

## Effective Consultation

### Response of the Open Rights Group to the Cabinet Office

#### Detail of Respondents

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#### Response

Taking part in the public consultation process is an activity the Open Rights Group values highly among its advocacy activities. We devote considerable resources to it, and have amassed significant experience of it in our short history as an organisation<sup>1</sup>. We therefore welcome the opportunity to contribute to future consultation policy.

For our organisation, the time-scale of 12 weeks set out by the Code of Practice on consultations feels about right. It gives us the opportunity to reach out to sections of our community we feel should have a say in particular topic areas, as well as seek guidance

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<sup>1</sup> Since our founding in 2005, we have responded to : the Gowers Review on Intellectual Property; the APIG DRM Public Inquiry; the Public Consultation on Content Online in the Single Market (EU); The Nuffield Council on Bioethics inquiry into the ethical issues surrounding the forensic use of bio-information; the first Freedom of Information Consultation of 2007; the BBC On Demand Services Consultation; the inquiry into Electronic Patient Record and its use; the Ofcom PSP Consultation March 2007; the House of Lords Constitutional Committee inquiry into the Impact of Surveillance and Data Collection upon the Privacy of Citizens and their Relationship with the State and the Information Commissioner's Office consultation on their Draft Data Protection Strategy.

from those of our Advisory Council<sup>2</sup> who hold the relevant expertise.

Our community have indicated that they often hear about consultations which interest them either through a stakeholder group such as the Open Rights Group, or through "search engines such as Google and the blogs of key opinion formers or commentators". This indicates that those managing the consultation process could benefit from using online technology to reach out to those with a potential interest, and ensure that they are aware of a given consultation's existence in good time. Readily identifiable stakeholder groups are emerging online – for example parenting forums such as Netmums and Mumsnet – and reaching out to these communities, rather than expecting them to come to you, should be a priority for future consultation policy.

As a technology-focussed organisation, the Open Rights Group have developed and continue to develop online tools to facilitate community participation in our consultation responses<sup>3</sup>. Beyond our use of blogs and email lists to publicise and thrash out the issues surrounding a particular consultation, we have also used wiki software<sup>4</sup> (software which allows anyone to edit web pages) to gather ideas for responses, evidence to back up claims made in responses, and relevant background reading. Recently, we have deployed a new interactive tool which allows people to comment and discuss consultation documents paragraph by paragraph<sup>5</sup>.

We have found that using online tools is a great way for a small organisation such as ours to respond efficiently to the many consultations which interest and effect our stakeholders and we will continue to innovate and improve our online consultation process. However, there are a number of things that those managing the consultation process should do to make this easier for us.

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2 A list of our Board and Advisory Council is maintained at: <http://www.openrightsgroup.org/board-and-advisory-council>

3 The Open Rights Group is a community of enthusiastic volunteers and renowned technology and policy experts, supported by a small team of core staff. We are funded by regular donations from our supporters and small, campaign-based grants. See About the Open Rights Group section at the end of this document.

4 The ORG consultation wiki is at [http://www.openrightsgroup.org/orgwiki/index.php/Main\\_Page#Consultations](http://www.openrightsgroup.org/orgwiki/index.php/Main_Page#Consultations)

5 See <http://www.openrightsgroup.org/consult/>. This tool is in beta, and we intend to develop it further. We used this tool to respond to this consultation and direct quotes, unless otherwise attributed, have been taken from the our communities input using this tool. See <http://www.openrightsgroup.org/consult/effective-consultation-2/>

First and foremost, it would save us a significant amount of time and effort if the government would publish consultation documents in a consistent, standard web-compliant format such as html or xml, using a copyright notice which makes it clear that the document can be re-used by data-mashers. As the recent "Power of Information" review, commissioned by the Cabinet Office, has revealed, "Government can contribute indirectly to improve the lives of citizens by doing more to supply its information to the operators of user-generated websites". Indeed, that review repeated what the Statistics Commission and the Office of Fair Trading had already identified as a significant barrier to adding value to the public sector, that is "information that is in the wrong format, making it hard or impossible to re-use". We heartily concur.

In a similar vein, a central repository for information about all government consultations would be a boon to smaller third sector organisations such as ours, who struggle to keep up with the volume of public sector consultations that are open at any given moment. We would particularly benefit from being able to grab "Real Simple Syndication" (RSS) or XML feeds based on keywords which capture our particular interests (for example: "data protection", "internet", " web", "intellectual property", "digital media" "media regulation" etc), or the interests of other groups ("fox-hunting", "education", "health" etc). Such feeds are incredibly simple to set up, and would allow stakeholders to pull in information about consultations which are relevant to them. If those who manage consultation processes were to make both standard formats and centralised management of all consultation information part of future policy, we believe that UK public consultation would be taking advantage of the best of the web today, and engaging in a truly transformative, 21st century endeavour.

As one member of our community puts it:

"If the Government truly considers consultation to be an integral part of policy development then they should make consultations easier to find and do more to make the public aware of them. For example, by publishing all Government consultation documentation, etc. in one, central location (online), in a standard format. This shouldn't make it any harder for individual departments, quangoes, etc. to publicise or direct people to their consultations."

Having reviewed the three options for reform set out by the Cabinet Office, we see the one that most fits our way of thinking as option one, with interactive web consultation and online debate being our preferred method of supplementary consultation. However, this is not to say that those managing the consultation process need to invest a lot of time in building whizzy websites.

As another member of our community has observed:

"It is not necessary for the government to spend a lot of money producing a fancy website - if they make the documents readily accessible, in a consistent format then external organisations will be able to provide useful services with that data without having to do large amounts of work hunting it down or working out how to extract the useful information from the non standard ways the consultations are presented."

Having emphasised thus far the importance of catering for online consultation methods, we should also stress the value in face-to-face consultation and debate. Although it can often be difficult for small third sector organisations such as ours to devote the resources necessary to attend events and workshops, when we are able to do so, we are often richly rewarded. Facilitated intelligently, face-to-face gatherings can offer a high quality of debate. They also give stakeholders the opportunity to meet one another and, staged at the end of a consultation process to discuss results and responses, would both give a sense of closure and also identify the next steps for stakeholders in the policy process.

On "consultation fatigue", we feel that government departments could indeed coordinate better such that they are not asking the same questions and overloading stakeholders. In part, a centralised repository of information about consultations past and present, organised around keywords, would be as useful in this respect to those who manage consultations as to those who respond to them, as it would easily identify the duplication of effort.

Further, we note from our experience that consultations which pose similar underlying questions tend to emerge in clusters. So, for example, this year we have responded to several consultations whose underlying theme has been about the increasing collection of

personal information and the risk of the emergence of a surveillance society<sup>6</sup>. Drawing on our very positive experience with the Gowers Review of Intellectual Property in 2006<sup>7</sup>, we believe that it is possible to conduct productive debates on wide-ranging issues, and that one such intensive and well-resourced consultation would benefit the many individual consultations which are likely to follow it.

Indeed, members of our community have used the opportunity this consultation presents to call for wider debate:

"While it is almost certainly the case that a debate lacking focus would not be productive, it is also the case that the parameters set for consultations should not be so limiting as to prevent a full discussion of the relevant points. It is, for example, important that respondents be permitted to disagree with a proposed policy change completely, rather than being forced to choose the lesser of two evils."

To conclude, the Open Rights Group believes that the current consultation process is yet to take full advantage of opportunities presented online. In particular, we hope that our two simple core recommendations – to publish consultation documents in open, accessible formats and to keep a centralised, standardised repository of information about consultations past and present – will be adopted into future consultation policy.

## About the Open Rights Group

The Open Rights Group is a grassroots digital rights advocacy group based in the UK. It aims to increase awareness of digital rights issues, help foster grassroots activity and preserve civil liberties in the digital age. It is funded by individual donations and small grants.

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6 The Nuffield Council on Bioethics inquiry into the ethical issues surrounding the forensic use of bio-information; the first Freedom of Information Consultation of 2007; the inquiry into Electronic Patient Record and its use; the House of Lords Constitutional Committee inquiry into the Impact of Surveillance and Data Collection upon the Privacy of Citizens and their Relationship with the State and the Information Commissioner's Office consultation on their Draft Data Protection Strategy.

7 Our page on Gowers is here:  
[http://www.openrightsgroup.org/orgwiki/index.php/Gowers\\_review\\_on\\_intellectual\\_property](http://www.openrightsgroup.org/orgwiki/index.php/Gowers_review_on_intellectual_property)