Open Data Working Group

Convening #1 | 6 November 2020
Discussion Notes

Objectives of the Open Data Working Group

An initiative of the International Innovation Corps (UChicago Trust) and the Data Governance Network (anchored by IDFC Institute), the Open Data Working Group hosted its inaugural convening on Friday, November 6th. By bringing together an interdisciplinary group of researchers, practitioners, and government officials for a series of roundtable convenings, the Working Group aims to catalyse insightful conversation and inform contemporary discourse in a way that advances India's Open Government Data aspirations. During the first session, participants framed the issue as a balancing act between stakeholders from the supply side (government) and demand side (civil society, academia, the research community, the private sector, and the general public).

Overview of Observations and Issues Emanating from the Supply Side

The mandate for India's Open Data platform is derived from the National Data Sharing and Accessibility Policy (2012). Per the NDSAP Implementation Guidelines published in 2015, Ministries and Departments are directed to nominate Chief Data Officers (CDOs), who, with the assistance of the nominated Data Contributors, oversee data collection, aggregation, cleaning and sharing.[1] However, the mandate is non-compulsory and processes are left ambiguous, with CDOs having considerable discretion. As a result, processes and outcomes are extremely variable across Ministries and Departments, subject to the will and capacity of CDOs and other relevant personnel.

Given the relatively open-ended nature of NDSAP criteria as well as the autonomy granted to CDOs in compiling data, the data that is ultimately reported varies widely in scope, format, and quality. CDOs are directed to define their organization' 'negative lists' (data not to be reported for reasons including national security and personal sensitivity). However, given the relative ambiguity of what constitutes negative lists and the discretion of CDOs in making this determination, the contents of the data that is shared between organizations is frequently inconsistent, and decision-making on the same is nontransparent.[2] Moreover, as a result of the ad-hoc, CDO-driven nature of the process, changes in leadership and personnel often mean

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[1] Ministry of Science & Technology. (2015). National Data Sharing and Accessibility Policy Implementation Guidelines-2015 (India, Ministry of Science & Technology, Department of Science & Technology, National Informatics Centre, Open Government Data Division).
[2] Ibid.

progress stops and the processes are terminated, and if resumed, often must be rebuilt from scratch. In addition, NDSAP primarily targets Union-level government agencies. As a result of this gap in scope, subnational data (from the state and local level) generally remains more difficult to access than Union-level data, with several proactive states being exceptions (Sikkim, Tamil Nadu, Punjab, Kerala, and Odisha).

Overview of Observations and Issues Emanating from the Demand Side

On the demand side, several participants voiced that consumers of data - ranging from startups to civil society organizations to students - must play a larger role in facilitating India's Open Data ecosystem. For one, discourse about Open Data is currently relegated to a niche cadre of educated professionals - primarily academics, researchers, and data analysts. As a result, participants perceived that very little public pressure is being exerted on the government to reform and improve the quality of Open Data operations. Likewise, data on the OGD Platform is tailored to formats that are more suited to specialists rather than laymen. While the data can be converted to other, more laymen-friendly formats, this added step creates a barrier to widespread public accessibility. Ultimately, political will is a necessity for realising India's Open Data initiative. However, community and public pressure, frequently a precursor to generating this sort of governmental and political will, is presently negligible.

The Case for Open Data Legislation

Ultimately, the group agreed that the Open Data mandate must be codified into law in order to induce the actions necessary to create a robust Open Data ecosystem. As a policy, NDSAP has made the underlying data collection and reporting mechanisms voluntary, with proactive, self-motivated CDOs responsible for much of the data reported. Without pressure, accountability, established norms, or dedicated personnel for these processes, CDOs and their personnel often lack the incentive and capacity to pursue them in earnest. Thus, an enforceable, legal framework with accountability and incentive structures must be built in order to facilitate the proactive and effective collection and release of data.

Parallels with the The Right to Information Act

Prior to the passage of the Right to Information Act in 2005, requests by citizens for public information were often met with reluctance and foot-dragging. Once the Act, which delineated enforceable timelines, mechanisms, and norms for government response, came into force, government bodies were compelled to release information in a significantly more proactive and timely manner. Moreover, citizen interest and requests for public information and data increased manifold. It is possible that a law codifying and mandating norms for government operations with respect to Open Data would precipitate similar outcomes.

Likewise, it is important to thoughtfully consider if the issues inherent in RTI's implementation will similarly plague that of a future Open Data statute. As of October 2020, RTI operations are crippled by a backlog of approximately 220,000 pending requests at Central and State Information Commissions, primarily as a result of insufficient capacity. Moreover, accountability (via levying penalties) for government noncompliance is rarely enforced, weakening the framework of incentives created by the RTI Law.[3] With these precedents in mind, it is apparent that Open Data legislation must be accompanied by extensive capacity building, a rigorous structure of accountability, and the political will to enforce it in order to yield a substantive and sustainable outcome.

Suggestions for Proactivity in the Absence of Legislation

In the midst of a global pandemic coupled with an economic and humanitarian crisis, Open Data legislation is relatively low on the priority list of the Union Government as well as most mainstream civil society organisations. Thus, in lieu of comprehensive Open Data legislation, champions for Open Data in India should proactively leverage their influence to nurture the ecosystem however and at whatever scale possible.

As demonstrated by the efforts made by organisations like DataKind and DataMeet, specialists can play a tremendous role in helping to edit and make government data more accessible to the public. Civil society can also offer to provide data-related capacity building training for government personnel responsible for data-related tasks. Even if working with the government in an entirely separate function, civil society groups can evangelise and promote Open Data among public officials.

The Open Data community should also play a more proactive role in mainstreaming and engaging more people on the subject. For example, university professors can assign students projects that necessitate accessing and leveraging information from public databases. Not only will actions like this enlarge the community of people that are aware of and make use of public data, but they will also help galvanise public demand and pressure for an improved Open Data system.

Presently, the Open Data community is fairly disconnected, with most stakeholders operating in silos. Improved coordination between and among the proponents of Open Data could create a foundation upon which a collective agenda could be defined and executed. The Open Data Working Group aspires to play a modest role in forging the connective tissue of this community.

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[3] Special Correspondent. (2020, October 12). At 15, RTI Act crippled by rising backlog. Retrieved November 17, 2020, from https://www.thehindu.com/news/national/at-15-rti-act-crippled-by-rising-backlog/article32827394.ece

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