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From right to information to right to data

The two pillars of the 'Open Government' movement



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In late 1840s, London was hit by a vicious cholera epidemic. Health officials struggled to curb the spread until Dr John Snow painstakingly collected data on the location and history of each case and traced the source to specific water supplies in the city.

Data of all types are constantly created and stored by public and private entities all over the world. The use of data was limited in the past to specialists of different fields, but this has changed with modern technology. The value of data for citizens is becoming more pronounced every day.

The frequent ding of incoming text messages on our smartphones and the flurry of apps flooding the markets remind us constantly not only of the use but also the abuse of datasets. It is widely accepted that there is a need to regulate the dataflow to minimise abuse and facilitate beneficial use of data, as Dr Snow exemplified.

Which brings us to the concept of “Open Government Data” (OGD). OGD and Right to Information (RTI) are two sides of the same coin. In fact, the foundation of OGD lies in peoples' right to information. RTI and OGD are thus the two main pillars of the “Open Government” doctrine that has drastically changed our thinking about the importance of citizen-state relationship. An open government is “one with high levels of transparency and mechanisms for public scrutiny and oversight in place, with an emphasis on government accountability.”

Not so long ago, many would question if economic growth and democratic regimes went hand in hand. Others would argue that democracy retarded growth and growth under autocracy induced democracy. Happily, those days are over. Instead, people's participation in state affairs is considered sacrosanct for good governance and sustainable development.

This is most apparent in legislation drawn up in most countries that give citizens the right to access information held by their governments. More than 115 countries have operationalised laws enshrining "Access to Information" (ATI), "Freedom of Information" (FOI) or "Right to Information" (RTI), most of them in the last two decades.

RTI/FOI Acts are based on the concept that giving citizens access to documents and proceedings of the government allows effective public oversight over public work. It promotes transparency and accountability in the work of public bodies by dismantling the age-old practice of state secrecy, based on "reason of the state", and replacing it with "public interest".

The OGD concept, on the other hand, seeks to provide citizens with access, on a legal basis, to the rich reservoir of data available with governments. These are data produced or commissioned by government or government-controlled entities. OGD seeks to make them available online, open for downloading and manipulation so that they may be freely used, reused and redistributed by anyone.

Such data include those on cultural works and artefacts collected and held by galleries, libraries, archives and museums; scientific data, from weather patterns to genotypes of fish; financial data ranging from government accounts, expenditure and revenue, to information on financial markets; or statistical data such as census and socioeconomic indicators.

The value of data, both for the public and for specialised users, such as, commercial users, researchers, journalists, activists, civil servants and the government itself, is obvious. In the digital age, data is a key resource for social and commercial activities. Everything from finding the local post office to building a search engine requires access to data, much of which is created or held by government. By opening up data, government can help drive the creation of innovative businesses and services that deliver social and commercial value.

Data law is needed to, among other things, fix the cost, where applicable, for access; protect proprietary and intellectual rights; safeguard personal data, state security and the like. A good OGD law would help citizens find out how much of taxpayers' money is used for what purpose. An "info-intermediary" would be able to analyse the data for ordinary citizens. In Denmark a woman set up a website with government data which showed all Danish public toilets. People with bladder problems use it before going out. In New York people use data to find out which parks are most favourable to walk their dogs. People with a business knack thus use data to create a service.

The close kinship between RTI and OGD is obvious. Both seek to empower citizens, one to access information and the other to access data, both held by the government. The key objective of both is the same: to make government transparent, accountable and responsive to its citizens. However, RTI is largely reactive and adversarial, while OGD is proactive and collaborative. While citizens could obtain government data by using the RTI process, OGD makes such data proactively available online.

Another difference between the two is that while prospective RTI users include all citizens, OGD users are mostly technical experts who make data useful for others. It is extremely important, therefore, that OGD specialists and RTI activists work closely together to develop supportive mechanisms for the success of both the instruments. Only then can we move from the default of secrecy to transparency in governance.

In Bangladesh, OGD is yet to make its mark. Although government-based data is available online, it is highly fragmented and sometimes inaccessible by the public. And, unlike RTI, for which we have a law, there is no clear policy yet on the subject, let alone legislation. The latter may follow only if there is a public demand.

Fortunately, the government has initiated action to develop an OGD policy. The task has been entrusted to a project under the Prime Minister's Office, known as Access to Information (a2i), which is the torch-bearer of the government's digitisation programme. We wish them well. An Open Government Data Portal has been created and is awaiting inauguration. Our immediate neighbour, India, adopted a National Data Sharing and Accessibility Policy (NDSAP) in 2012.

Readers may also be interested to know that another “open government” initiative, known as “Open Government Partnership” (OGP) was launched in 2011 on the sidelines of the UN General Assembly by eight heads of state from all over the world. It is a global, multilateral enterprise which aims at developing international cooperation to secure concrete commitments from governments, on a voluntary basis, to promote transparency, empower citizens, fight corruption and harness modern technologies to strengthen governance.

There are around 85 participating countries and hundreds of civil society organisations which work in tandem to promote the objectives of OGP. In South Asia, Afghanistan, Pakistan and Sri Lanka have joined as participating members. Nepal appears to be serious about joining. We are not sure about Bangladesh's position.

Civil society attention to “open government” initiatives is crucial to advance their basic objective of empowering citizens vis-à-vis the state and improving citizen-state relationship. However, as a nation, we do not seem to have fully comprehended their value yet. Our attention even to the only legal instrument we have in this regard, the RTI Act 2009, is woefully poor. We are as nonchalant about changing our age-old mindset in regards to transparency and accountability as our public officials are. The question is: how long can we face away from what is to our own benefit?

There is a glimmer of hope, however, in the small progress observed recently in the implementation of the RTI Act. Let us hope this will extend to other open government mechanisms. Our newspapers are full of reports every day on citizen's gripes against public authorities. It is time we learn to use these mechanisms to alleviate them.

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