the governance of the public sector, and the de-regulation and growth of the financial markets.

The neoliberal preference for market based governance led to UK government policies since the 1980s until recently to de-regulate the financial markets. As Duménil and Lévy (2005, p. 10) observe, this led to “the dramatic growth of financial institutions” and “the implementation of new relationships between financial and non-financial sector, to the benefit of the former”. Such relationships include the development of financial products such as derivatives and futures that have proven highly unstable during the recent financial crisis, and which are dependent upon a range of data in order to model prices and calculate risks. This process also led to a significant accumulation of political and economic power by the financial industries, particularly in countries such as the UK

where the financial services industry contributes significantly to GDP. This concentration of power intersects with other significant governance changes that also developed during this period.

The neoliberal project has also produced a shift towards more technocratic forms of governance that function in line with neoliberal objectives, and that function to shift power away from “the vagaries of political discretion and/or the collective will of the polis” (Gill 1992, p. 178). An explicit example of technocratic governance is the “economic restructuring” of peripheral economies during the 1990s enforced by International Organisations such as the IMF, World Bank and WTO, and, more recently, similar restructuring being directed at a number of European national economies by the IMF, European Commission, European Central Bank (“Troika”). The empowerment of large corporate interests within the broader context of neoliberal globalisation has also led to concentrations of power amongst this interest group in the shaping of many of these regulatory and decision making processes (Crouch 2011). At the level of global governance, Murphy (2000) argues that an anti-democratic and wholly “inadequate global governance” has been developed in recent decades centred on a combination of

“neoliberal ideology with its worldwide significance, a growing network of both public and private regimes that extend across the world’s largest regions, the system of global intergovernmental organizations, some of which are relatively autonomous and powerful, and transnational organisations both carrying out some of the traditional service functions of global public agencies and also working to create regimes and new systems of international integration” (Murphy 2000, p. 796).

More general trends towards technocratic, rather than values driven, decision making can also be seen across the UK public sector often resulting from the introduction of New Public Management (NPM) practices. The implementation of NPM practices have significantly impacted upon the governance of the public sector. In line with the neoliberal predisposition to the market form, NPM aims to bring the competitive logic of the private sector into the governance of the public sector. For NPM advocates, such practices should ‘modernise’ public services that are deemed unresponsive to and remote from users and dominated by the interests of public sector workers who are producing inefficient and sometimes unneeded services at a high cost to the tax-payer (Crouch 2011, p. 77). It is proposed by advocates of NPM that market-orientated management will lead to higher levels of quality and efficiency in public service provision (see Le Grand 2007).

In the case of the UK, ideas about New Public Management have been realised in a number of ways, including the increasing fragmentation of public service provision through outsourcing, privatisation and other forms of decentralisation, and the institutionalisation of competitive processes both within public bodies and between a variety of providers in the public, private and third sectors. Further, the users of public services have been increasingly constructed as ‘citizen-consumers’ requiring a range of information on the quality of services in order to enhance their position in the market, and the driver of quality service production has shifted away from the notion of professional and public service ethics to targets and financial incentives (Crouch 2011, p. 71-96).

It is these combined factors of New Public Management, technocratic forms of governance and concentrations of political power amongst economic elites that have led many to mount a critique of neoliberalism as being a process of “hollowing out the state” and its potential for

instituting democratic and values driven forms of governance, in favour of a form of governance driven by an austere market logic.

The importance of information and its governance to this process of neoliberalization at both the global and national levels has long been recognised. Webster (2006, p. 96-97) observes that information was “absolutely axial” both to the response to the 1970s economic crisis out of which neoliberal capitalism arose and “to the handling of change itself”. Harvey (2007, p. 3) similarly argues that the neoliberal imperative to “maximis[e] the reach and frequency of market transactions” led to an increased necessity for the development of “technologies of information creation and capacities to accumulate, store, transfer, analyse, and use massive databases to guide decisions in the global marketplace” in order to actualise the neoliberal ideology.

Exploring the contemporary relationship between information and power further, Braman (2011, p. 2) argues that beginning in the 1970s and 1980s, governments increasingly came to recognise the “overarching strategic importance” of information policy for “creat[ing] the conditions under which all other decision making, public discourse, and political activity take place”. With an empirical focus on the USA, Braman (2006, p. 1) argues that since the 1970s, we have witnessed the development of an “informational state”: a “change of state” from the “bureaucratic welfare state” into a form of state in which “governments deliberately, explicitly, and consistently control information creation, processing, flows, and use to exercise power”. This “informational” form of power, she argues, interacts with other forms of power by “manipulating the informational bases of instrumental, structural and symbolic power” (Braman 2006, p. 25). Whilst the USA, Braman argues, is the “prototypical example of the informational state” similar developments have occurred across a range of other countries, including the UK which she describes as “rife” with “experimentation with new types of information policy tools” (Braman 2006, p. 36-7).

This body of research suggests that there is a particular form of “informational power” that has developed during the period of neoliberalization. It is therefore timely to explore the possible role that information policy is playing in neoliberal responses to the current political economic crises. The case of Open Government Data policy in the United Kingdom will be used to illustrate that there is a strong argument to be made for appreciating the “strategic importance” (Braman 2011, p. 2) of information policy in the exercising of state power by political actors aiming to progress the neoliberal project through the current crises.

### **Open Government Data**

Open Government Data is an information policy proposal which provides a particular framework for governing the *re-use* by third parties of datasets that are produced by public institutions. In the UK, datasets produced by public bodies include major datasets such as mapping, meteorological, land use, public transport, company registration data, and government spending data, as well as smaller datasets such as the geo-locations of local council services. The data involved holds significant social value, for example its re-use might contribute to economic development, state transparency, and better informed decision making across all sectors of the economy. The proposal for Open Government Data argues that non-personal data that is produced by public bodies should be opened for all to re-use, free of charge, and without discrimination.

As argued in Bates (2013), the Open Government Data “movement” which emerged around 2004–05 has placed a strong demand on governments, including the UK government, and other public institutions for public datasets to be proactively published online, in ‘open’ technical formats, using Open Definition (<http://opendefinition.org/okd>) conformant licences that allow re-use of the dataset free of charge without discrimination, including no discrimination against commercial re-users. Whilst in the case of the UK, the Freedom of Information Act (FOIA) has allowed *access* to some types of information produced by public bodies since 2005, this Act did not allow for *re-use* of the data and did not provide a right to access the raw data behind a piece of information. The new Right to Data that was embedded into the FOIA in 2012 now provides a right to re-usable data; although with the same exclusions as already apply to FOI. Whilst access to information has been legislated for via the FOIA, the *re-use* of public sector data has been governed via a range of policies involving the licensing of datasets for re-use, and a regulatory and legislative framework which recognises Intellectual Property in databases through Crown, and general, Database Rights, and which has encouraged third party re-use of public data produced as part of a public body’s “public task” via the 2003 EU Directive on the Re-use of Public Sector Information. Whilst these policies and laws have eased the re-use of public sector datasets by third parties somewhat, current practices are perceived by advocates of Open Government Data to be still too restrictive.

Whilst governments’ interest in the re-use of public sector information has been an on-going and important, if relatively arcane, policy domain since the 1980s, by 2009 Open Government Data was becoming a key national policy initiative in both the USA and the UK. Influential research commissioned by government departments just prior to this period which advocated some form of OGD included The Power of Information Review by Tom Steinberg and Ed Mayo (2007), and the Models of Public Sector Information provision via Trading Funds report (Newbery et al. 2008). As interest was growing in the UK about how data produced by public bodies could be re-used by third parties, the UK Government also began to perceive OGD as a partial solution to some of the political and economic crises it was facing. In June 2009, Sir Tim Berners Lee and Professor Nigel Shadbolt both innovators in the field of Web Science and strong advocates of OGD, were appointed as Information Advisors to the UK Government. By the end of the summer, these appointments had led to a beta interface for data.gov.uk – the UK’s new OGD portal – being produced and shared with developers, prior to the portal going public in January 2010.

As argued in Bates (2013), many civil society advocates of opening up public datasets have tended to frame the impact of OGD as a significant democratisation project counter to neoliberal hegemony, which could also generate significant digital innovation and, resultantly, economic growth. However, the policies currently under development in the UK are being explored and shaped by those that do not challenge neoliberal political economic governance, as well as those that do (Bates 2013; Longo 2011). The following section examines in more detail key elements of the strategic benefits of OGD policy as perceived by politicians and policy makers aiming to reproduce the UK’s neoliberal form of state that is currently in crisis: trust and transparency, marketization of public services, privatisation of public assets and leveraging market growth in the exploitation of societal risks.

## **Open Government Data and the reproduction of the neoliberal state**

### **Transparency and the construction of trust in neoliberal governance**

“The crisis of legitimacy, and that I think is a fundamental backdrop to all of this from a political perspective... people who have just been working very closely with government reiterating that still as a motivation for the current government and the current actors - that in the last couple of weeks [February-March 2011] that’s been said as motivation” (Interviews: Peripheral Civil Society).

A significant issue for many peripheral OGD advocates was the accumulation of crisis events in the UK’s political establishment over the last decade, suggesting that some more recent involvement in OGD activity by activists may have been partially triggered as a result of a fermenting breakdown in trust between political elites and citizens. These responses to political crises can be understood as part of broader fracturing of neoliberal hegemony within the UK during this period (United Nations 2010; Miliband 2012), and in the context of a more generalised decline in political trust over the last few decades (Dalton 2004; Bannister & Connolly 2011, p. 20).

Events during the UK’s invasion of Iraq in 2003 were cited by one civil society advocate as the point when they realised they could no longer have faith in British democracy. More recently, the Parliamentary Expenses Scandal of 2009 – in which significant numbers of MPs in the UK Parliament were found to be abusing, in some cases illegally, their expenses system - was also cited by four peripheral advocates as an important factor in either their own, or others, perception of the importance of OGD. One advocate also pre-empted the “phone-hacking” scandal (2011-12), which implicated sections of the media, political elites and the Metropolitan Police Force in a range of unethical relationships and corrupt practices, with a critique of the relationship between the media, politics and business:

“The media machine, which serves the political machine, which serves the business machine, and there is no place for people there. And this is what I rebel to and find disgusting” (Interview: Peripheral Civil Society).

A number of OGD advocates also articulated a sense of disquiet about the political handling of the economic crisis which began in 2008, and concerns were articulated about the Coalition government’s effort to connect OGD to their agenda of cutting public service funding.

There was, therefore, a sense from many civil society advocates that the demand for OGD was in part a reaction to these multiple crises of the UK’s neoliberal state and a citizens’ movement to wrest control from a political and economic elite that could not be trusted. However, whilst state transparency was perceived by these advocates as a means of empowering citizens beyond the confines of the neoliberal state, for many of the state-based advocates a primary motivation was simply to (re)build trust in the crisis-ridden neoliberal form of state. As Worthy (2010) has argued, access to some form of government information has been a cornerstone of the UK Government’s attempt to reverse the fragmenting trust of citizens in government institutions for well over a decade; therefore the advocacy of OGD initiatives on these grounds can be understood as related to prior developments such as Freedom of Information. For these advocates, some concessions to transparency and participation were deemed to be required in order to (re)build consent for the neoliberal project.

“It’s fundamentally a political initiative, driven in large part by elected politicians’ view that trust in government can only be maintained these days if government is more open and



transparent, and that's why politicians are prepared to be so masochistic about it" (Andrew Stott, former Director for Transparency and Digital Engagement, Cabinet Office, "Challenging Openness" session FutureEverything conference, Manchester, 2011).

Related to the desire to generate citizen trust in public authorities, a number of state based interviewees discussed efforts to increase citizen engagement and participation with public bodies. In some cases this engagement was in relation to the development of public services. In other instances, participation appeared to be constructed as active citizens holding public bodies to account, for example, through scrutinising spending data. To a lesser extent participation was more closely linked to citizen (or, more specifically, "digital disrupter") engagement in policy development, for example, in the case of the interaction between developers and public officials in the development of the London Datastore (Coleman 2011).

In line with these ideational constructs around the relationship between trust, transparency and OGD, one of the first policy moves of the new Coalition government in May 2010 was an announcement by Prime Minister David Cameron that a new Public Sector Transparency Board, consisting of a number of high profile OGD advocates was being formed, and that a number of key transparency related datasets were to be released as open datasets. These included datasets on central and local government spending such as the COINS Treasury spending database, all government departmental spending over £25,000, and all local government spending over £500. The 'Transparency Agenda' of the new Coalition government was therefore from the beginning tightly aligned with the broader agenda of fiscal austerity, rather than a broader notion of state transparency and accountability.

In terms of the strategic importance of information policy to the Coalition government's response to the political economic crises of the UK's neoliberal state, OGD policy can be seen as a critical first-move of a new government coming to power during a crisis of consent for the political class. Of course, whether trust will, or even can, be manufactured through transparency is a fundamental question, although it was not one articulated by state-based interviewees interested in trust promotion. Further, there is the significant issue of whether this "transparency" initiative in effect aims not to increase trust in public bodies in general, but to increase trust in sections of the political class at the same time as turning citizens' critical gaze upon the embattled public services that these political actors are in the process of subjecting to austerity and marketization policies. As one civil society advocate observed, some contexts and types of transparency initiative might function to intensify the breakdown in trust between citizens and the broader state, leading to consent for politicians to further "hollow out the state" (Interview: Peripheral Civil Society).

### **Public services data and the Open Public Services Agenda**

"The new government ... in a way they've kind of hijacked the transparency agenda to kind of....pull apart the public sector, in a way" (Interviews: Peripheral Civil Society).

The political economic context that this particular transparency initiative is being developed within is one of public spending cuts and a deepening of the neoliberal marketization agenda. The Making Open Data Real (MODR) consultation that opened in August 2011, positioned the opening of data and transparency as possibly "the most powerful levers of 21st century public policy" (HM Government 2011c, p. 8). The consultation framed the potential of opening government data directly within the Coalition's controversial Open Public Services agenda. The Open Public Services

White Paper (HM Government 2011d), which is now a national government policy agenda, proposes to open the provision of all public services apart from the judiciary and the security services to competition from the private and third sectors. Within the MODR consultation paper, OGD was framed heavily as being data about public services:

“This paper proposes to cover data relating to provision of ‘public services’ (footnote: in line with the recent Open Public Services White Paper)” (HM Government 2011c, p. 14)

The consultation paper proposed that “all data relating to the provision of public services” would be opened, and this would include data on “access to services, user satisfaction, spending, performance and equality” (HM Government 2011c, p. 13).

As one local government interviewee explained, through opening up data about public services citizens can become better informed in the choices they make as consumers of public services:

“It’s opening up the choice for people... there’s an app...where you’ve got all the care homes and you can go on there and you can check what was the last rating of this? and, how clean is it? and, what are your chances of getting MRSA in a particular hospital? and that coupled with - again - some of the government legislation on opening up choice to people, so you can go to the hospital you want to, you can go to the doctor you want to” (Interviews: Local government).

Beyond informing citizen-consumer choice in a marketised public sector, it should also be recognised that much of the data being opened, i.e. spending, quality, satisfaction, and performance, is precisely the kind of data that business intelligence analysts will be looking to use in order to evaluate whether a firm might want to bid to run a public service.

In order to push forward the agenda of opening up public service data the Prime Minister announced a significant data release in July 2011. This announcement included the release of:

- National Health Service data including GP clinical outcomes, prescriptions, hospital complaints, clinical audit, NHS staff satisfaction, postgraduate medical education quality
- Education data including teaching effectiveness at different abilities, school performance, education spending, Ofsted school inspection reports
- Crime data including sentencing, reoffending rates, performance

The release of National Health Service data also indicates the strategic importance of OGD to the government’s restructuring of health provision in the UK, in line with proposals articulated in the Equity and Excellence: Liberating the NHS White Paper (HM Government 2010) and the Health and Social Care Act 2012 which came into force on 1<sup>st</sup> April 2013. This government intervention, similar to the more general Open Public Services agenda, aims to develop competitive markets within health service provision, in which public providers compete with the private and third sector to provide a service in a data informed market (HM Government 2010). Further, NHS GP prescribing data *by brand* has been opened, without public comment that in an effort to curb the influence of pharmaceutical companies marketing strategies on prescribing practices, some jurisdictions in the United States have tried (and failed, following a 2011 US Supreme Court decision - Sorrell v. IMS

Health) to prohibit the “selling, licensing... exchanging [of similar data]...[or, its] use for drug promotion” (Mello & Messing 2011).

### **Trading Fund data and the potential for privatisation**

Beyond the marketisation of public services, the privatisation of major public assets is also on the Coalition government’s agenda. Trading Funds are public commercial organisations in the UK that are responsible for a range of data collection and information production activities. They include public bodies such as the Ordnance Survey and the Meteorological Office. The rules around the re-use by third parties of the data these public bodies collect has been an issue on the agenda of some corporate lobbies and government policy makers for a number of years, and is covered by the EU Re-use of PSI Directive which is currently being amended. Whilst there has been a push from within the EU for a change in the Directive to one that demands marginal cost re-use of data collected by such bodies, it appears that the UK has been successful in negotiating exclusions for Trading Funds as well as other public bodies under a “proportionate check and balance system as [is] operate[d] at present for central government” (The National Archives 2013, p. 2). Whilst it is claimed by TNA that this exclusion “keeps within the spirit of the open data and transparency agenda”, in actuality it avoids a legislative demand to “open” the data that is produced by Trading Funds as part of their “public task”.

At the same time as this exclusion has been negotiated, however, major data releases of “core reference data” from these public bodies licenced for re-use under the Open Government Licence have taken place. These include:

- Meteorological Office: Weather forecasts and real-time observations which amount to “ the largest volume of high quality weather data and information made available by a national meteorological organisation anywhere in the world” (HM Government 2011b, p. 10)
- Land Registry: “‘Price Paid information’ showing all residential property sales in England and Wales at address level”, as well as a range of Land Registry website transactional data which can help indicate potential “housing market movements” (HM Government 2011b, p. 11)
- Ordnance Survey: Postcode information (CodePoint-open database), and a range of other core mapping datasets (HM Government 2011b, p. 11)
- Companies House: Bulk download dataset of company names, numbers, registered addresses and further basic information (HM Government 2011b, p. 11).

The UK government’s position of negotiating for Trading Funds to charge for the re-use of data they produce has not changed since the original negotiation of the EU Directive on PSI re-use in the early 2000s. However, current policy makers also seemingly perceive possible benefits in strategically opening specific datasets such as weather forecasting and house price data; datasets which undoubtedly have significant value for specific types of commercial actors as will be explored in the following section for the case of weather data.

Beyond avoiding an impact on the revenue streams and governance of the Trading Funds by retaining the charge option in the amended Directive, the reluctance to move towards a fully open model for non-value added datasets produced by Trading Funds also needs to be contextualised within possible moves to privatise a number of these public bodies. In 2011 there was an attempt to draw a number of the high profile Trading Funds into a single Public Data Corporation, a process that aimed to meet the objective of “creating a vehicle that can attract private investment” (HM

Government 2011a, p. 6). Yet, whilst the PDC plans were abandoned in 2012, the Guardian newspaper reported in April 2013 that “Ministers believe several [public] assets are ripe for sale now stock markets have returned to their pre-crash peaks, and investors are ready to make long-term commitments”. Of those assets being considered for privatisation, it reports, are Companies House, the Land Registry, the Meteorological Office and Ordnance Survey; all of which are now part of the new Public Data Group (Inman & Harvey 2013).

It is clear that applying Open Licences to all Trading Fund datasets would make these public bodies significantly less valuable assets during any privatisation. As in the case of the current process around the privatisation of Royal Mail, the inclusion of the Postcode Address File database in the sell-off has been estimated to be worth between £500-900 million (Hope 2013). Whilst the precise figures might be questionable, it is clear that there is a significant tension between OGD policy and generating short term value from privatisation, and policy makers will be aiming to balance the two to their overall strategic intent.

### **Financial market expansion: weather data and the exploitation of risk**

Whilst it appears to be the intention of the UK government not to have a general policy of opening all Trading Fund data, there are a number of cases of key Trading Fund datasets being released as OGD. It is therefore important to consider the strategic importance of opening specific datasets, and the benefits for various political and economic actors. In order to illustrate some of the potential issues at play in these decisions the case of opening weather data produced by the Meteorological Office will be used.

The 2011 Autumn Statement by the Chancellor of the Exchequer, George Osborne, announced that the Meteorological Office would be releasing “the largest volume of high quality weather data and information made available by a national meteorological organisation anywhere in the world” under an Open Government Licence (HM Government 2011b). This data includes regularly updated or real time data such as

- Forecast data: weather type, prevailing weather type, temperature, maximum daytime temperature, minimum night time temperature, feels like temperature, wind speed, wind direction, wind gust, probability of precipitation, visibility, humidity, UV index, maximum UV index measured at 5000 UK locations
- Observational data: the previous 24 hours weather type, temperature, wind speed, wind direction, wind gust, visibility, pressure, pressure tendency observed at 150 UK sites.

The release of such data will be useful for commercial weather forecasting services as they will be able to use this free of charge open data resource, rather than paying for re-use licences, to develop their own value-added products that compete with the Meteorological Office’s own forecasting services, or which provide more specialised forecasting services for different needs. The release may therefore increase competition and innovation within the commercial weather products and services sector.

More significantly, however, is the potential for re-use of this weather data within the financial services industry, in particular those firms and markets engaged in the weather risk management and derivatives industry. The trading of weather risk and the associated weather derivatives market began in 1997 with transactions between Koch Industries and Enron (Weather

Risk Management Association n.d. (a)). These markets trade on uncertainties in weather that cause financial risks for business. Such products are popular in a range of industries including the utilities industries, agriculture, retail, construction, and transportation. Once purchased these weather risk products are then managed by the finance industry in much the same way as other risk based products such as credit, mortgages and extreme events – that is they are restructured and repackaged as derivatives in an effort to distribute the risk (Weather Risk Management Association n.d. (c)).

This weather risk management market far outweighs the USA's commercial weather products market which in 2000 was estimated at approximately \$500 million a year (Kelly 2001). Price Waterhouse Coopers estimate the total value of the weather risk management market grew from \$2.5 billion in 2000-2001 to \$45.2 billion in 2005-06 – a 5-fold increase from \$9.7 billion in 2004-05 (data for the period since 2006 is not public) (Weather Risk Management Association n.d. (b)). The 2006 figures also evidence that over 1 million contracts were traded on the Chicago Mercantile Exchange during 2005-06, up from 223,139 in 2004-5 and most of these contracts were based on US meteorological data (Weather Risk Management Association 2006).

The weather data that this market growth was based upon was freely available for re-use from the US National Weather Service. Weiss (2002) argues that, by 2002, the limited access to such weather data in the EU had resulted in a weather risk management industry 13.5 times smaller than the then embryonic US industry which had built up \$9.7 billion dollars of contract value over 5 years. In the UK, the financial industry has been lobbying policy makers for a number of years for freely reusable UK weather data so that it is able to compete in this market. For example, the Lighthill Risk Network, of which Lloyds of London are a member, have been lobbying the UK government for better weather data in order to develop risk based weather products (Department for Business Enterprise and Regulatory Reform 2008), and the connection between these demands and the government's open data agenda were clear from the perspective of one well-placed civil service interviewee.

The Weather Risk Management Association (n.d. (c)) reports that the types of weather events that are traded on include temperature (most popular), precipitation, wind, sunshine, growing days and humidity (less popular). Substantial amounts of data required, both forecast and observational, for developing risk products around such UK weather events has therefore been opened for re-use as part of the UK government's strategy, although there do appear to be gaps in the provision (e.g. the observed precipitation dataset, HadUKP, is available online (<http://www.metoffice.gov.uk/hadobs/hadukp>) to access and use, but is not licenced for open re-use). Further research is required to fully ascertain the trends in re-use of these open meteorological data within derivatives markets. However, the lobbying demands of the finance industry combined with the interview data and policy documentation suggests that there is a relationship, and that the opening of this data can be understood as part of a broader government strategy to use information policy as a tool to leverage a distinctly neoliberal agenda. In this case, the agenda is to enable further financial market exploitation of social risks, and in so doing increase the private financial stake that powerful economic actors have in system instabilities such as climate change. Beyond the exploitation of weather risk, the government has also signalled its intentions to open data that can help stimulate growth in the broader risk industry including in the areas of "homeland security... disaster management, energy and food security" (HM Government 2011c, p. 53).

## **Information policy and the neoliberal state**

The re-use of public sector information has, until recently, been a relatively arcane policy domain. Whilst the growing interest in Open Government Data has drawn more attention to the topic, beyond the surface level it remains clouded by technicalities and the interrelations with other policy areas are not fully explored in the literature, particularly from critical perspectives. As Braman (2006, p. 7) argues, it can be illuminating to “look where the light don’t shine” in order to get a better appreciation for the influence of information policy on broader policy and societal developments. This paper, therefore, aimed to begin to examine how information policy has played a key role in the UK government’s response to the current political economic crises, drawing specifically on the case of the Open Government Data policy initiative.

The opening up of government data might be interpreted as an amelioration of the trend towards proprietisation and commercialisation of data and information during the neoliberal era. However, broader analysis presented here suggests that the Open Government Data agenda is also being used strategically, and often insidiously, by the Coalition government to fuel a range of broader and more controversial policy agendas, which aim to reproduce the crisis ridden neoliberal state. In particular, the paper examined the relationship between Open Government Data policy and the neoliberal objectives around the marketization of public services and potential privatisation of public assets, the leveraging of financial markets and pharmaceutical industries through selective release of particular datasets, and the embedding of OGD into a broader agenda aimed at (re)building trust in political elites and turning the gaze of inquisitive citizens onto the spending and performance of public services facing austerity and marketization.

These findings therefore suggest that in the case of Open Government Data in the UK, Braman’s (2006) claim that “governments deliberately, explicitly, and consistently control information creation, processing, flows, and use to exercise power” (p. 1) by “manipulating the informational bases of instrumental, structural and symbolic power” (p. 25) appears to be correct. However, whether this and similar observations indicate the development of an “informational state” is more contentious, since such a framework diverts analytical attention away from the forms of production and social relations that these information policy processes aim to reproduce or generate. In other words, the notion of an “informational state” might usefully indicate important trends in the process of governing by states, but it provides no indication of the ends to which these decisions are directed (for example, the reproduction of capitalist class relations). Whilst such a focus is not necessarily problematic in itself, to define the state, and frame the analysis, only in relation to these processes might limit a deeper understanding of the role of information policy in political economic developments. In the case of the UK OGD initiative, for example, the overall ends of the Coalition government can be understood as an attempt to reproduce a neoliberal capitalist form of state that is currently in a condition of crisis. Braman’s “informational state” framework does not introduce this layer to the analysis, however, it is a crucial aspect of attempting to understand better the role that information policy is playing in the UK government’s response to the current political economic crisis of the neoliberal state. Without this layer of analysis it is difficult to make the connections between, for example, marketization, privatisation, financial market activity, corporate welfare, political governance and trust, *and* developments in information policy around the re-use of public sector data.

In light of these findings and arguments, a number of recommendations are made for further research:

- There has so far been little research into the OGD agenda. Further research on these initiatives in both national and international contexts would be beneficial. Specific areas of interest include the intersection of OGD policy with other policy domains, how specifically opened data is being used in a range of industry contexts, and better understanding the decision making process around the opening of specific datasets.
- Research into policy recommendations that might shape the re-use ecology towards more democratic and egalitarian ends would also be beneficial. Critical questions include whether the emphasis of such policies should be on restricting the ‘fuel’ by not fully opening all data - i.e. wielding informational power by “manipulating the informational bases” of other forms of power (Braman 2006, p. 25), or shaping the re-use ecology via broader policy and regulatory interventions.
- Comparative research that aims to understand better the use of information policy tools, such as OGD policy, in different political economic systems and contexts.
- Theoretical work to expand Braman’s “informational state” concept, in order to more fully account for the ends to which informational power is being used by different types of state actors in different political economic contexts.

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