Edward Wood
Speaker's Commission on Digital Democracy
House of Commons
LONDON
SW1A 0AA

2 April 2014

Dear Edward

MAKING LAWS IN A DIGITAL AGE: CALL FOR EVIDENCE

We are pleased to make the attached submission to the Commission on its first question, and look forward to further stages of the Commission's work.

We are your disposal for any clarifications or if there are any points on which you would want us to expand.

Yours sincerely

ANTHONY ZACHARZEWSKI
Director

Could technology improve the access to and usability of both legislation and the law-making process for the citizen, representatives and professionals (such as lawyers), and if so do you have any suggestions?

Yes, absolutely. There are a number of digital resources available that have the potential to dramatically improve the access and usability of legislation and law making processes. These include: open data platforms, such as Open Ahjo in Finland, that allow citizens to access Zip files that show the evidence used by Helsinki Local Government to make decisions (this is similar to Nesta's idea for a Red Book for Evidence). Although this API is tailored for Helsinki local government, this open source platform could be tailored for the UK Parliament in order to open up the decision-making process. Open data and open evidence platforms provide citizens with an opportunity to understand the issues and evidence that are involved in lawmaking and this in turn can provide a path to deeper engagement.

Another example to come from Finland is Open Ministry. Open Ministry help citizens and civil society organisations change the law by using crowdsourcing tools. They assist citizens to discover ideas and work together with lawyers to draft deliberated ideas into law proposals. The proposals that are supported by 50,000 people are then presented to Parliament directly (a recent reform in the Finnish constitution).

Around 10% of ideas presented have been drafted into law proposals and 1% are due to be debated by the Finnish Parliament after gathering the required amount of support online. These issues include Same Sex Marriage law – an occasion where Parliament is being challenged to vote again on a policy it had previously rejected - and Copyright Reform. We believe that the Open Ministry project shows a better way than traditional e-petitions of involving the public in campaigning for laws.

Platforms such as Scribd, Read+Comment,& Crocodoc can provide the opportunity for collaborative and commentable drafting. We are aware that the Cabinet Office are currently experimenting with dual drafting documents, that provide 2 versions of the draft legislation, one that is in traditional law draft format, and another that is designed to be accessible and coherent to citizens. This is part of the Cabinet Office's Good Law Initiative which the Democratic Society supports in our role as Open Government Partners. Other digital platforms that could assist with consultations on draft legislation include Co-ment & Citizenspace. We will respond on consultation more fully at the public engagement stage of your work.

We wish to note that although the above digital tools, and others, can help improve the law-making and legislation process, they can only ever be the technological counterpart of a cultural change process. We believe that Parliament must be open to experimenting with different tools, and openly and publically testing them, in order to find the most innovative and effective ways of improving the accessibility and usability of legislation and law-making in the United Kingdom.

Should you need to be a lawyer to understand and use an Act?
No, and we have expanded on this in the next question.

Should technology be used to integrate citizens' views better into the legislative process? At what stage of the legislative process would this work best? How could the Public Reading Stage be improved?

Technology should absolutely be used to integrate citizens' views better into the legislative process, and the information and platforms used need to be accessible to the greatest number of people possible. This means, among other things, that Parliament must play its part in addressing the digital divide and digital literacy. Not everyone has access to the Internet and many do not know how to use online resources even if they are regular Internet users.

The public reading stage could be improved in a number of ways, firstly through much greater level of public exposure – large scale engagement cannot work if people don't know that it exists. Repeated Public Reading Stages should start to build an audience, but Parliament must not fall into the trap Governments often do, of forgetting users from one exercise to the next. Parliament should allow PRS users to build up a "political personality" through their online interactions.

If a Public Reading Stage is going to become a useful tool for democracy then it needs to become much more prominent in Parliament's public communication. "This is a way for people to have their voice heard, this is where the conversation is," should be the message.

Using social media and existing communications routes Parliament should engage in an online conversation (not broadcast) about the process, what it is and what it entails, every time there is a Public Reading Stage. Although political neutrality is essential, it is possible to give good advice about process and context without breaching it.

It is also vitally important that the Public Reading Stage is as accessible and open as possible, so that everyone feels they are able to understand what is being discussed and what is being asked of them. The Children and Families Bill dealt with children with special educational needs, but the Public Reading Stage was not accessible for

those who themselves have learning difficulties, those who have first hand experience of being children and young people with SEN.

Evidence, and the Bill itself, needs to be provided in full to citizens but they also need the information summarised in a way that makes it understandable to the most number of people possible - this is not to patronise or condescend to the public - just to make sure they have all the information necessary to participate.

Are there any examples from other parliaments/democratic institutions in the UK or elsewhere of using technology to enhance legislation and the legislative process, which the Commission should consider?

[We will answer this question as part of a longer response on open policy making, Parliament and technology which we will be submitting separately.]