Evidence to Speaker's Commission on Digital Democracy

Ben Worthy

Birkbeck College, University of London

Email b.worthy@bbk.ac.uk

The following analysis is based upon research into the impact of the Freedom of Information Act and Open Data and as well as from research for Birkbeck's new 'Digital Politics' course. It offers a series of general pointers as to how best to use digital tools to increase accountability and engagement with Parliament and government.

1. It is a Process of Trial and Error

1.1 Online tools take many different forms. Looking at the UK's Open Data reforms, they can go from relatively simple platforms for providing raw data (such as the UK data portal) to interactive applications (such as the crime map police.uk) and more sophisticated 'crowd-sourcing' exercises designed to let the public be directly involved in making policy. As well as 'officially' run sites there are also a range of 'third party' innovations developed by others.

1.2 Each online tool or mechanism has its own advantages and disadvantages. Evidence from the UK government points to relatively simple data portals and applications attracting high levels of interest. However, simply providing 'raw data' does not necessarily directly increase accountability or participation.[1]

1.3 Other more complex 'crowd-sourcing' initiatives may involve the public more deeply but have proved more difficult to run. These more sophisticated approaches are more 'fragile' and run the risk of failure or abuse.

1.4 So far for the UK, the evidence points to some online democratic innovations working and others not-reforms also succeed in certain areas and not in others.[2] Whether each innovation works may depend on a number of factors:

Design

1.5 Successful designs are often those that are simple and easy to use. MySociety's *TheyWorkForYou* website is a high profile example of a simple and easy to use tool that appears to have achieved the ultimate goal of attracting those not previously interested in politics.[3] Similarly, the third party local government innovations such as *Openly Local* or *spendnetwork* offer easy ways to find out basic data about local authorities and, at the push of a button, compare and examine spending and contracts.[4] Such sites would offer a model for providing information about Parliament that the public can interact with. Wider research points to the importance of such information being contextualised and made relevant with meta-data.

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[1] See Moss, G. and Coleman, S. (2014), 'Deliberative Manoeuvres in the Digital Darkness: e-Democracy Policy in the UK'. *The British Journal of Politics & International Relations*, 16: 410–427.

[2] Worthy, B. (2013). 'David Cameron's Transparency Revolution?' Available at SSRN: http://ssrn.com/abstract=2361428

[3] See www.theyworkforyou.com and this report Escher, T. (2011) *TheyWorkForYou.com: Analysis of Users and Usage for UK Citizens Online Democracy*. London: mySociety / UK Citizens Online Democracy.

[4] See www.openlylocal.com or www.spendnetwork.com for examples

1.6 Creating more direct or complex 'accountability' or 'participatory' mechanisms is more problematic and needs to be carefully thought through. Several government led initiatives, relating to ending red tape or repealing laws, have been tried with varying degrees of success.[5] A concern among academics is that a number of the government's initiatives lack clear feedback mechanisms to allow users to interact and improve the developments.[6]

1.7 One of the most high profile participatory initiatives, the UK e-petition site, contains a number of design flaws. First, the high threshold needed to secure a petition means very few petitions ever advance beyond the stage of signing-99.9 % fail to attract sufficient support.[7] Second, for those few petitions that do reach the threshold, there are still more hurdles to overcome including getting sponsorship from an MP. For the user, it is unclear how the process works and what the result then are-despite widespread public belief to the contrary, successful petitions do not automatically lead to a debate in Parliament.[8]

Interest and Use

1.7 Some of the most successful innovations have been designs built around pre-existing 'communities of interest'. David Karpf argues that online participation 'reveals' interest but cannot create it. Most innovations begin with a few 'leaders' or 'innovators' before, in some cases, going on to attract the attention of others or reach a 'critical mass'. The 'leaders' may include journalists, NGOs or other 'data intermediaries' who drive the process and publicise it.[9]

Context

1.8 Accountability mechanisms can work or not work in different contexts. Despite the high profile scandal it can create, Freedom of Information is primarily used locally as a means to access 'micro-political' information. Yet it works differently in different places-local politics and different cultures make for 'better' or 'worse' operation.[10] Those accountability tools that work best are those that are 'calibrated' to pre-existing levels of interest and their political environment.[11]Mechanisms that fit with certain issues or established patterns may work better than those that do not (see below).

1.9 The results so far from online participation indicate that a mixture of different tools is the best approach-a variety of instruments may simultaneously achieve different ends. Reforms could be a combination of relatively simple tools to obtain information and more sophisticated experiments in

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[5] See Moss, G. and Coleman, S. (2014), 'Deliberative Manoeuvres in the Digital Darkness: e-Democracy Policy in the UK'. *The British Journal of Politics & International Relations*, 16: 410–427.

[6] See Moss, G. and Coleman, S. (2014), 'Deliberative Manoeuvres in the Digital Darkness: e-Democracy Policy in the UK'. *The British Journal of Politics & International Relations*, 16: 410–427.

[7] See http://www.bbc.co.uk/news/uk-politics-23441223 and Hale, S. A., Margetts, H., & Yasseri, T. (2013). 'Petition growth and success rates on the UK No. 10 Downing Street Website' in *Proceedings of the 5th Annual ACM Web Science Conference ACM*, pp132-138 available here http://arxiv.org/pdf/1308.0239.pdf

[8] See the background note here http://www.parliament.uk/business/publications/research/briefing-papers/SN06450/epetitions

[9] Karpf, D. (2011) 'Open Source Political Community Development: A Five Stage Adoption Process.' *Journal of Information Technology and Politics* Vol 8 (2/3): 323-345 and Karpf, D. (2010). 'What can Wikipedia Tell Us About Open Source Politics'. *Proceedings of JITP 2010: The Politics of Open Source*, 2-30. http://oss-institute.org/storage/documents/Resources/studies/the-politics-of-open-source.pdf#page=10

[10] Worthy, B. (2013). "Some are More Open than Others": Comparing the Impact of the Freedom of Information Act 2000 on Local and Central Government in the UK. *Journal of Comparative Policy Analysis: Research and Practice*, 15(5), 395-414

[11] Karpf, D. (2011) 'Open Source Political Community Development: A Five Stage Adoption Process.' *Journal of Information Technology and Politics* Vol 8 (2/3): 323-345

interaction. All should be designed to be as easy to use as possible and with an eye to the importance of the topic and potential user group.

2. They need to link to other mechanisms

2.1 To work successfully, online tools need to link to other mechanisms of accountability. Accountability mechanisms often work best in combination.[12] Research from FOI and Open Data points to the importance of interaction between formal mechanisms and bodies, with FOI often used as part of wider campaigns by NGOs or journalists. Some of the most successful cases of accountability saw tools such as FOI working with judicial review, Parliamentary Questions or use of public documents.

2.2 For example, one of the great 'accountability' cases of recent years, the MPs' expenses scandal of 2009, was a product not just of an FOI request but arose from a combination of journalists chasing a lead, a series of appeal body rulings and, finally, a paid for leak. Another high profile case was the investigation into extraordinary rendition by the Westminster All-Party group, which involved FOI requests to the US and UK governments as well as Parliamentary Questions.[13] In the US, successful use of Open Data by journalist has involved the combining of numerous different sources and records to 'piece together' stories that eventually led to a criminal prosecution.[14]

2.3 In designing tools thought needs to be given as to how any new initiatives can be made to fit with existing mechanisms and sources of information as well as with each other. In the case of Parliaments, this could include the website and Hansard as well as innovations such as TheyWorkForYou and social media.

3. Think Through the Assumptions

3.1 The belief among advocates of information technology is that its creation will allow the public to continuously 'monitor' what government does, hold public bodies to account and engage much more easily with politicians and policy.[15] While all these things can and do happen in certain situations, research shows a number of nuances about how the public interacts with and uses information.

3.2 First, exactly how voters and the public behave on the receipt of political information is unpredictable. Provision of information and potential tools does not automatically bring accountability. The MPs' expenses scandal did not lead to large shifts in voting patterns or attempts

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[12] Worthy, Ben (2010) 'More Open But Not More Trusted? The Effect of FOI on the UK Central Government'. *Governance* 23 (4) 561-582

[13] See Worthy, Ben (2012) 'A Powerful Weapon in the Right Hands? How Members of Parliament have used Freedom of Information in the UK' *Parliamentary Affairs* and Worthy, Ben, Hazell, Robert and Bourke, Gabrielle (2012) 'Open House: Freedom of Information and its Impact on the UK Parliament'. *Public Administration* 90 (4), 901–921

[14] LaFleur, J. (2013). 'Data and Transparency: Perils and Progress' in Bowles, N and Hamilton, J (eds) *Transparency in Politics and the Media: Accountability and Open Government*, I.B.Tauris: London, pp123-141

[15] See Fung, A., Russon Gilman, H., & Shkabatur, J. (2013). 'Six Models for the Internet and Politics'. *International Studies Review*, 15 (1), 30-47.

by voters to remove badly behaving MPs.[16] More generally, the Freedom of Information Act has not increased participation in politics.[17]

3.3 Second, we filter information according to existing biases or pre-conceived ideas. Again, taking MPs' expenses as an example, the public did not see the expenses crisis as a 'revelation' but as a 'confirmation' of their pre-existing lack of faith in politicians.[18] More generally, research shows that the public have a 'negativity bias' and will punish poor performance but not 'reward' good.[19]

3.4 Third, the impact of particular information is dependent on the issue raised and the 'cues' around it. Information around a relatively 'benign' issue (e.g. culture) will be treated very differently to information in an area of more importance (e.g. healthcare).[20]

3.5 This means that any online tool may be subject to variation, negativity and varying levels of interest or engagement. It is unlikely that there exists a 'smooth' or clear link from information to action.

4. Expect the Unexpected

4.1 Taking the above factors into account, the effects of different online tools can be very different.

- Information and tools may be used in very different ways.
- Online participation is variable and shaped by context, design and use patterns.
- Emerging evidence reveals 'niche' patterns of use and diverse groups in society using information and tools to very different ends. This could be the public, either politically engaged or curious, as well as journalists, NGOs and businesses.
- While the idea behind online participation appears simple, research points to many complications and nuances in how information is processed or used.

4.2 Rather than 'regular' raising of issues, the pattern is of what is called 'punctuated equilibrium' with mechanisms bringing sudden and unexpected issues to the top of the agenda.[21]From FOI to e-petitions, online or offline tools raise 'sudden' accountability issues that arise without warning. Creating a range of tools will allow the public and others to tailor their interaction in the way they choose. However, the impact is likely to be varied and unpredictable.

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[16] See Vivyan, N., Wagner, M., & Tarlov, J. (2012). 'Representative Misconduct, Voter Perceptions and Accountability: Evidence from the 2009 House of Commons expenses scandal'. *Electoral Studies*, 31(4), 750-763 and Pattie, C., & Johnston, R. (2012). 'The electoral impact of the UK 2009 MPs' expenses scandal'. *Political Studies*, 60(4), 730-750.

[17] Worthy, Ben (2010) 'More Open But Not More Trusted? The Effect of FOI on the UK Central Government'. *Governance* 23 (4) 561-582

[18] For a discussion of the nuances around trust in MPs see Hansard Society. (2010). *Audit of Political Engagement 7: The 2010 Report with a Focus on MPs and Parliament*. London: Hansard Society.

[19] See for example James, O and Moseley, A. (2014), 'Does Performance Information About Public Services Affect Citizens' Perceptions, Satisfaction and Voice Behaviour? Field Experiments with Absolute and Relative Performance Information'. *Public Administration*, 92: 493–511.

[20] de Fine Licht, J. (2014). 'Policy Area as a Potential Moderator of Transparency Effects: An Experiment'. *Public Administration Review* 74 (3), 361–371

[21] Hale, S. A., Margetts, H., & Yasseri, T. (2013). 'Petition growth and success rates on the UK No. 10 Downing Street Website' in *Proceedings of the 5th Annual ACM Web Science Conference ACM*, pp132-138 available here http://arxiv.org/pdf/1308.0239.pdf