

InterPARES Trust Research Report



**Team Europe EU32 Project 2015-2016: The Role of the
Records Manager/Records Management in an Open
Government Environment in the UK: higher education
Phase 1 – Final Report**

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Introduction

Open Government Data is a central government initiative in which data is proactively released. The focus of this report is to investigate how Higher Education Institutions (HEI) are approaching open government and the tools, legislation and policies that are supporting the ideas behind the initiative. The opportunities and the risks are becoming more apparent in the practice of open government and this report will consider in Chapter One what Open Government is and how it has developed from legislation and other openness initiatives, it will also look at HEI and their role and involvement in Open Government. Chapter Two will contain a literature review, while Chapter Three will analyse the data captured in qualitative interviews from a case study from a HEI, which were undertaken to get an understanding of the reality of how HEI information professionals view their role in the openness agenda. Chapter Four will consider what has been learnt and the future of Open Government in HEI.

Open Government

Over the past decade the agenda for transparency, openness and accountability has brought forward many new roles for information professionals. Of these, data protection and freedom of information are two pieces of legislation that have resulted in major changes to public bodies and how the public can question how their taxes are being spent. Open government has grown out of these initiatives, to publish information freely to the public so they do not need to use tools such as FOI and can find more information for themselves. The Open Data White Paper has the subtitle “unleashing the potential”¹, the paper details how data is “the 21st century’s new raw material” and the huge potential from public interest in both raw and processed data.² The majority of published information

¹ Open Data White Paper: Unleashing the Potential (2012) p.1

² ibid

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relating to the policy and practice of open government relates to central government, however there is an ever growing demand for all parts of the public sector to provide information pro-actively and freely. “A reliable and accessible evidence base is vital for all aspects of open government, particularly the right to information and open data”³ this report will look at the role of records management and whether the HEI case study shows the involvement of information professionals in open government within universities and how far these institutions are becoming involved with the proactive release of their data.

Higher Education Institutions

Higher education institutions receive a mixture of public and private funding. The environment for funding in HEI is increasing towards more private funding, while public funding is being reduced. This reduction in public investment has raised the question of why HEI are subject to FOI because the institutions are developing more as private businesses.⁴ The data produced by HEIs are the normal working papers of a business alongside a massive quantity of research data which is produced year after year by staff and students. The questions the case study aims to answer are: who is the audience of open government in HEI and what data do the public or the specific audience wish to access?

It is clear that HEIs already publish a lot of data relating to student experience and the quality of teaching at their institutions. Through bodies like the Higher Education Funding Council for England (HEFCE) which provides a role to deliver government policy while providing help for higher education, data is provided by HEIs and they receive in return funding and other benefits. Obviously HEIs do happily provide data, as seen through involvement with the National Student Survey and other league tables, however it is

³ <http://www.opengovguide.com/topics/records-management/>

⁴ <https://www.theguardian.com/science/political-science/2014/dec/04/should-universities-be-exempt-from-freedom-of-information-requests>

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questionable how well these existing platforms of sharing fit with the idea of open government. HEIs share a large amount of information on their websites, mostly as advertising for the university for students and tend to be boastful. Any attempts to move towards further openness and the ideas behind open government have exposed mistakes and some serious incidents of data leaks. The most recent HEI that has come under fire is the University of Greenwich following the leak of sensitive information relating to students applying to study at the university.⁵ This occurred after the university uploaded their Faculty Research Degrees Committee minutes, however it is unclear exactly how the sensitive data was released. This incident does show how somewhere within the process of releasing the data human error alongside incomplete reviewing of the data caused a serious breach under the Data Protection Act.⁶

Little research has been conducted in the field of OGD and HEIs.

Open Government and Existing Legislation

Legislation is lacking to back up the Open Government initiative and almost all published material relating to Open Government lacks focus and ignores any requirement for records management. Open Government does relate greatly to Freedom of Information and Data Protection. The initiative can actively decrease the number of Freedom of Information requests by proactively providing the information that the public is interested in. Data Protection is crucial to protecting privacy of the individual and as seen in the University of Greenwich breach, the act should allow caution over any data being released and highlighting the need for accurate reviewing before release to the general public. The push for HEIs to become involved in Open Government is more a push behind the release of

⁵ <http://www.bbc.co.uk/news/technology-35587529>

⁶ <http://www.computerweekly.com/news/4500273276/University-of-Greenwich-data-breach-highlights-the-dangers-of-insider-threats>

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research data coming from research funding bodies and the move toward Open Access to research data.

Methodology

Research aim

The aim of this report is to discover how the initiative of Open Government Data is being received, understood and practiced by Higher Education Institutions (HEI). Public authorities have come under scrutiny such as the NHS for either lack of openness or carelessness while opening up sensitive data⁷, while local government struggles to follow the initiative.⁸

Universities are public authorities and receive large amounts of public money through students loans and research funds and from other sources such as private companies and their local authorities.⁹ HEIs annually produce masses of data and so can make a massive contribution to the Open Government Data initiative. I will consider how HEIs fit into Open Government Data I will discuss the broader literature around relevant legislation, initiatives and the environment of HEIs.

Literature Review

There is a large amount of literature written on the subject of Open Government, Open Data, Open Access and Open Government Data, of which I have selected from to underpin the arguments in this report. I have used a mixture of academic work alongside reports, lectures and the UCL MA report of both Jessica Page and Emma Harrison.

To source other reading I predominantly used the UCL library catalogue, gov.uk, and Google searches for Open Government and Open Government Data websites. The case study's website was used for published sources alongside other HEIs as a comparison to the

⁷ E. Harrison, 'The Future Will Be Open'

⁸ Other UCL Diss

⁹ The HEI website

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different published material relating to Open Government Data and how other institutions compare in function and focus to the case study.

Qualitative Interviews

The data collected for this report was derived from four semi-structured interviews. I have followed similar subjects to breakdown the subject of Open Government Data as seen in Harrison's *The Future Will Be Open*.¹⁰ This reflects the similarity of roles I interviewed at the HEI, the broad range of questions which I could break down into subjects and the excellent results seen in that study. The relevant themes I chose were: roles and responsibilities, publicly available policies, internal/organisational policies, practice of open government, definitions and the future. All interviews were carried out face-to-face.¹¹

Limitations of this process are the small number of interviewees, as I will not be able to generalise findings. The literature review will see the case study widened and bring in other contexts and ideas.

All of the interviewees worked for the HEI in a variety of roles and within different departments. These roles were senior or the sole person in charge of their function and so were the expert on their role within the HEI.

All of the interviews were recorded using two devices to avoid any technical problems. The recordings are the basis of the transcripts (Appendix...) which were all lasted around thirty minutes, so full transcripts have been produced.

I chose semi-structured interviews to allow for analysis of different responses which would allow for open-ended answers in which each interviewee could answer based on their own role, experience and point of view. Each interview informed the next and while

¹⁰ E. Harrison, 'The Future Will Be Open'

¹¹ A. J. Pickard, *Research Methods in Information* (2013)

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this was successful¹², I potentially could have organised the order of interviews differently to allow for certain questions to be developed right from the start of the interview process. See (Appendix...) for the interview schedules.

Research Ethics

Each interviewee was informed of the interview process, the themes and the purpose of the work. This was mediated through my contact at the HEI. I personally agreed with each participant the level of confidentiality and how I would avoid identification in my research and the end product. This was initially conducted as a verbal agreement and after the completion of the transcripts I sent each participant an email confirming that the transcripts were complete with their transcript attached. Please see (Appendix...) for this email template.

Literature Review

Open Government

The driving force behind the idea of open government globally has been the opportunities to develop economically, to create social stability and to encourage active participation.¹³ Multiple organisations are working towards implementing the different initiatives behind the wider ideas of open government. The Organisation for Economic Co-operation and Development (OECD) has developed their own guidance for policy makers both in OECD member countries and non-member countries. This focuses on opening up a dialogue to allow the public to become involved in policy making, engaging the public online and

¹² A. J. Pickard, *Research Methods in Information* (2013)

¹³ [Open Government: Fostering Dialogue with Civil Society](#)

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working towards the wider idea of good governance.¹⁴ They set out the ideas of good governance as being:

“Among the widely accepted principles of good governance are openness, transparency and accountability; fairness and equity in dealings with citizens, including mechanisms for consultation and participation; efficient and effective services; clear, transparent and applicable laws and regulations; consistency and coherence in policy formation; respect for the rule of law; and high standards of ethical behaviour. These principles represent the basis upon which to build open government – one that is more accessible, responsive and transparent in its operations.”¹⁵

By following these principles governments can be accountable and transparent which in return brings trust to its citizens and encourages active participation.¹⁶ The Open Government Guide gives practical suggestions and advise to follow to adhere to the beliefs that the OECD recommends for good governance.¹⁷

The Open Government Guide is a resource that takes the ideas from the OECD guidelines and provides a practical guide to implementing open government.¹⁸ It allows people to work towards making “their governments more transparent, responsive, accountable and effective.”¹⁹ The audience are “people who are directly involved in developing and implementing open government action plans” these include, civil servants and officials developing open government plans, and civil society activists who are

¹⁴ [Open Government: Fostering Dialogue with Civil Society](#)

¹⁵ [Open Government: Fostering Dialogue with Civil Society](#)

¹⁶ [Open Government: Fostering Dialogue with Civil Society](#)

¹⁷ <http://www.opengovguide.com>

¹⁸ <http://www.opengovguide.com>

¹⁹ <http://www.opengovguide.com>

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“engaging with government on open government action plans” on both a national and international level.²⁰ The main focus is on central government employees and interaction with central government, nevertheless “many of the actions described also apply to local government.”²¹ The guide pushes the agenda that “open, participatory and accountable government is contingent on members of the public having access to information held by public bodies.”²² However this needs to be balanced with the Right to Information and the principle of maximum disclosure. “Information should only be withheld from the public where absolutely necessary to prevent harm to a legitimate interest and where there is no overriding public interest in knowing the information.”²³ This balancing act is one that any organisation must achieve to provide good governance, while protecting the individual and adhering to legislation.

The uptake of Open Government has grown in the past five years. This is demonstrated through the work of collaborative groups such as The Open Government Partnership (OGP). The OGP was created in 2011 and since then, OGP has grown from 8 countries to 70²⁴. The OGP is “an international platform for domestic reformers committed to making their governments more open, accountable, and responsive to citizens...In all of these countries, government and civil society are working together to develop and implement ambitious open government reforms.”²⁵ The OGP provides great analysis on the uptake of open government from a high level, and shows the progression of the countries in each member country. The UK is a member and through the work of the government

²⁰ <http://www.opengovguide.com>

²¹ <http://www.opengovguide.com>

²² <http://www.opengovguide.com>

²³ <http://www.opengovguide.com>

²⁴ <http://www.opengovpartnership.org>

²⁵ <http://www.opengovpartnership.org>

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alongside the OGP the UK has created three progressive action plans to achieve the aims of open government.²⁶ The action plans are part of a process of self-assessment, participation with OGP and implementation of initiatives that are required to be a member of the OGP²⁷. The most recent UK Open Government National Action Plan is for 2016 – 2018, the report was published in May 2016 and sees the successes the government has had, the feedback they have received from the public, organisations and the OGP.²⁸ The current action plan reflects the political situation in the UK and globally and was launched alongside the 2016 summit for Anti-Corruption which is mentioned as part of the UK's reasoning behind their involvement in Open Government:

“The consequences of opaque and unaccountable government are clear to see.

Secrecy enables corruption, injustice, and negligence to go unchecked. The release of the Panama Papers revealed the scale of global resources hidden in secretive tax havens. Detailed investigations have shown the extent of UK property bought with dirty money by shadow companies. Lobbying scandals have revealed how vested interests seek to influence public decision-making. Public scandals, from Hillsborough to Mid-Staffordshire, have demonstrated the devastating consequences of unaccountable secrecy.”

Such events have had a very serious effect on government and public authorities.²⁹ Open Government is a positive move for central and local government, and appears to be working

²⁶ <http://www.opengovpartnership.org/how-it-works/requirements>

²⁷ <http://www.opengovpartnership.org/how-it-works/requirements>

²⁸ <https://www.gov.uk/government/publications/uk-open-government-national-action-plan-2016-18/uk-open-government-national-action-plan-2016-18>

²⁹ <https://www.gov.uk/government/publications/uk-open-government-national-action-plan-2016-18/uk-open-government-national-action-plan-2016-18>

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through active participation with the UK Open Government Civil Society Network,³⁰ this network shows how Open Government in the UK is enabling accountability and transparency and allowing the public to share their voice and be heard and accounted for in the development of the UK's action plans.³¹

Open Government is by no means a new term, it has been part of government work in the US since the 20th Century³², while in the UK Open Government as a term and an idea has been considered since the 1970s.³³ Wraith writes about the UK government in the 1970s and the barriers to opening up government for democratic purposes. He identifies that there is not a feeling of “a right to know” and the tendency to feel “irritated by the sealed lips of those in authority.”³⁴ The problems surrounding Open Government over the last couple of decades point to the opposition between political parties in government and the Official Secrets Act.³⁵ It is interesting to see how the ideas of Open Government and Open Government Data were rudimentarily established in local authorities and central government in the 1980s, and how long it took for the *Open Data White Paper* to be established in 2012.³⁶

Open Government Data

After considering the wider ideas of Open Government, I will now look at the initiative of Open Government Data. The Open Government Guide defines Open Government Data as

³⁰ <http://www.opengovernment.org.uk>

³¹ <https://www.gov.uk/government/publications/uk-open-government-national-action-plan-2016-18/uk-open-government-national-action-plan-2016-18>

³² J. Hearn and M. Mclendon, 'State Law, Policy, and Access to Information: The Case of Mandated Openness in Higher Education' *Teachers College Record*, 2010 Oct, Vol.112(10), pp.2649-2663

³³ R. E. Wraith, *Open Government: The British Interpretation* (1977)

³⁴ R. E. Wraith, *Open Government: The British Interpretation* (1977)

³⁵ R. A. Chapman and M. Hunt, *Open Government: A study of the prospects of open government within the limitations of the British political system* (1987)

³⁶ HM Government, *Open Data White Paper: Unleashing the Potential*

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“public sector information made available to the public as Open Data” and that “Open Data is the idea that data should be freely available for everyone to access, use and republish as they wish, published without restrictions from copyright, patents or other mechanisms of control.”³⁷ Public authorities collect large amounts of data as part of daily work, so now the government holds a “monopoly” over high quality data sets.³⁸ Open Government Data allows the government to share data which encourages transparency and the informing of the government’s activity to the public. Open Government Data also allows for efficiency between departments and collaboration which can lead to innovation.³⁹ To be truly open within Open Government Data the information must be proactively released and be presented in an open format that is machine readable.⁴⁰ A reason why there is an economic value to pursuing Open Government Data is that the cost required to collect Open Government Data is high, the government is collecting data through business as usual tasks. The data collected is then kept, but there is a potential for further purpose from the data. The audience of Open Government Data are the many small organisations or start-ups which cannot afford to produce such large and high quality data sets, so when “these data have already been collected...and they are an integral part of public operations and they have also been paid for by taxpayers,”⁴¹ it seems like an excellent idea to open up the data to increase its potential. “Open Government Data constitutes a shared resource that offers

³⁷ <http://www.opengovguide.com>

³⁸ <http://www.opengovguide.com>

³⁹ <http://www.opengovguide.com>

⁴⁰ <http://www.opengovguide.com>

⁴¹ [C. Carrasco and X. Sobreperé, ‘Open Government Data’ Social Science Computer Review October 2015 vol. 33 no. 5 631-644](#)

value beyond what is captured from the original intended use.”⁴² HEIs generate a wealth of data each year, from students, academic staff and through the running of the institution.⁴³

So despite all of this data being generated and stored by public authorities, it does not mean that the task of opening up is an easy one. There is great potential for this data but the resources needed to check quality and accuracy while following data protection laws. If the public authority does find the time and resource to open up their data, does simply putting it out on the web encourage user interaction?⁴⁴ Tim Kelsey displays how the Open Data White Paper was the beginning of a legitimate move towards implementing Open Government and Open Government Data, however there is still a lot more to do.⁴⁵ David Cameron has made Open Data a priority in his government because of the potential it holds in transforming the relationship between government and the public. Kelsey states that this can only continue with the improvement of the data being provided as “Open Data only delivers impact when the quality of the asset is reliable enough”⁴⁶ and once this is achieved the full potential of Open Government Data can be accomplished.

Records Management’s Role

The Open Government Guide states “records management will not in itself achieve openness, but without it, openness is not possible.”⁴⁷ Without records management being practiced on the records of an institution, the information will not be findable or

⁴² [C. Carrasco and X. Sobrepere, ‘Open Government Data’ Social Science Computer Review October 2015 vol. 33 no. 5 631-644](#)

⁴³ <http://www.mdx.ac.uk/about-us/policies/middlesex-in-numbers> (Anonymise?)

⁴⁴ [T. Jetzek, M. Avital and N. Bjorn-Andersen, ‘Data-Driven Innovation through Open Government Data’ Journal of theoretical and applied electronic commerce research, 2014, Vol.9\(2\), pp.100-120](#)

⁴⁵ <http://www.opengovpartnership.org/blog/tim-kelsey/2012/07/11/unleashing-potential-uk-open-data-white-paper>

⁴⁶ <http://www.opengovpartnership.org/blog/tim-kelsey/2012/07/11/unleashing-potential-uk-open-data-white-paper>

⁴⁷ <http://www.opengovguide.com>

trustworthy.⁴⁸ ISO15489 defines a record as any “information created, received, and maintained as evidence and as an asset by an organization or person, in pursuit of legal obligations or in the transaction of business. They may be in any medium, form, or format.”⁴⁹ This definition covers some of the data considered to be part of Open Government Data. However there is a case of how far records management can go in predicting what records that they can capture and what data will be produced that isn’t necessarily what constitutes a record⁵⁰. Through these records management standards, records can be quality controlled, authenticated and enable the effective opening up of information and data.⁵¹ The digital world that has facilitated Open Government⁵² is complicated and maintaining digital records and digital databases requires more management than a paper record would have, due to the because they can be accessed and changed throughout their lives, along with having correct metadata attached them to maintain their identity and maintaining the systems which they are stored in.⁵³ “Well-managed records provide clear and durable evidence of what the government has promised,”⁵⁴ however the caution that the Open Government Guide warns is that “in developing records management commitments, countries should clearly state how records management will serve to make government more open. Introducing a records control regime or upgrading systems to streamline procedures without actually making information

⁴⁸ <http://www.opengovguide.com>

⁴⁹ ISO15489

⁵⁰ R. Wriath, *Open Government: The British Interpretation* (1977)

⁵¹ <http://www.opengovguide.com/topics/records-management/>

⁵² <https://www.gov.uk/government/publications/uk-open-government-national-action-plan-2016-18>

⁵³ <http://www.opengovguide.com/topics/records-management/>

⁵⁴ <http://www.opengovguide.com/topics/records-management/>

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available to the public does not make governments more open.”⁵⁵ Records management must be used to improve access and trust of records, which will lead to accessible and trustworthy Open Data.

Higher Education Institutions and Open Government Data

When considering the impact of Open Government Data on Higher Education I have found that there is little to no research into the effects so most literature I will refer to will look at the impact of Freedom of Information and the continuing questioning of the inclusion of HE as a public authority in the legislation. FOI “explicitly defines universities – as well as publicly-funded research institutes – as ‘public authorities’”⁵⁶. Jubb discusses how other legislation contradicts this as other legislation stresses that HEIs should maintain an “autonomous status”. The commercial interest of HEIs is predominantly their research, FOI and Open Government Data threaten this as does the fact that most HEIs are charities and so have to comply to legislation like the Charities Act 2006 which states that the institution has a duty “to preserve and exploit their assets, as well as to disseminate knowledge, including the results of research.”⁵⁷ Much has been done to raise awareness of the implications of FOI on HE and guidance has been created. In this scenario HEIs had to be compliant because it was legislation.⁵⁸ The question is if HEIs fight against FOI because they do not wish to be open?

⁵⁵ <http://www.opengovguide.com/topics/records-management/>

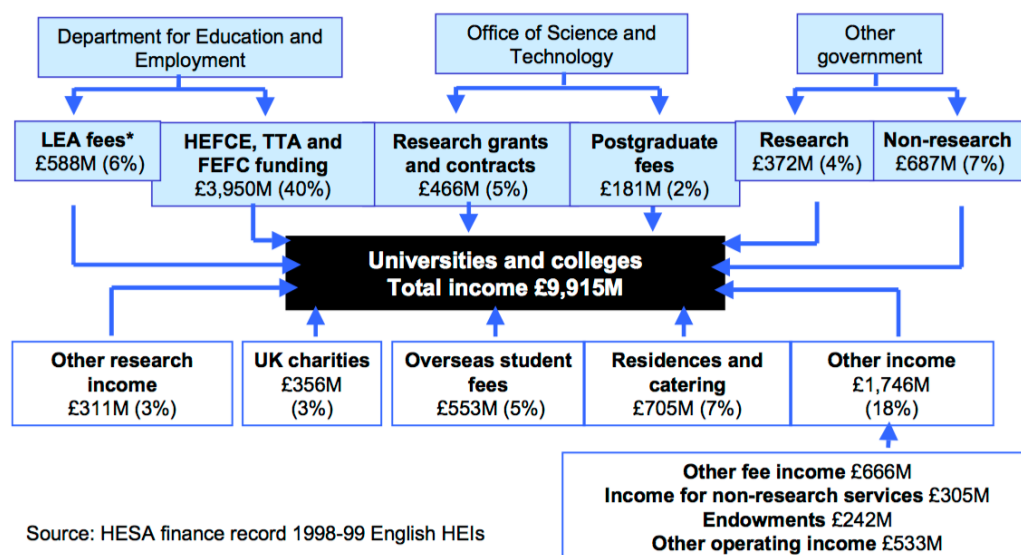
⁵⁶ M. Jubb, ‘Freedom of Information in the UK and its Implications for Research in the Higher Education Sector’ *International Journal of Digital Curation*, 01 March 2012, Vol.7(1), pp.57-71

⁵⁷ M. Jubb, ‘Freedom of Information in the UK and its Implications for Research in the Higher Education Sector’ *International Journal of Digital Curation*, 01 March 2012, Vol.7(1), pp.57-71

⁵⁸ M. Jubb, ‘Freedom of Information in the UK and its Implications for Research in the Higher Education Sector’ *International Journal of Digital Curation*, 01 March 2012, Vol.7(1), pp.57-71

The term openness implies a change in behaviour to a transparent and less secretive way of operating.⁵⁹ If openness equals the ideas of accountability and transparency in governing bodies then surely this does fit with how HEIs should operate.⁶⁰ In terms of data sharing with the public, as discussed HEIs already produce a large amount of data for bodies such as HEFCE. The requirements of these large funders can largely influence the uptake of openness as seen with the impact of requirements for research data management, open access and open data.⁶¹ The funding of HEIs is a complicated business and does decide a lot around institutional governance, while conclusively providing reasoning behind the inclusion of HEIs in FOI legislation.

Sources of funding for HEIs in England (1998-99)



⁵⁹ M. A. Peters, T. Liu, D. J. Ondercin, *The Pedagogy of the Open Society: Knowledge and Governance of Higher Education* (2012)

⁶⁰ M. A. Peters, T. Liu, D. J. Ondercin, *The Pedagogy of the Open Society: Knowledge and Governance of Higher Education* (2012)

⁶¹ R. Higman and S. Pinfield, 'Research data management and openness: The role of data sharing in developing institutional policies and practices' *Program* (2015)

The diagram shows the divide between private and public funding and the large amounts that do come from various parts of central government and their relevant funding bodies. To qualify for the funding of HEFCE and other public funds the HEI must contribute accurate and reliable data for these returns.⁶³ Despite the apparent openness of these returns, they are not exactly what an advocate for Open Government Data would consider part of the initiative. What it does show is the capability of HEIs to produce high quality data that it shared in the public.⁶⁴

Literature Review

Open Government

The drive behind the idea of open government globally has been the opportunities to develop economically, to create social stability and to encourage active participation.⁶⁵

There are multiple organisations which are working towards implementing the different initiatives behind the wider ideas of open government. The Organisation for Economic Co-operation and Development (OECD) has developed their own guidance for policy makers both in OECD member countries and non-member countries. This focuses on opening up a dialogue to allow the public to become involved in policy making, engaging the public online and working towards the wider idea of good governance.⁶⁶ They set out the ideas of good governance as being:

⁶² HEFCE, *Guide for members of governing bodies of universities and colleges in England, Wales and Northern Ireland – Funding of Higher Education* (2001)

⁶³ <http://www.lboro.ac.uk/services/planning/statutory-returns/>

⁶⁴ Summary Quality Report for the HESA Student Record
<https://www.hesa.ac.uk/component/content/article?id=2204&ItemId=207&limit=&start=0>

⁶⁵ [Open Government: Fostering Dialogue with Civil Society](#)

⁶⁶ [Open Government: Fostering Dialogue with Civil Society](#)

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“Among the widely accepted principles of good governance are openness, transparency and accountability; fairness and equity in dealings with citizens, including mechanisms for consultation and participation; efficient and effective services; clear, transparent and applicable laws and regulations; consistency and coherence in policy formation; respect for the rule of law; and high standards of ethical behaviour. These principles represent the basis upon which to build open government – one that is more accessible, responsive and transparent in its operations.”⁶⁷

By following these principles governments can be accountable and transparent which in return brings trust to its citizens and encourages active participation.⁶⁸ The Open Government Guide gives practical suggestions and advise to follow to adhere to the beliefs that the OECD recommends for good governance.⁶⁹

The Open Government Guide is a resource that takes the ideas from the OECD guidelines and provides a practical guide to implementing open government.⁷⁰ It allows people to work towards making “their governments more transparent, responsive, accountable and effective.”⁷¹ The audience are “people who are directly involved in developing and implementing open government action plans” these include, civil servants and officials developing open government plans, and civil society activists who are “engaging with government on open government action plans” on both a national and international level.⁷² The main focus is on central government employees and interaction

⁶⁷ [Open Government: Fostering Dialogue with Civil Society](#)

⁶⁸ [Open Government: Fostering Dialogue with Civil Society](#)

⁶⁹ <http://www.opengovguide.com>

⁷⁰ <http://www.opengovguide.com>

⁷¹ <http://www.opengovguide.com>

⁷² <http://www.opengovguide.com>

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with central government, nevertheless “many of the actions described also apply to local government.”⁷³ The guide pushes the agenda that “open, participatory and accountable government is contingent on members of the public having access to information held by public bodies.”⁷⁴ However this needs to be balanced with the Right to Information and the principle of maximum disclosure. “Information should only be withheld from the public where absolutely necessary to prevent harm to a legitimate interest and where there is no overriding public interest in knowing the information.”⁷⁵ This balancing act is one that any organisation must achieve to provide good governance, while protecting the individual and adhering to legislation.

The uptake of Open Government has grown in the past five years. This is demonstrated through the work of collaborative groups such as The Open Government Partnership (OGP). The OGP was created in 2011 and since then, OGP has grown from 8 countries to 70⁷⁶. The OGP is “an international platform for domestic reformers committed to making their governments more open, accountable, and responsive to citizens...In all of these countries, government and civil society are working together to develop and implement ambitious open government reforms.”⁷⁷ The OGP provides great analysis on the uptake of open government from a high level, and shows the progression of the countries in each member country. The UK is a member and through the work of the government alongside the OGP the UK has created three progressive action plans to achieve the aims of open government.⁷⁸ The action plans are part of a process of self-assessment, participation

⁷³ <http://www.opengovguide.com>

⁷⁴ <http://www.opengovguide.com>

⁷⁵ <http://www.opengovguide.com>

⁷⁶ <http://www.opengovpartnership.org>

⁷⁷ <http://www.opengovpartnership.org>

⁷⁸ <http://www.opengovpartnership.org/how-it-works/requirements>

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with OGP and implementation of initiatives that are required to be a member of the OGP⁷⁹.

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Such events have had a very serious effect on government and public authorities.⁸¹ Open Government is a positive move for central and local government, and appears to be working through active participation with the UK Open Government Civil Society Network,⁸² this network shows how Open Government in the UK is enabling accountability and

⁷⁹ <http://www.opengovpartnership.org/how-it-works/requirements>

⁸⁰ <https://www.gov.uk/government/publications/uk-open-government-national-action-plan-2016-18/uk-open-government-national-action-plan-2016-18>

⁸¹ <https://www.gov.uk/government/publications/uk-open-government-national-action-plan-2016-18/uk-open-government-national-action-plan-2016-18>

⁸² <http://www.opengovernment.org.uk>

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transparency and allowing the public to share their voice and be heard and accounted for in the development of the UK's action plans.⁸³

Open Government is by no means a new term, it has been part of government work in the US since the 20th Century⁸⁴, while in the UK Open Government as a term and an idea has been considered since the 1970s.⁸⁵ Wraith writes about the UK government in the 1970s and the barriers to opening up government for democratic purposes. He identifies that there is not a feeling of “a right to know” and the tendency to feel “irritated by the sealed lips of those in authority.”⁸⁶ The problems surrounding Open Government over the last couple of decades point to the opposition between political parties in government and the Official Secrets Act.⁸⁷ It is interesting to see how the ideas of Open Government and Open Government Data were rudimentarily established in local authorities and central government in the 1980s, and how long it took for the *Open Data White Paper* to be established in 2012.⁸⁸

Open Government Data

After considering the wider ideas of Open Government, I will now look at the initiative of Open Government Data. The Open Government Guide defines Open Government Data as “public sector information made available to the public as Open Data” and that “Open Data is the idea that data should be freely available for everyone to access, use and republish as

⁸³ <https://www.gov.uk/government/publications/uk-open-government-national-action-plan-2016-18/uk-open-government-national-action-plan-2016-18>

⁸⁴ J. Hearn and M. Mclendon, ‘State Law, Policy, and Access to Information: The Case of Mandated Openness in Higher Education’ *Teachers College Record*, 2010 Oct, Vol.112(10), pp.2649-2663

⁸⁵ R. E. Wraith, *Open Government: The British Interpretation* (1977)

⁸⁶ R. E. Wraith, *Open Government: The British Interpretation* (1977)

⁸⁷ R. A. Chapman and M. Hunt, *Open Government: A study of the prospects of open government within the limitations of the British political system* (1987)

⁸⁸ HM Government, *Open Data White Paper: Unleashing the Potential*

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they wish, published without restrictions from copyright, patents or other mechanisms of control.”⁸⁹ Public authorities collect large amounts of data as part of daily work, so now the government holds a “monopoly” over high quality data sets.⁹⁰ Open Government Data allows the government to share data which encourages transparency and the informing of the government’s activity to the public. Open Government Data also allows for efficiency between departments and collaboration which can lead to innovation.⁹¹ To be truly open within Open Government Data the information must be proactively released and be presented in an open format that is machine readable.⁹² A reason why there is an economic value to pursuing Open Government Data is that the cost required to collect Open Government Data is high, the government is collecting data through business as usual tasks. The data collected is then kept, but there is a potential for further purpose from the data. The audience of Open Government Data are the many small organisations or start-ups which cannot afford to produce such large and high quality data sets, so when “these data have already been collected...and they are an integral part of public operations and they have also been paid for by taxpayers,”⁹³ it seems like an excellent idea to open up the data to increase its potential. “Open Government Data constitutes a shared resource that offers value beyond what is captured from the original intended use.”⁹⁴ HEIs generate a wealth of data each year, from students, academic staff and through the running of the institution.⁹⁵

⁸⁹ <http://www.opengovguide.com>

⁹⁰ <http://www.opengovguide.com>

⁹¹ <http://www.opengovguide.com>

⁹² <http://www.opengovguide.com>

⁹³ [C. Carrasco and X. Sobreperre, ‘Open Government Data’ Social Science Computer Review October 2015 vol. 33 no. 5 631-644](#)

⁹⁴ [C. Carrasco and X. Sobreperre, ‘Open Government Data’ Social Science Computer Review October 2015 vol. 33 no. 5 631-644](#)

⁹⁵ <http://www.mdx.ac.uk/about-us/policies/middlesex-in-numbers> (Anonymise?)

So despite all of this data being generated and stored by public authorities, it does not mean that the task of opening up is an easy one. There is great potential for this data but the resources needed to check quality and accuracy while following data protection laws. If the public authority does find the time and resource to open up their data, does simply putting it out on the web encourage user interaction?⁹⁶ Tim Kelsey displays how the Open Data White Paper was the beginning of a legitimate move towards implementing Open Government and Open Government Data, however there is still a lot more to do.⁹⁷ David Cameron has made Open Data a priority in his government because of the potential it holds in transforming the relationship between government and the public. Kelsey states that this can only continue with the improvement of the data being provided as “Open Data only delivers impact when the quality of the asset is reliable enough⁹⁸ and once this is achieved the full potential of Open Government Data can be accomplished.

Records Management’s Role

The Open Government Guide states “records management will not in itself achieve openness, but without it, openness is not possible.”⁹⁹ Without records management being practiced on the records of an institution, the information will not be findable or trustworthy.¹⁰⁰ ISO15489 defines a record as any “information created, received, and maintained as evidence and as an asset by an organization or person, in pursuit of legal obligations or in the transaction of business. They may be in any medium, form, or

⁹⁶ [T. Jetzek, M. Avital and N. Bjorn-Andersen, ‘Data-Driven Innovation through Open Government Data’ Journal of theoretical and applied electronic commerce research, 2014, Vol.9\(2\), pp.100-120](#)

⁹⁷ <http://www.opengovpartnership.org/blog/tim-kelsey/2012/07/11/unleashing-potential-uk-open-data-white-paper>

⁹⁸ <http://www.opengovpartnership.org/blog/tim-kelsey/2012/07/11/unleashing-potential-uk-open-data-white-paper>

⁹⁹ <http://www.opengovguide.com>

¹⁰⁰ <http://www.opengovguide.com>

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format.”¹⁰¹ This definition covers some of the data considered to be part of Open Government Data. However there is a case of how far records management can go in predicting what records that they can capture and what data will be produced that isn’t necessarily what constitutes a record¹⁰². Through these records management standards, records can be quality controlled, authenticated and enable the effective opening up of information and data.¹⁰³ The digital world that has facilitated Open Government¹⁰⁴ is complicated and maintaining digital records and digital databases requires more management than a paper record would have, due to the because they can be accessed and changed throughout their lives, along with having correct metadata attached them to maintain their identity and maintaining the systems which they are stored in.¹⁰⁵ “Well-managed records provide clear and durable evidence of what the government has promised,”¹⁰⁶ however the caution that the Open Government Guide warns is that “in developing records management commitments, countries should clearly state how records management will serve to make government more open. Introducing a records control regime or upgrading systems to streamline procedures without actually making information available to the public does not make governments more open.”¹⁰⁷ Records management must be used to improve access and trust of records, which will lead to accessible and trustworthy Open Data.

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¹⁰¹ ISO15489

¹⁰² R. Wriath, *Open Government: The British Interpretation* (1977)

¹⁰³ <http://www.opengovguide.com/topics/records-management/>

¹⁰⁴ <https://www.gov.uk/government/publications/uk-open-government-national-action-plan-2016-18>

¹⁰⁵ <http://www.opengovguide.com/topics/records-management/>

¹⁰⁶ <http://www.opengovguide.com/topics/records-management/>

¹⁰⁷ <http://www.opengovguide.com/topics/records-management/>

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When considering the impact of Open Government Data on Higher Education I have found that there is little to no research into the effects so most literature I will refer to will look at the impact of Freedom of Information and the continuing questioning of the inclusion of HE as a public authority in the legislation. FOI “explicitly defines universities – as well as publicly-funded research institutes – as ‘public authorities’”¹⁰⁸. Jubb discusses how other legislation contradicts this as other legislation stresses that HEIs should maintain an “autonomous status”. The commercial interest of HEIs is predominantly their research, FOI and Open Government Data threaten this as does the fact that most HEIs are charities and so have to comply to legislation like the Charities Act 2006 which states that the institution has a duty “to preserve and exploit their assets, as well as to disseminate knowledge, including the results of research.”¹⁰⁹ Much has been done to raise awareness of the implications of FOI on HE and guidance has been created. In this scenario HEIs had to be compliant because it was legislation.¹¹⁰ The question is if HEIs fight against FOI because they do not wish to be open?

The term openness implies a change in behaviour to a transparent and less secretive way of operating.¹¹¹ If openness equals the ideas of accountability and transparency in

¹⁰⁸ M. Jubb, ‘Freedom of Information in the UK and its Implications for Research in the Higher Education Sector’ *International Journal of Digital Curation*, 01 March 2012, Vol.7(1), pp.57-71

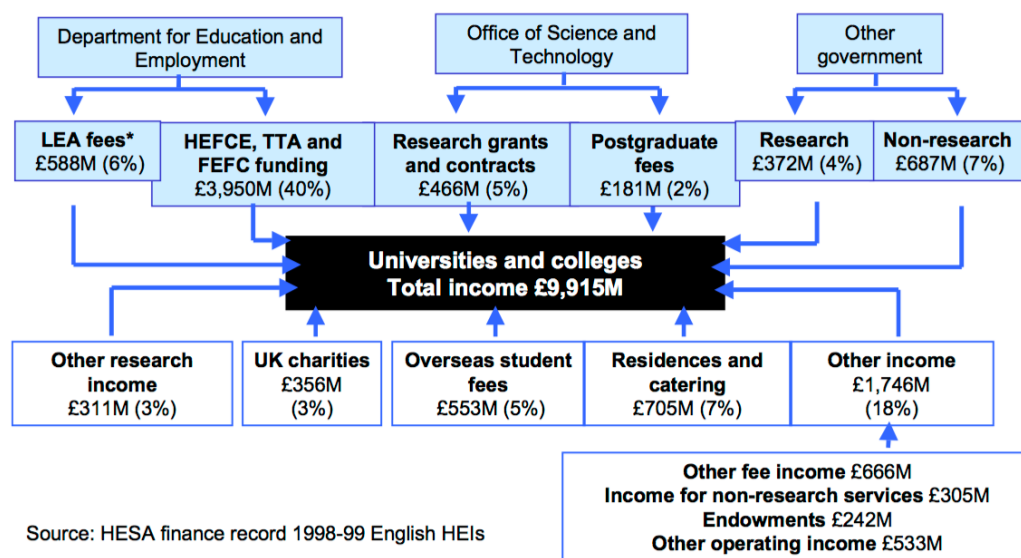
¹⁰⁹ M. Jubb, ‘Freedom of Information in the UK and its Implications for Research in the Higher Education Sector’ *International Journal of Digital Curation*, 01 March 2012, Vol.7(1), pp.57-71

¹¹⁰ M. Jubb, ‘Freedom of Information in the UK and its Implications for Research in the Higher Education Sector’ *International Journal of Digital Curation*, 01 March 2012, Vol.7(1), pp.57-71

¹¹¹ M. A. Peters, T. Liu, D. J. Ondercin, *The Pedagogy of the Open Society: Knowledge and Governance of Higher Education* (2012)

governing bodies then surely this does fit with how HEIs should operate.¹¹² In terms of data sharing with the public, as discussed HEIs already produce a large amount of data for bodies such as HEFCE. The requirements of these large funders can largely influence the uptake of openness as seen with the impact of requirements for research data management, open access and open data.¹¹³ The funding of HEIs is a complicated business and does decide a lot around institutional governance, while conclusively providing reasoning behind the inclusion of HEIs in FOI legislation.

Sources of funding for HEIs in England (1998-99)



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The diagram shows the divide between private and public funding and the large amounts that do come from various parts of central government and their relevant funding bodies. To qualify for the funding of HEFCE and other public funds the HEI must contribute accurate

¹¹² M. A. Peters, T. Liu, D. J. Ondercin, *The Pedagogy of the Open Society: Knowledge and Governance of Higher Education* (2012)

¹¹³ R. Higman and S. Pinfield, 'Research data management and openness: The role of data sharing in developing institutional policies and practices' *Program* (2015)

¹¹⁴ HEFCE, *Guide for members of governing bodies of universities and colleges in England, Wales and Northern Ireland – Funding of Higher Education* (2001)

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and reliable data for these returns.¹¹⁵ Despite the apparent openness of these returns, they are not exactly what an advocate for Open Government Data would consider part of the initiative. What it does show is the capability of HEIs to produce high quality data that it shared in the public.¹¹⁶

Conclusion

The current situation in Higher Education

The case study has enabled me to understand how HE operates currently regarding openness, records management and data. The staff at the case study HEI were well qualified and motivated people who were competent in their roles and the issue facing them is an increase in workload without extra help from additional staff or an increase in resources to support their work. A common problem for any organisation is a lack of resources.¹¹⁷ This was the same story when it came to the allocation of resources for records management, DP and FOI. If Open Government Data were to be pursued this would have to change since “professional support and adequate resources for such activities are essential”¹¹⁸ The question is how do Records Managers manage to persuade senior management to spend resources on ensuring data being published is checked for sensitive information, this would be very time consuming. This work is essential to ensure compliance with DP and that anything output of the HEI isn’t a reputational risk.¹¹⁹ Lack of resources is a common obstacle for OGD. Martin finds that Open Government Data “is in progress, but not yet complete.” Access through data.gov.uk has steadily improved however releasing data

¹¹⁵ <http://www.lboro.ac.uk/services/planning/statutory-returns/>

¹¹⁶ Summary Quality Report for the HESA Student Record
<https://www.hesa.ac.uk/component/content/article?id=2204&ItemId=207&limit=&start=0>

¹¹⁷ Interview 2

¹¹⁸ Open Government: Fostering Dialogue with Civil Society

¹¹⁹ Open Government: Fostering Dialogue with Civil Society

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through the initiative has not become part of business as usual work. Martin's research looks at barriers of perception relating to Open Government Data. His results find that the "key barriers" to Open Government Data are social and technical, a lack of demand, the structure of government, a lack of resources and differences of opinions throughout the UK. This research gives an insight into how Open Government Data is perceived since the initiative began and how the initiative could improve.¹²⁰ The ultimate improvement to OGD will be the introduction of some form of incentive. Motivation is something Record Managers are skilled in, they are constant advocates for compliance and standards and legislation are an easy way of showing why records management is important and why their work needs to be done. As discussed there is a fear of failing in protecting sensitive data¹²¹ and the Records Manager at the HEI stated that "without a push we won't see an uptake in OGD."¹²²

Due to the fact that I only had one HEI as my case study it is hard to know how well records management is established in the majority of HEIs, to really understand the situation in a wider context this research would need to be broadened to consider a variety of HEIs within the UK. Despite this, the case study showed that it was hardly the ideal for records management but there was potential for growth within the current practices and they were aware of information security and how it fitted with records management. The current problems facing records management revolve around information and cyber security and having the necessary resources and programs in place to train staff in

¹²⁰ C. Martin, 'Barriers to the Open Government Data Agenda: Taking a Multi-Level Perspective' *Policy and Internet* (2014) Vol.6(3), pp.217-240

¹²¹ Interview 2

¹²² Interview 2

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awareness and best practice.¹²³ Perhaps the HEI studied will appreciate problems arising in HE around information governance and invest more resources in the future to avoid a breach similar to that of the University of Greenwich.

The feeling of negativity toward OGD wasn't because of the ideals or practices behind the initiative, it was the disbelief that there was going to be an uptake at the HEI. This came down to the factor of resources as discussed but also the inability to identify an audience interested in OGD at the HEI and that it wasn't being discussed by colleagues within HE. The sentiment I received from the interviewees was that OGD was not going to be on the agenda for the HEI, nor something that was widely practised or even considered by HE as a whole. This perception relates back to the contention of openness of HE altogether and the disagreement of HEI governing bodies over their inclusion in FOI legislation. I would not jump to the assumption that HE as a sector is overly secretive nor trying to hide something, it might come down to distrust and the competition that each institution faces each year in recruiting top researchers and students.¹²⁴ In HE the FOI/DP Officer said "I just don't see open being open in the way that it intended to be."¹²⁵ This statement was backed by her opinion that OGD won't affect FOI requests. FOI at the HEI and in HE as a whole seemed to only garner interest from the usual suspects of commercial companies and journalists, a common factor in FOI. It seems that the commercial interests of the institution outweigh any reform in openness and the data they hold is an asset with a

¹²³ <http://www.dataiq.co.uk/news/staff-training-not-enough-stop-most-data-breaches>

¹²⁴ <http://www.bbc.co.uk/news/education-37118357>

¹²⁵ Interview 3

growing value. The only initiative that has broken through this protective mind set is Open Access and Open Data.¹²⁶

If HEIs believe that the audience FOI attracts are competitors and commercial bodies what needs to be done to generate public interest in FOI? It is interesting to consider who should be the audience, after searching <http://whatdotheyknow.com> I found a variety of student queries from my past institutions including some of my own peers. This backs up my personal opinion that students should be more interested in how their institution is being governed. They are the real audience who could gain more through OGD and they should have a chance to have a say on how their education is shaped in the same way that OGD gives the public a voice in shaping the future of the UK.¹²⁷

The UK is committed to Open Government and this can be seen through the third Open Government Partnership National Action Plan.¹²⁸ HE can build on the work done by central government through these plans to be more open “strengthen accountability, drive reform and spur innovation.”¹²⁹ The opportunities and benefits could be the same for HEIs and drive development in the sector. It isn’t a major change in attitude or workflow for HE, there are a lot of similar functions and processes already in place in the HEI which process data collected through business processes, which are checked for sensitivity and then released. The change would entail bringing more of the responsibility on the internal processes to make sure the data follows the checklist of OGD.

¹²⁶ M. Jubb, ‘Freedom of Information in the UK and its Implications for Research in the Higher Education Sector’ *International Journal of Digital Curation*, 01 March 2012, Vol.7(1), pp.57-71

¹²⁷ http://www.opengovpartnership.org/sites/default/files/IRMReport_UnitedKindom_Oct21_0.pdf

¹²⁸ <https://www.gov.uk/government/publications/uk-open-government-national-action-plan-2016-18>

¹²⁹ <https://www.gov.uk/government/publications/uk-open-government-national-action-plan-2016-18>

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While there is the feeling that no one is interested in OGD and that it is not possible to implement, if there is a purpose to opening up information then HE does comply. This is seen in statutory returns and Open Data and Open Access.¹³⁰

The future of Open Government in HE

There is clearly a potential for OGD in HE, as already stated, the problem is convincing HEIs to engage and see the benefits if there is no legislation that enforces participation with the initiative. The case study interviews show how staff at institutions can feel discouraged from adding more to their workload without a motivator behind the extra work. The problem that arises is that the organisation fails to value the time required to commit to information governance, something which has happened at the case study HEI, this is shown by the fact that the FOI and DP functions are covered by one person who has several other responsibilities. The staff at the HEI are potentially too close to the institution to see the wider picture of why the work of the HEI could be of interest to the public. Their disbelief that there isn't really an audience for OGD stops them from advocating for openness and they can't see the benefits of participating in OGD.

The staff interviewed were incredibly bright and motivated people who held several qualifications each together with a wealth of experience and ability to work towards openness and are clearly working to the best of their ability whilst being under resourced. This was particularly evident in the allocation of work for the FOI and DP Officer and the Records Manager. These roles could be better resourced and spread between a team of people, but currently it is not a priority to the HEI. The priority and resources for

¹³⁰ Interview 1

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information and openness at the HEI and numerous others around the UK and globally is moving towards Open Access (OA) and Open Data (OD)¹³¹.

- Open Data and Open Access

Whilst at a talk at University College London in May 2016 I was interested to hear the academic opinion on openness. The talk by Tony Hayes confirmed my suspicions that academics were driving forward the initiatives of Open Data and were keen to develop the sharing of research data. The talk was on “Data Intensive Scientific Discovery and Data Science” and discussed the work being done in North America and Europe to share data being collected for large research projects and the potential for reuse by other HEIs, companies or governments. This included opening up research data to online volunteers as seen with work done by Science@Microsoft and NASA.¹³² Hayes discussed the need for authenticity of data through provenance and the need for support from data scientists. The role of data scientist was split into IT specialists who could handle these massive datasets and information professionals who would dictate how the datasets would be maintained, preserved and made accessible for reuse.¹³³ Hayes did not know who the information professionals were but stated several times their importance in distributing and managing the work of science in the future. The real future for openness in HE is OD and OA. Most of the examples that Hayes provided were from US funded projects and he cited the example directed by the competitive nature amongst US universities to show the potential of HE in the UK.¹³⁴ Collaboration in this way provides new income and interaction with the HEI and

¹³¹ Interview 2

¹³² T. Hayes, ‘Data Intensive Scientific Discovery and Data Science’ UCL 12/05/2016

¹³³ *ibid*

¹³⁴ *ibid*

positive press while potentially lowering the cost of researching unique ideas and opening up collaboration globally.¹³⁵

This belief is backed by major UK funders including Research Councils UK(RCUK) who have published guidance and research surrounding the benefits of OA and OD and have approval from the government.¹³⁶ RCUK have had a policy about OA since 2005 and have followed the growth of OA and OD “both within the UK and globally”¹³⁷ and their policy “aims to achieve immediate, unrestricted, on-line access to peer-reviewed and published research papers, free of any access charge.”¹³⁸ Connected to OA is OD and Higman and Pinfield state how there is a trend in HE that is heading towards to openness thanks to the benefits that OA has already provided.¹³⁹ OD and sharing data is still in its early experimental stages and most HEIs in the UK have developed some sort of policy towards sharing data and research data management but the case study HEI shows how this work is progressing quickly and there is an institutional eagerness to get involved.¹⁴⁰¹⁴¹ The Higman and Pinfield study is essential to understanding how research data management has developed as well as attitudes towards openness in HE. While the future is not certain when it comes to how OA and OD will develop and be embraced throughout UK HE it is certainly looking more promising than the uptake of OGD.

What I wonder is why have these ideas around openness succeeded but not OGD? Funders back it and they will slowly start to enforce their policies around research data management

¹³⁵ RCUK Policy on Open Access and Supporting Guidance (2013)

¹³⁶ <http://www.rcuk.ac.uk/research/openaccess/policy/>

¹³⁷ RCUK Policy on Open Access and Supporting Guidance (2013)

¹³⁸ RCUK Policy on Open Access and Supporting Guidance (2013)

¹³⁹ R. Higman and S. Pinfield, ‘Research data management and openness: The role of data sharing in developing institutional policies and practices’ *Program* (2015)

¹⁴⁰ *ibid*

¹⁴¹ Interview 4

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planning and access to databases to allow for reuse.¹⁴² Perhaps the initiative of OGD hasn't failed, it has just adjusted for HE. To return back to the Open Government Guide's definition's

“Open Data is the idea that data should be freely available for everyone to access, use and republish as they wish, published without restrictions from copyright, patents or other mechanisms of control. Public sector information made available to the public as open data is termed ‘Open Government Data’”.¹⁴³

Opening up data for different uses that provide social and economic benefits and that allow access to anyone is possible in HE and the future for HEIs is in research data management, OA and OD.

Conclusions

The factors holding back OGD are the risk of opening up the data surrounding how HEI's work, data leaks and breaching DP are far too risky a prospect for most HEIs when it entails releasing the governing papers. There is a lack of visibility for the initiative in HE, and if the issue isn't being discussed between staff at HEIs no advocates will volunteer for the idea.

The problems stem from the lack of motivation, without legislation there is no reason why extra work needs to be done when FOI provides an entry way to gaining information from HE. The case study and the literature review shows how OA and OD have demonstrated a far better reason to get involved in openness for HE. What needs to be remembered is that records managers must be involved in the development of any policy. “RM is crucial in both OGD and OD. Records management principles support data management... inaccurate or

¹⁴² R. Higman and S. Pinfield, 'Research data management and openness: The role of data sharing in developing institutional policies and practices' *Program* (2015)

¹⁴³ <http://www.opengovguide.com>

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incomplete source records result in misleading data that can reduce trust.”¹⁴⁴ RM supports long term use of data by protecting and preserving the data and the metadata which ensures authenticity.¹⁴⁵ The case study HEI showed how the institution wasn’t guiding collaboration between the Research Information Officer and Records Manager, however these are two professionals who know that they can learn from each other and build something sustainable using each other’s specialities. Hopefully this will be realised in the future and will enable openness in HE.

¹⁴⁴ <http://www.opengovguide.com/topics/records-management/>

¹⁴⁵ <http://www.opengovguide.com/topics/records-management/>