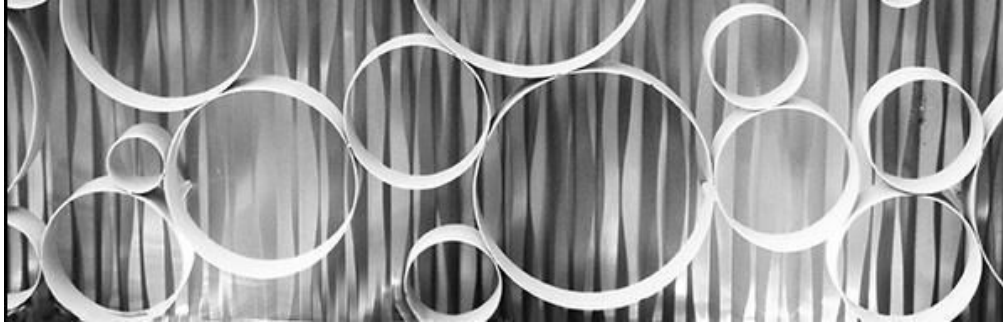# NZGOAL Software Extension

Open source licensing guidance for the New Zealand Government through public participation

Who: Open Government Information and Data Programme (LINZ)

What: Valuable guidance on the licensing and release of publicly funded software as open source (publicly accessible and legally re-usable). The policy was put together using an online and open source consensus building tool, Loomio. The revised policy includes direct input from public participation and debate. The policy is an extension to the popular New Zealand Government Open Access and Licensing (NZGOAL) framework for Creative Commons licensing in government.

Where:

Read the policy online
View the public consultation

Why: To address the gap of no consistent, official government guidance on open source licensing and the release of publicly funded software. Allowing other agencies to legally re-use and build upon released software source code saves time, money and transactional costs associated with negotiating individual software licences. Consultation on the policy was carried out using Open Government principles as set out in the Open Government Partnership and Digital 5 Charter.

When: April-May 2016.

One of the tools provided by the programme is the NZGOAL framework covering Creative Commons licensing of information and data sets to make it reusable. This does not cover the licensing of software under free and open source software (FOSS) terms which would enable government software re-use, innovation and transparency.

In order for this to be achieved similar guidance to NZGOAL was needed to make use of existing open source licences to gain the benefits of legal re-use of publicly funded software. This led to the development of guidance called the "NZGOAL Software Extension" (NZGOAL-SE). The programme wanted to try and "walk-the-talk" in terms of both open source and open government, which in turn led to a ground-breaking public consultation process.

Prior to publicly posting a draft policy, the programme contacted relevant agencies making them aware of the guidance available which allowed the programme to quickly address any government agency concerns. Conversation was then opened up to the public. An online and open source consensus building tool called Loomio was used to facilitate public participation and discussion of the policy. Loomio made it easier for users to engage in dialogue and decisions that were recorded publicly, after finding a consensus among participants.

What's in the policy

- Robust licensing guidance for government agencies wishing to release software source code for legal re-use.
- Explanations of the current legal and policy context to be aware of when licensing open source software, including copyright and procurement considerations.
- A set of principles for agencies to consider before releasing their open source software.
- A review and release process guiding the selection of appropriate open source licences for agency use.
- A balanced use of both sharealike and more permissive open licence options.

"The intention to consult with the wider community is welcome"

During the public consultation process 37 participants took part from the technology industry, open source software communities and the open government movement. They engaged in 16 topics, provided 175 comments and over 28,000 words of discussion about the proposed policy. Only 1 submission was made via email (not using this tool - Loomio).

The public were highly appreciative of being able to take part in the co-creation of the policy and the opportunity to work with the open data programme, one participant stating NZGOAL-SE:

> *"will be received as a seminal document … its impact will be wider than just the NZ Government."*

Another saying:

> *"I welcome this chance to give feedback during the formative stages of the recommendations (open government at work)!"*

Following the consultation period, the draft policy was then openly and transparently revised publicly online (using a social collaboration tool, GitHub). This allowed participants to see their changes being effected in a tangible way as the policy was revised. Each change included reasoning and links back to original conversations in Loomio.

The outcome of this is a relevant and robustly debated guidance policy for government agencies to make use of when licensing and making software available for legal re-use in a consistent way.

The majority of the value came from undertaking an engaging and open process with the public which has helped in the co-creation of the policy, built trust and demonstrated open government ideals.