

## **Government Response to the House of Lords Information Committee Report: 'Are the Lords listening? Creating connections between people and Parliament'**

The Government welcomes this report: its focus on openness, transparency and communication are key themes in constitutional reform and democratic renewal.

As the Leader of the House of Lords told the House in the Constitutional Renewal statement on 10 June 2009, the Government believes that it should do more to spread the culture and practice of freedom of information and that government information should be accessible and useful for the widest possible group of people. The appointment of Sir Tim Berners-Lee as the Government's special advisor on opening up data highlights the Government's commitment to such values. Across Government departments work is underway focusing on developing innovative ways to improve information and communication flows to better meet the public's needs. The Cabinet Office's Digital Engagement team is encouraging use of new technologies to improve Government's engagement with citizens and The National Archives are applying both modernisation of licensing and new technology to make information more transparent and re-usable.

In the debate on 16 June the Leader of the House of Lords gave an undertaking on behalf of the Government to work with the House to share best practice and to ensure that where information passes from the Government to the House, and vice versa, it does so smoothly and in ways that support the objectives of the House to provide open information.

### **(1) We recommend that the Government should work with Parliament to implement common information standards so as to improve the flow of information between Government and Parliament and to enhance the public's ability to re-use that information.**

The Government shares the view that common information standards and the use of digital data flows are fundamental to achieving not only public re-use of data, but also efficiency and effectiveness in the administration of Government and of Parliament. We will continue to work with Parliament towards implementing common information standards.

Initial discussions have already taken place between the Officers of the House and the relevant officials in the Cabinet Office and The National Archives. Discussions are continuing with the objective of agreeing an approach to each of the major data flows. Apart from the specific issue about Bills in Recommendations 2 and 3, the Government suggests that the first data flow to be addressed should be Written Questions.

The Government supports the principle of information re-use and sees close parallels with the remit of the newly established Digital Engagement team. A

key theme of Digital Engagement is open information which focuses on publishing public information on public services in a reusable format. Sir Tim Berners-Lee and Professor Nigel Shadbolt are advising the Government on the implementation of re-usable data, and the Government will share the standards and approaches developed in this work with the House to assist its own work.

**(2) We recommend that the Government produce its bills in an electronic format which both complies with “open standards” and is readily reusable.**

The Government shares the view of the Committee that there would be advantage in streamlining the production and dissemination process of legislation. Also, electronic formats which use open standards and enable re-use should be used. The National Archives has developed an Extensible Markup Language (XML) Schema for Legislation. However the production and processing of Bills involves a complex series of data flows between Government and Parliament, which need to be of high quality and meet extreme time pressures. With current technology, achieving a fully Schema compliant version of an Act of Parliament, is a process-intensive operation.

Following a seminar which brought together Parliamentary Counsel, the Bill Offices, Parliamentary Information Communication and Technology (PICT) and The National Archives it was agreed that a group comprising of these different offices should be convened to take the work forward. This group would develop the standards, the revised processes, the requirement for updated technology and the implementation plan, as well as the case for the additional investment required.

**(3) We recommend that, for each Government Bill that significantly amends an earlier Act, the Government produce as a matter of course an accompanying informal document to show the original legislation and how the Bill would change it.**

The Government agrees in principle that it is important to be able to explain the effect of Bills on existing legislation, and notes that an explanation of the intended effect of an amendment should be given in the Explanatory Memorandum.

The Government also notes that, in due course, the use of open data standards both in the processing of Bills in Parliament and for the publication by The National Archives of Acts of Parliament should lead to the ability to develop a largely automated process to show directly the effects of Bills on existing legislation. This would not go as far as incorporating the amendments into the text of the affected legislation. However it would bring together, in one place, the effects contained in the Bill and the text of the legislation they will change. The same use of Extensible Markup Language (XML) would also potentially lead to reductions in time and cost of making amendments to the UK Statute Law Database once Royal Assent has been given. However, as

noted in recommendation 2, the present technology in place does not enable this to be done in a cost effective manner.

Of course the Government would wish to explore with Parliament a number of practical considerations about implementation of the recommendation, including:

- (1) Timing. Producing the document for Introduction would add a further task at a time when the work of Bill Offices, Parliamentary Counsel and Departmental Bill Teams is already at a peak. Furthermore it is likely to be most useful at Committee stage when the detail of the Bill is being examined.
- (2) Status. The Committee helpfully suggests that this should be an informal document, but the Government would wish nevertheless to do the work to ensure that it was as accurate as possible.
- (3) Revision. Consideration would need to be given to whether, and at what stages, the document would need to be revised if the Bill itself is amended during its passage.
- (4) Amendments covered. The Committee suggested that the document should focus on "significant" amendments. Consideration would need to be given to which amendments should be covered - in some cases a single amendment to an existing Act could be regarded as significant. A question would also arise about what unamended provisions providing context should also be produced with the amended text.
- (5) Mode of publication. Initial investigations have shown that it could be possible to show the effect of amendments on a website using data from the Statute Law Database and colour; this could be difficult and expensive with a printed publication.
- (6) Resources. Undertaking such work has significant resource implications for Parliamentary Counsel and for Departmental Bill Teams, as well as Parliament itself.

To allow these issues to be addressed in a practical way, the Government would like to explore with Parliament the possibility of a web-based "proof of concept". This could be run in parallel with a suitable Bill, but essentially decoupled from the formal processes. The National Archives and Parliament would work together, combining technology and expertise and seeking help from the Bill team and Parliamentary Counsel, to link a Bill's amendments to the latest available version of the text of Acts from the Statute Law Database. Amendments will not be incorporated into the text of affected legislation but will be brought together, in one place, to show the effects contained in the Bill and the text of the legislation they will change. The work would explore the technical and practical issues, and establish the feasibility and costs of a more

systemic implementation. It would also be valuable to generate "user feedback" from Members and others to ensure that the information provided was useful to them.