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Introduction

IN THE SPRING of 2009 a protest in London, England, at the time of an international meeting resulted in the death of a man in the crowd. Later, it emerged that he was not part of the demonstration but had merely been walking home from work. Quite quickly, some video footage appeared showing him being struck and knocked to the ground by a policeman. A few days later another short piece of grainy video appeared, showing a policeman first shoving a woman in the back with his hand and then striking her across the back of her legs with his baton. Quite clearly, this is a story about several different themes. First, it is about concerns over police behaviour; it is also a story about concerns over world economic conditions and the policies of world leaders. But it is also a news story, something that became an information item. As such it has a life, it has to be described and labelled in some way that allows it to be stored and then found again later. That, if you like, is about the management of the item, but we can also ask questions about the nature of the item. What exactly was being videoed? Did the person with the camera focus on just part of a larger scene? There is no sound with the video footage, so we do not know what the woman and the policeman said to one another – we do not have a complete picture, so we lack information about this event.

The policeman wears a coat with no identifying badge or number: it

would be impossible to use the footage to isolate which policeman hit the woman, so immediately we want further information to complete our knowledge of the event. Should we get that? Is this selective footage the kind of thing that, contrary to the general interests of public order, dents confidence in the police, so much that we might want to suppress such video clips? The woman is identifiable, so putting the video clip on a social network website (YouTube) is in some way an invasion of her privacy; she could find herself on police files for her activities that day, and maybe other shadowy groups would also want to identify her for some other purpose. Someone took the footage and could be said to own it. What rights do they have over any and every use of the clip on news TV programmes and in newspapers? Could it be said that this is an event of general public interest, in many different ways, and that society at large should 'own' the clip, it should pass into the general public domain? This was just one of several stories that surfaced in the news at that time concerning information policy. On another occasion a doctor attempting to enter the UK to run workshops on euthanasia (he was intending to speak in Bournemouth, a coastal town for retired folk with potentially a good client base for such business) was stopped at the airport and refused admission. Euthanasia, and assisting someone to commit suicide, are criminal offences in the UK. The doctor claimed this was a denial of the right of free expression (he was eventually allowed to enter). Do we want to allow people to speak on matters that are illegal? It is common that people are barred from countries if they incite hatred or advocate violence against any group or country, so where do we draw the line?

Almost at the same time, in the broadsheet press, concern was raised about the activities of Google in its agreement with major libraries and publishers to allow it to create digital versions of almost all the world's books (or those in English, at least). This monopoly on digital access constituted a potentially dangerous trend for scholars whose ideological position has always been to allow open access to knowledge – as long as appropriate acknowledgements are made and royalties paid. At almost

any time a similar range of stories, often news events apparently on completely different subjects, could be found that contain some element that relates to the governance of information. We pass them by every day, yet if we were to stop and think it would be clear that these are important issues, they affect, and in some cases heavily influence or control, our lives, and we want to know what is going on. Yet, they are complex: it takes time to consider all the issues connected with intellectual property rights and all the other issues that have been mentioned here. If we are to make our voice heard in determining how we regulate these matters we need to be able to formulate sensible and sustainable statements about them. That is why we all need to know about information policy. We need to know how to analyse the situations in which information policy issues are likely to arise; we need to know how to understand the effects that policies we pursue as societies might have; and we need to know how to determine what those policies ought to be. We also need to know how to determine what strategies to follow to bring those policies about.

Information policy is a dry and abstract term; it seems remote from everyday concerns and probably outside our control. Occasionally special issues – like censorship of the internet, or data protection – rise up to claim some part of the centre stage, but no information issue dominates or directs government policy for long. But actually we experience information policy daily, and it affects our life styles, our political choices, our shopping, as well as other issues that we negotiate or navigate our way through, like health or education. Other terms cloud the picture because they are closely related and seem to overlap. You might have a policy of always reading a bedtime story to your children, or putting all your music on your laptop computer, or filing all your household bills for one year, or shredding all statements with identifiable financial information. All these might be policies, but they might be strategies, or they might be information management practices, or they might be a combination of policies, strategies and information management practices, depending on which way you look at the issue. We all, instinctively

as well as deliberately, do things which come under the label of information policy: in this book we will examine what those issues are and the ways we can look at them. We will do so with the intention of working out how to make sensible decisions and statements about the way we govern the use of information – in short, we will work out how to write information policies. We will be raising our consciousness about information issues in general and finding tools that help explain how information issues can be perceived. We will also work out how to formulate our own information policies and strategies. As a start let us say that information policy includes all ways that affect the generation, dissemination and use of information.

How governments control information policies

Most obviously it is government regulations and the laws passed by legislatures that affect how information can be accessed. Here we are using the term 'government' as a shorthand to refer to all the mechanisms of the state – including legislatures, executive authorities both central and local, state-owned or state-controlled institutions, and the mechanisms for enforcing the law. We will discriminate between these later; for the moment we will just use the shorthand. That government influence is felt in several ways.

We can identify four main government influences on information policies:

- Governments are the greatest single producers of information in most countries.
- Governments are also the greatest consumers of information.
- Governments have access to the greatest collective stores of information – about us individually and about us collectively.
- Governments control matters like education and communications and, to a lesser extent, technology.

There are information issues that governments do not control, or do not have sufficient control over, or where they have failed to garner enough information.

First, governments produce more information than anyone else in any jurisdiction. That information includes documents, regulations, laws, treaties, records of legislative proceedings, reports of government-sponsored enquiries, advice leaflets on citizen entitlements, advice on what to do in emergencies, school curricula, records of what various agencies have done, accounts, plans and so on. The list is so extensive that there is almost nothing in your daily life that is not affected one way or another by government activity. Even if you shred or burn every official document that comes through the mail to you, you will still be using government-produced information when you go down the road and observe lane markings or street signs. If your country has no government-owned media the media that do exist will be regulated by some government-sponsored agency that shares out the wavebands and checks content.

Second, governments consume information and they alone have the coercive power to garner information; in particular they consume information about us, partly because they need it to raise taxes or armies or plan school capacities, but also because we ask them to do things in our interest, like protect us from data theft, give us welfare benefits, and license us to drive motor vehicles. The character of the current age is to require us to surrender information about ourselves in order to participate in standard forms of social intercourse, whether it be opening a bank account, getting married or using a telephone. The trail of data can form an identity that puts us at risk if that identity is compromised by exposure or corruption of the data. Governments have most of our documented identity but we need them to act to secure that data.

This is a critical component of the things we have to discuss. Our need for protection over data, and the risks that are posed by the existence of 'data identities', show that we need to intervene in the information policy process at national and international level, as well as to be involved

in the formation of policies for our immediate daily life and work concerns. This raises another question: if we have documented identities, then that takes the form of a number of independent items of information, some of which are created in the process of use. For example, mobile phone records show where you have been as well as who you sent or received calls or messages from, and the record of your use is documentary evidence that is created not only every time you use the device but also every time the phone automatically registers with a new signalling station as you move around. Our identity – in this case what our characteristic movements are – consists of a number of simple pieces of information, some not created intentionally or knowingly by us – that make our identity when they are gathered together. So, we must consider as a matter of concern for regulation the question of who has the power to gather that information together, and whether there are incomplete and misleading ‘documented’ identities being created. One example is the submission of information to government agencies. There is a principle that information submitted for one purpose may not be used for another, so the information you pass to the driving licence agency may not be passed to the health bureau. Yet, we might think it a good thing if the driving licence agency had a record of the health condition of every potential driver, so that in emergencies appropriate medical aid can be provided, and also for the protection of other road users so that licences are not issued to those whose medical condition might make them a danger to other road users. This shows another problem with information: the questions about information use are often not just information questions. You might ask if information policy is concerned with only those matters that are strictly information matters, yet it may be difficult to disentangle the other issues from general information questions. We see that deciding questions about information policy becomes more complex. A final point is the question of format. Does information have to be in tangible form for it to be subject to information policy? A quick review shows that this is not possible.

Questions about which books to stock in the local library, what

documents to protect from inappropriate access, even which records of activity – like phone use – to keep safe may seem simple. Yet, we cannot say that if a book is banned then broadcasts of readings from the book are not, just because they are in a different format. The question is again more complex, because what is publicly acceptable in one medium may not be considered suitable in another. A book may inspire a film that becomes much more lurid than the original book, and the film may be banned or restricted even when the book is not – and the film script may be treated differently from either. In this little discussion we have raised another matter that will become quite central to many questions of information policy formation – public taste and moral judgement. It seems that the principles for the formation of information policy will be influenced by taste, the need to maintain public order, and moral judgements relating to non-information issues.

A third way in which governments affect the flow of information is that they have a collective picture of everyone: they control masses of data and can see an overall picture not visible to others. This gives them the power to act, which we cannot challenge unless we have access to the same information. Making information available therefore becomes an important part of the way we think our countries should be run: we believe in democratic participation and the responsibility of citizens to contribute to the resolution of national or public issues – most obviously when we vote.

There are two other ways in which government affects the flow of information: first, in its control of – or at least financial power over – other policies, such as education policy and communications policies; second, rather perversely, in the way it does not have access to or control over information, for example when it does not have control over what is made public on the internet, or because it does not have data critical for public policy, like the rate of illegal immigration. So, we should consider government generation, use and control of certain types of *data*, and we need also to know about control and regulation of *content* – whether it is school textbooks, TV programmes, internet sites or your private photographic collection.

Finally, there is also a question of form: if the streets are littered with pizza adverts, double-glazing adverts or election manifestos, is that an information policy question or a public order question?

Other bodies that generate and control information

Governments regulate and legislatures pass laws, but there are other bodies generating information and controlling information about us that we need to consider. Some of these are very large and are in themselves public policy issues – like Google, Microsoft, telecommunication companies, internet service providers, large media corporations or banks, or any agency that has a potentially controlling position in the general process of creating, disseminating and using information. Others are smaller players who, usually contracted to a larger organization, can lose, delay, disclose, hamper access to or hide information we need access to or need to have secured. In this complex picture we obviously need the right mix of mechanisms that ensure the right access and protection. But what is that? There must be principles that govern what effect we want to produce, and there are probably bigger movements, maybe large-scale multi-generational explanations of the movement of events that give us a framework to understand what is happening, what is possible and what is desirable. Within this global picture we work and live our lives, attempting to understand, explain, get right and implement what we think are the best ways to handle information we have or need. And, of course, we may be many actors in this complex picture; at home we want to relax and watch or read, at work we may have to determine the use of data and access to it, and we may in some other corporate capacity influence discussion about regulation. These differing roles may actually be in conflict. In this book we shall pick our way through the complexity to a position where we can formulate statements of policy or strategy about information.

Information policy as about any means by which the generation, distribution, and use of information is regulated

We need to narrow down to some concrete areas that very broad description that states information policy to be about any means by which the generation, distribution and use of information is regulated. There are some staple components or sectors, and the way we perceive them and their significance depends in part on how you approach the question of information policy. The staple areas, those that attract most public attention, are censorship and freedom of expression, data protection and privacy, intellectual property rights and freedom of information. These areas are legislated for nationally and are the subjects of international agreements; they may also be subject to local norms and customs and special exceptions or arrangements that arise through convenience or historical accident. For example, although there are standard arrangements in the UK for copyright of printed materials with an agreed European standard expiry date for the payment of royalties, there is a perpetual copyright in *Peter Pan*, whereby the royalties go towards the funding of the Great Ormond Street Children's Hospital in London. This seems like a good cause and so the exception is tolerated.

There are other areas concerned less with content or protection of information and more with control of finite resources, such as broadcasting policy, or with regulating the carriage of information, such as telecommunications policy. In the first group we are concerned directly with the content, its protection or disclosure; in the second group (and there are others we can add to it) our concern is primarily with the regulation of transmission, even though there may be concerns about content (for example, it is internationally agreed that certain potentially harmful goods may not be transmitted through the mail). If you decide that it is important that you read to your children, or with them, at bedtime, rather than letting them listen to a tape, disc or other medium, you are concerned about transmission, although you may have other objectives about inculcating good reading habits or bonding with the children, or just checking that they are in good shape at the end of the day.

A final group of sectors of interest to information policy is more remote from immediate concerns about content, even though content and transmission are critical for these sectors. For example, governments regulate education policy, something that is obviously very much bound up with information, especially when standards and curricula are being set. Is this part of information policy? You might rightly be concerned if your child is being taught out-of-date science at school because older and outdated books are being used, but that seems to be a different sort of question from ones about censorship or the right to enjoy the income from use of intellectual property. Similarly, governments usually have some sort of policy about technology, particularly computers and other information-handling technologies. These policy issues too seem not to be in the same class of questions as those in the first group we listed. Finally, governments, legislatures or constitutions sometimes regulate religious policy, either through the management of a state church or through the need to regulate competing religious claims, practices that might interfere with other aspects of life, or the use of religious schools. This itself raises a completely different set of questions.

What non-governmental agencies do within the realm of information policy

We can turn away from governments to consider what non-governmental agencies do that might come within the realm of information policy. Shops, companies, large corporations, charities, clubs and associations all advertise, either themselves (a brand) or their products. Sometimes they have intellectual property in their names – Rolls-Royce cars have a logo that is worth protecting, as do major brands across the commercial spectrum, and some groups have property in a name (Champagne, for example). Many organizations handle data about individuals that needs care in control in use just as much as anything we surrender to the government. Financial information is obviously very important. We need, as a society and in the interests of individuals, to regulate these

activities. For example, we need to control false advertising.

This introduces another point that needs examination: we treat different kinds of information in different ways – for example, we allow politicians at election time to make any kind of statement, including the obviously inaccurate, whereas we would never allow advertisers the same freedom. That suggests that we treat information in different ways, according to context. In turn, this also raises a question about who information policy is for. We could argue that information policies, as part of general government policy, should operate to make government more efficient, in the interests of the taxpayer and the country. Alternatively we could argue that information policies should operate in the interests of commerce, to maximize the wealth-generating capacity of the country. As we are commonly held to be in an information age in which information helps generate wealth this might seem natural.

Thirdly, there might be an argument that although both these claims are good they might at times conflict, and thus there has to be some middle way that serves the common good rather than a particular interest. Actually, a fourth approach is the most immediately fruitful, because it takes us into the subject from our own viewpoint, that of the citizen and consumer. In this approach we seek to make information policies serve and protect the interests of individuals, whereby we ascribe information rights to everyone. Many of these rights are identified as intrinsic components of human, civic and social rights in general in international treaties and conventions. Although this seems straightforward we must also remember that as citizens we are also members of other groups and may still find a conflict in the interplay of our rights according to the role we play.

Information policy must provide for different sorts of needs

As a citizen and consumer you need the protection and opportunities that proper regulation of all information activities, public and private, will provide. As an employee or entrepreneur you may need a quite

different climate, and the two may be in conflict. Information policy must provide for all needs, but we commonly find that the different approaches are also nuanced by the traditions in any one jurisdiction – whereas one country might have a tradition of openness, which might be sharply amended by certain experiences such as war, or those of 11 September 2001 in the USA, another country may have a tradition of strong protection of persons from information thought to be harmful, and a third may be careless of information issues, regarding them as insignificant.

At this stage we can ask what the literature shows us about attitudes to the formation of information policy, but before that we can expand on the definition of some of the staple areas mentioned above to show what issues come to the fore when we try to regulate them. The complexities that emerge as we investigate these areas throw up a number of other questions through which we must also navigate our way if we are to find a reasonable and successful way of analysing them and constructing statements and policies about them. As we explore these areas a little more – and there will be deeper investigation later in the book – we encounter bizarre variations in what constitutes information. This is no place to go into discussions about the concept of information or its definition in any prescriptive sense. Here we need to convey a sense of the range of things that can count as information, and we can start with a common notion that we want to regulate those things that have a tangible form as documents. Unfortunately that soon disintegrates as an umbrella use because of variations in media, format and the context of use.

Information policy, public policy and other disciplines

Two final points to consider are the questions of whether information policy is a part of general public policy, and whether it can be reduced to the subject approaches of other disciplines such as law, politics or sociology. The answer to the first question must be that, although it is in part a public policy issue, that picture is obscured by three factors. First, many information policy issues are part of something else, which may

be public policy in its own right but which is quite different from information policy. This may be because, the second point to raise here, the information policy questions are to be seen in a very different time frame from other aspects of public policy, which normally relate to short or medium term issues that rarely extend beyond ten to 15 years. Third, there is very rarely any attempt to establish a general information policy, even as an overall plan or strategy. Information issues are usually legislated separately, and in a pluralist democracy we may be happier to have it that way. Sometimes there are attempts, as in the UK with the Copyright, Designs and Patents Act of 1988, to bring a number of related issues together, but it would be extraordinary to find legislation or even a general government plan that covered intellectual property, censorship, data protection, freedom of information, broadcasting and all the other issues that we could corral within the general umbrella term information policy. That raises some other questions. If information policy is not part of public policy, what is it? Is it just a general frame of enquiry? Or is it an artificial creation, something that never did have a separate identifiable existence? Most likely, it is because we have an interest in the way we govern the creation, distribution and use of information, and we want to consider all these things together. A different term, like information governance, may seem more appropriate, except that it has never caught on and has no currency, but we don't actually govern information, it seems to have some life of its own; we really do have a policy towards it, and some things we can control through legislation, others we can only form general frameworks for. We can have a general policy for transport, and bring together canals, roads, flights, trains, buses, cycle paths, motor traffic management and so on, but we can't control information in the same way – we don't know what new content will emerge, or how it will be used and how that will affect us. The content is not so easily manageable, and new forms of use are always emerging. For example, in a time when data protection is more important than ever, and when more of us have a concern about how data about us is being used or is at risk, we find, with the use of social networking

software like Facebook, Twitter, Bebo, MySpace, Flickr, YouTube and so on, that more of us are making public more information about ourselves than ever before, and in a way that is easily taken for use for identity theft. This changed use is quite outside any regulatory framework. All we can do is take into account new use patterns as we consider how we are to protect personal data. We see here the impact not only of new technology, as phenomena like the universal growth and adoption of mobile (cellular or portable) phone ownership and use, but also the applications of new technology, as with the range of user-friendly applications broadly known as Web 2.0. We don't know what may come next; legislation is always one step behind technological advance, and the dysfunctional use of new opportunities that we call crime also always seems a step ahead of any regulation.

The second question, whether information policy can be reduced to other disciplines, is more complex. Obviously, we consider and use the techniques of law, politics, ethics, many aspects of the study of society and social studies of technology, and also aspects of economics when we look at trade in data. Information policy does not have a methodology of its own; it is really just a problem to study, complicated by our own split attitude towards the issues that are raised. Rarely does an information policy issue emerge that is merely for discussion, the object of curiosity: usually we have an attitude, a concern, and we are seeking to change practices, to make things better. Thus, we have a campaigning approach to these questions. Somehow we must accept that we have both an object of dispassionate enquiry, as we seek to understand what is happening and perhaps to offer some explanation of it, and there is also the likelihood of a campaigning aspect to what we do.

Two points to make in relation to any other disciplines are, first, that none of them have as their objective the explication of information policy, or even of component issues, and second that none of them can encompass the range of issues we wish to consider when reviewing information policy. A study of law, or politics, will not reveal how to construct information policy. So, it seems best to put information policy within

the information sciences and to treat it as an interdisciplinary and applied area of study. The record of investigation into information policies suggests that the lack of any firm disciplinary or interdisciplinary base does tweak the character of enquiry. In the University of Wisconsin-Milwaukee, for example, the Centre for Information Policy Research is very closely related to the discussion of ethical issues and questions. Resting information policy analysis on the firm foundations of other fields can help but may also hinder what we do. Information policy would not be alone in making extensive use of other fields of investigation. Law, for example, obviously something of great concern to the information policy community, makes extensive use of philosophy, psychology, politics, criminology and other disciplines, but eventually makes decisions based on what the 'thick' tradition of law suggests is right: law does not surrender itself to other intellectual traditions, even when making use of them. We can follow that example. Sometimes the questions that emerge, although obviously information questions, may also seem to be more strongly another sort of question. The question of whether we should allow people to view certain images that show children being physically or sexually abused is an information question – people are accessing records, and we take the view that they should not be able to access them. But generally we regard that not as primarily an information question but one of morality and criminality, closely connected to the protection of children. Similarly, the question of whether sex and violence on television adversely affect the behaviour of viewers, particularly children, has been endlessly investigated and debated, but more so by moralists, psychologists and sociologists than information people. A generation ago a British librarian, Douglas Foskett, had a phrase for the library profession to indicate its stance towards the content of records – 'No morals, no politics, no religion' – suggesting that librarians were not for communism, or against apartheid, or in favour of the dissemination of nuclear technology, or opposed to any religion. Their stance was that they just coped with the management of access to the records: the questions about the existence of those records were left to others. Of course,

in private librarians might have had strong feelings about some of those issues, but the pretence was that such attitudes had no place in professional practice. Actually, librarians do have an implicit ideological stance towards records and information: they are in favour of them, and they broadly believe that people should have open access to knowledge and information. In this respect they have a campaigning attitude towards information, coloured by attitudes towards its proper management (securing private data, disclosing public information) that requires them, like any other member of society, to have a way of understanding how we should handle these information questions, and what information policies we should formulate and implement. So, we can say that information questions do not collapse into any other field of enquiry, but they are broad issues that relate to the construction of civil society: we all have an interest in how information policy works.

Conclusion

We began by talking about issues of policy, strategy and management in relation to information, and it is time to start separating these so we know exactly what we are focusing on. As noted above, you can make a decision to collect a certain type of record or material, in a certain format, and that could be either a policy or a strategy, or an information management decision. The information management decision is really concentrated on the material in hand and does not concern any reaction to the content. So, if you create a document by making some marks on a paper, you can then describe the marks, make comments about their generation, storage and subject relationship, and annotate the whole record with a comment about how to store it, how it came into your possession, and any other comment about the contents, for example that it is secret, part of a series or a suppressed document, either because the author chose not to disclose it or because it was officially banned. But in the act of managing information you are unlikely to make any decision as to whether the document should be banned; that is made in a different context, the context

of policy and strategy. These last two terms can lead to confusion, and it is not clear how we can set them in an easily secured relation. In connection with other issues we may decide, because we have another question in mind, to follow a certain strategy in relation to some information issue – yet if we were to consider that information issue alone, we might determine the same line of action to be a policy.

Consider the question of dividing up the broadcast spectrum. We might have a view that such a sensitive matter is best kept wholly in the hands of agencies accountable to the democratically elected government, and that the media, if not actually operated by the state, should at least be operated in the public interest, and should follow a policy of what was generally felt to be in the public interest, as determined by public debate. That would be a policy; the operating activities of the broadcaster that were intended to achieve this might be a strategy. But in another approach one might say that it is against the interests of the people that governments control the media, that there should be as many independent broadcasting operations as possible, that none of them should be controlled by the state, and that the public interest was best ensured by whatever secured the independent operations of these stations. Yet how do you decide who gets access to such a finite resource as the broadcast spectrum? There has to be a higher policy decision.

Another question relates to the operating context. Even if we agree to have independent stations we may feel that we want to control the mix of what is broadcast, so instead of allowing a station to broadcast (let us be ridiculous here) a single repetitive message, all day every day, we might want to insist that as the broadcast spectrum is 'ours' we dictate that there be a mixture of programmes – not all music, not all one type of music, some discussion programmes, some news, and some local general interest information about traffic or jobs, or education. These are decisions about information content but they are not decisions made in the name of information, they are made in relation to general social need – the interest of society – and they will relate to the general context of information exchange. The media will feed off what material

is available and make selection decisions based on what their operating policy is. Just as the local public library or local newspaper decides to buy this and not that book, or to go with this local and not that remote story, so they feed from the general world of information exchange. How do we determine what of that will be available? More interestingly, how do we understand the general world context in which all this information exchange takes place? Looking at that question is the task of the next chapters.