

# Data Opening Should Be Run in Tandem with Improvement of Legal System

Reporter: XU Jiawei



## Jiang Yuanfu

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**Reporter:** In recent years, the tide of big data is sweeping the globe. Here in China, Chinese government has also adapted to the trend to tap government management into the big data management and technologies. How do you see the development in terms of government use of big data to help improve governance in recent years?

**Jiang Yuanfu:** Modernization of governance is a major issue this and next Chinese governments are facing. Actually, it is also a great opportunity. Modern government is incorporated with two keywords: "Informatization" and "Ruling by Law". I think these are two most important features. Using data technology to help improve governance is a focus of government management informatization. But in China, it still has a long way to go. Whether be it for the current hot issues (mainly temporary

problems), or for long-term, difficult and unresolved issues (mostly rooted problems), using data to boost governance is of great significance, that is to say, its role is indispensable to solve both the temporary problems and rooted problems.

**Reporter:** Since 2004, Shanghai municipal government has implemented the government information disclosure system, turning it becoming the nation's first provincial government to disclose government data to public. What do you think of this?

**Jiang Yuanfu:** Currently, data opening is a trend in globalization, and it is very important vehicle for Chinese government to create "sunshine government" or, in other words, "transparent government." In today's society, a lot of important first-hand data, such as statistical data, demographic data, legal person data, and traffic data, among others, are held and controlled by government agencies and state-owned enterprises, such as telecommunication corporations, railway corporations, and banks. To disclose publically these important first-hand data, it is not only the need to create "sunshine government" or "transparent government", but is also the need to upgrade public services, the need to upgrade the state's industrial restructuring and transformation, and the need to provide the basic materials for innovations of the whole society. After these data go public, many social organizations, such as private enterprises, can use these data to achieve a large number of value-added services. On the one hand, these value-added services will continuously provide a driving force for industrial restructuring and upgrading; on the other hand, for the issues that the government wanted to get it done but always failed to, such as the issues of medical services and people's livelihood, the industrial upgrading may also help the government do a better job in these areas.

Shanghai, as a central city of China that always hopes to be a vanguard in the process of internationalization, it is a good choice for it to be the first to implement the open government data system. I have done some of Shanghai's big data researches, and also

visited the relevant government agencies. I found they did well in this regard. Of course, at the same time, there are a lot of more things that the government should take to do in this regard. Shanghai also faces difficulties, such as the difficulties in inter-agency collaboration. For better management of a city like Shanghai, it is a long way to go, a long way from the early stage of data opening, to the stage of doing well. Shanghai's pioneering role in establishing the open data system in China I think is very significant. It is not only a major event in Shanghai, and also has an implication to the whole country.

**Reporter:** You mentioned that Shanghai still facing some difficulties/challenges such as inter-agency collaboration. Recently, it is also reported that due to the lack of motivation, and invisible barriers placed among government departments, it is in serious insufficiency in free data flow and data disclosure. What is the key in your opinion to break the barrier and establish the “governmental big data”?

**Jiang Yuanfu:** For this issue, personally my feeling is that most of the government's departments are open in their attitude towards data opening. However, it cannot do at will. Once a government decided to open data available for public, it must make clear who should take the responsibilities and rights of the data, through what procedures can the data be disclosed, and in what forms the financial data could be opened to public, in addition, the sensitive information or information involving privacy should be filtrated before disclosure. Currently, there are a lot of items in our legal system that is not clear. So, even if government departments, as data holder, want to open the data available to public, it is difficult to achieve as conditions are not ready. If we push the data to be available to the public when conditions are not ready, it could cause repercussions in the communities and societies and result in follow-up issues and problems. Without clearly defined responsibilities and rights, it is difficult to make clear who should assume the responsibilities and liabilities. For example, data, no matter who owns and holds, would inevitably hold some flaws or problems. If it is not disclosed, no one knows the flaws and problems; but once disclosed, the flaws are

exposed, and it would bring negative impact to the agency who disclosed the data to public.

As for data collaboration between government departments, it is not an issue of disclosure but an issue of share. This is first thing of all that needs to do. If the data cannot be shared between different agencies of a government, let alone to open it to the public. Now, the problem we face is not about willingness to open or share, but about responsibilities, rights, procedures, rules, etc. that are not clear enough in laws. On the other hand, if you want to disclose data to public after the legal system is well placed, it is also unrealistic. At this stage, it should be noted that with the further steps of data opening, it should be accompanied with improvement of the legal system. What is needed to emphasize is that it should not only pay attention to specific ways of data opening, but also should attach importance to construction of the legal system.

**Reporter:** You just mentioned about the privacy issues, how can the government take the lead in data opening while ensuring privacy, confidentiality and national security, so as to reduce the difficulty and cost of the public to access and use government data resources?

**Jiang Yuanfu:** For privacy protection, China currently is still in an early stage. Previously, seldom attentions were paid to in this regard. With the development of the Internet and massive accumulation of data, it now becomes a problem that seems increasingly critical. This problem should be seen from three perspectives: management, law, and technology. In terms of management, we should pay more and more attentions to this issue to form a normal system. In terms of law issue and privacy protection, we ultimately need to rely on legislative solutions, especially judging from the long run. In terms of technology, it requires for an institutional environment where it encourages technological advancements, and requires putting in place of the technologies for use. For example, if it requires desensitization of some part of the information before disclosure in accordance with the relevant management

requirements or laws, it would require technology to be deployed in place as soon as possible. These are the three basic points, and only when these three having been put in place, then data opening that is based on data privacy protection can really help create a data industry.

**Reporter:** In the "E-Government Survey 2014 - United Nations" , it shows that China's E-government Development Index (EDGI) ranked No. 70, which is the best rank for China in the last five years. In your opinion, how do you evaluate the E-government development and progress made in China in recent years?

**Jiang Yuanfu:** The UN's EDGI index has developed for years. At the turn of the century, China's EDGI rose fast, and then declined in a period lasting about five or six years, and now begins to rise slowly. In fact, this objectively reflects the situation of Chinese E-government development. The rapid rise of the EDGI in early stage is because of China's rapid economic development, and rapid development of China's IT infrastructure and facilities as compared to other developing countries. That number of the EDGI indicator mainly reflects this development. The decline during the middle 5-6 years is because that although the infrastructure has developed rapidly, the United Nations E-government indicator began to focus on the use of E-government and provision of E-government services which include among others, collaboration across agencies and services for citizens and corporate. For these regards, China did not keep pace with in a few years, and made low and little progress. But after the five or six years of adjustment, we can also feel that this government pays increasing attention to the issue and the collaboration between governmental departments, and more emphasis on building IT system to serve for the people's livelihood. The results made in these 2 years are remarkable, on this basis, China's position on the EDGI gradually improved. Overall, I think the UN's EDGI ranking is credible and reliable, and the actual situation of China's E-government development is generally fit to the EDGI index and the rank. From this process, we can see that China has different focuses in different stages.

**Reporter:** It has always been a saying "three-tenths depending on technology, seven-tenths on management" for E-government. In your opinion, what requirements do the cloud computing-based IT innovation and development have on the management of the E-government?

**Jiang Yuanfu:** Whether be it cloud computing or big data applications, it can be said that much would be the same in what governments should do in terms of E-government. The question now is how to achieve intensification effect in E-government construction, and how to achieve intensive operation with less cost, so that it can have a greater marginal effect. In regards to the technologies such as cloud computing technology, we can say it is still far from that it puts requirements on the overall management of E-government. But it should be said that the E-government should adapt to the development of technologies. Most importantly, the cloud computing itself should also achieve the intensification in construction and operation. To this point, the management of E-government, in particular in regards to the management of government IT projects, should make adjustments and need new ideas.

**Reporter:** Brian Ford of Yale University once said: "In the worst case, the cloud computing may be seriously collapsed, thereby threatening to any businesses depending on it." How do you see this potentially risk in cloud computing that could impact E-government platform?

**Jiang Yuanfu:** This is a technical issue, but more importantly, it is also a management issue. To talk a bit further, this is a planning issue. With further development of E-government services, the demands for E-government infrastructure for the E-government management and service are constantly evolving. If the infrastructure goes wrong, the whole system will be impacted. The current generation of E-government infrastructure is very different to that of a few decades ago and a hundred years ago, the current one is the one that is constructed collectively, and

centralized in operation and maintenance, with distributed applications. While the impacts of the previous ones are mostly local, the current one could impact entirely or globally. In the current period, it needs macro security considerations for the E-government system, such as backup and offsite backup for data and services, and should have relevant emergency plans. For example, when the 911 incident broke out, the physical collapse of the system happened instantaneously. Some of the enterprises had off-site data backup, and its recovery can be done in a short time, but some of the companies without such a backup was largely impacted to its business. In modern society in which E-government plays as a basic government facility, the government needs to pay great attention to this risk. And now, the government indeed attaches great importance to this. What needs to do is to further optimize of the program, such as off-site backup. Many governments are just conducting their backup plans. But now, it is important to make an appropriate concentration of the offsite backups. For a province, if different cities and different functional departments go to different places to build offsite backup center, it is neither unrealistic nor economical. The way more feasible is by appropriate concentration to realize the off-site backup. Overall, this issue needs a macro consideration, and overall planning.

**Reporter:** For private enterprises, Alibaba for example, had announced in March this year the launch of China's first big data product - the Ali Economic Cloud Computing--that is open to governments. What do you think of it?

**Jiang Yuanfu:** The government usually holds a lot of data. But today's society is in pluralistic era, many companies, especially large Internet companies, have considerable data advantage. Government and businesses, to some extent, have a need to achieve a two-way opening of direct-sequencing data. Ali's practice is doing well. Large Internet companies need to work with government in terms of data disclosure. Generally speaking, Ali has got an upper hand. This is very important for the government governance. While for Ali, Baidu and other major Internet companies, this is also the room and opportunity for strategic growth of their businesses.