The challenge to creating an ‘open-by-default’ data ecosystem in the legal services sector is vast, and our focus needs to be on how regulators can effect change

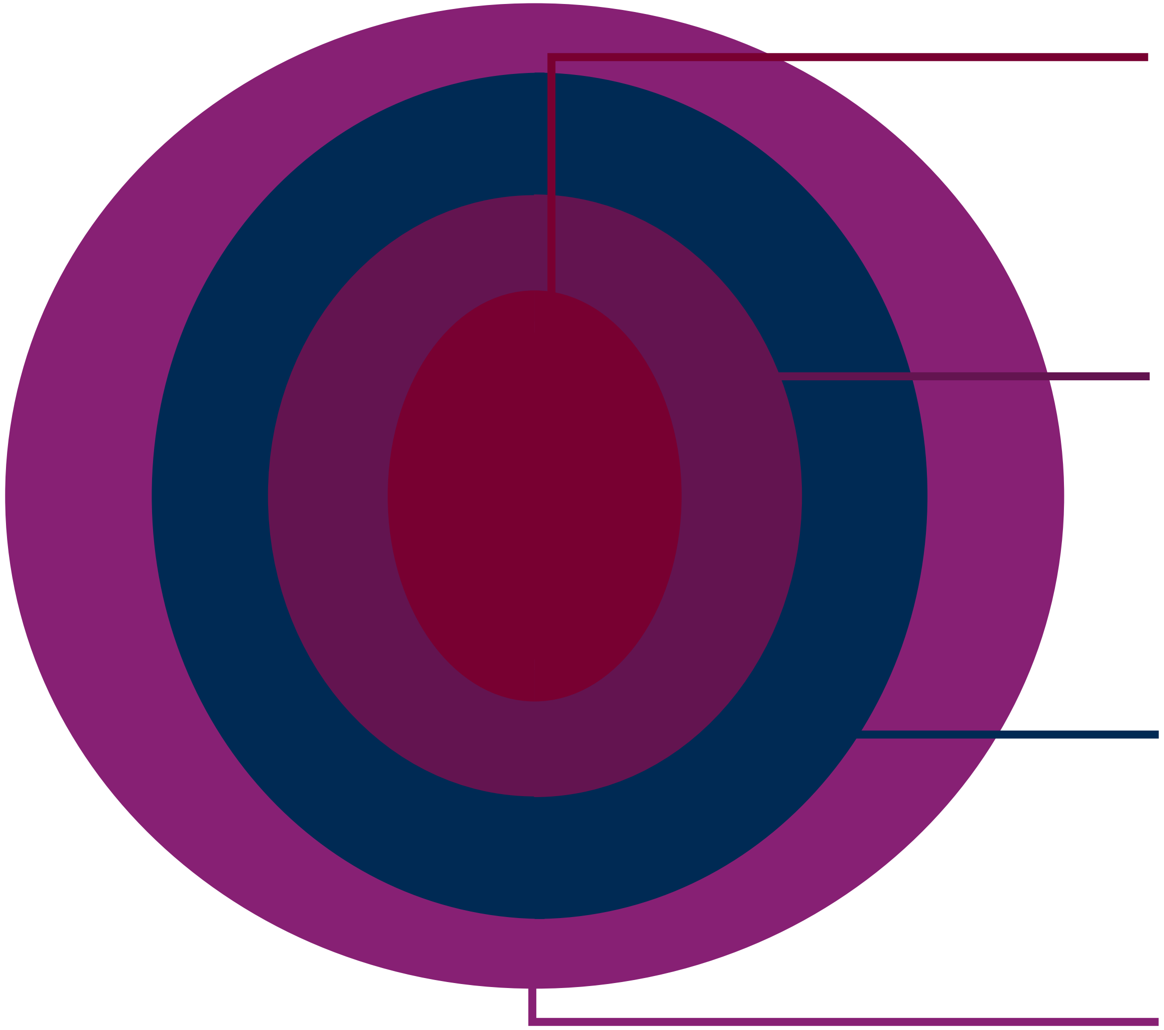
Data is essential for technological innovation and service design innovation, but there are a variety of issues to making good quality data available within the legal services sector. This can limit innovation and the growth of technologies that can support it, like AI, Machine Learning (ML) and Automated Decision Making (ADM). This in turn will limit the development of more, and different services, and ultimately, limit the ability of the public, and of professionals, to access legal services. Many of these challenges are sector-wide, and rely on a myriad of actors playing their part, including representative bodies, government and regulators.

Data is essential to regulation and allows regulators to understand how the market is operating, if regulatory interventions are required, and whether interventions have been successful. Data also underpins regulators ability to quantify progress against the regulatory objectives. In this way, regulators are custodians of data as a public good. As the oversight regulator, we have an important role to play in helping to enable the availability of more, and better, data across the legal services sector. We can do this by exploring, in the first instance, how we are currently using data, and by identifying opportunities for us to make better use of data. More widely, we can explore how regulatory bodies can, and should use data, how data trusts can support an open data ecosystem, and how we can use our regulatory levers to effect change, including by setting clear expectations and standards.

To create this ‘open-by-default’ ecosystem, and to build trust, a number of questions need to be addressed:

- How do we, as oversight regulator, use data? Are there opportunities for use to create more, and better quality, open data?
- How do regulators use data to enable transparency and accessible services for consumers? Are there opportunities for regulators to make more, and better quality, data available?
- Are there data assets that legal services regulators can work together to create? For example, could a single digital register help foster responsible technological innovation?
- How can we promote the benefits of an ‘open-by-default’ data ecosystem more widely? What are the opportunities for joint working and collaboration?

The challenge to creating an ‘open-by-default’ data ecosystem in the legal sector is vast, and there are multiple layers which we can influence to varying degrees



Legal Services Board

As oversight regulator, we can help create more, and better quality open data directly through our regulatory levers and our policy work. This includes setting clear expectations of regulators. We can also use our convening powers to shape the wider public debate on open data in the legal system, and by fostering collaboration. We can also continue to lead by example in making data openly available, as we currently with our survey data.

Legal Services Regulators

Legal regulators use data to understand how the market is operating, where interventions may be required, and whether such interventions have been successful. This often relies on them collecting data from their regulated communities. We can set clear expectations of how regulators should use data, and how they can make data more openly available.

Wider Legal Sector

The availability of good quality, open data encompasses commercial issues and public protection considerations, and there is a need for clear leadership to help support change. We can support this change through our convening role and by collaborating, where possible.

Wider Justice System

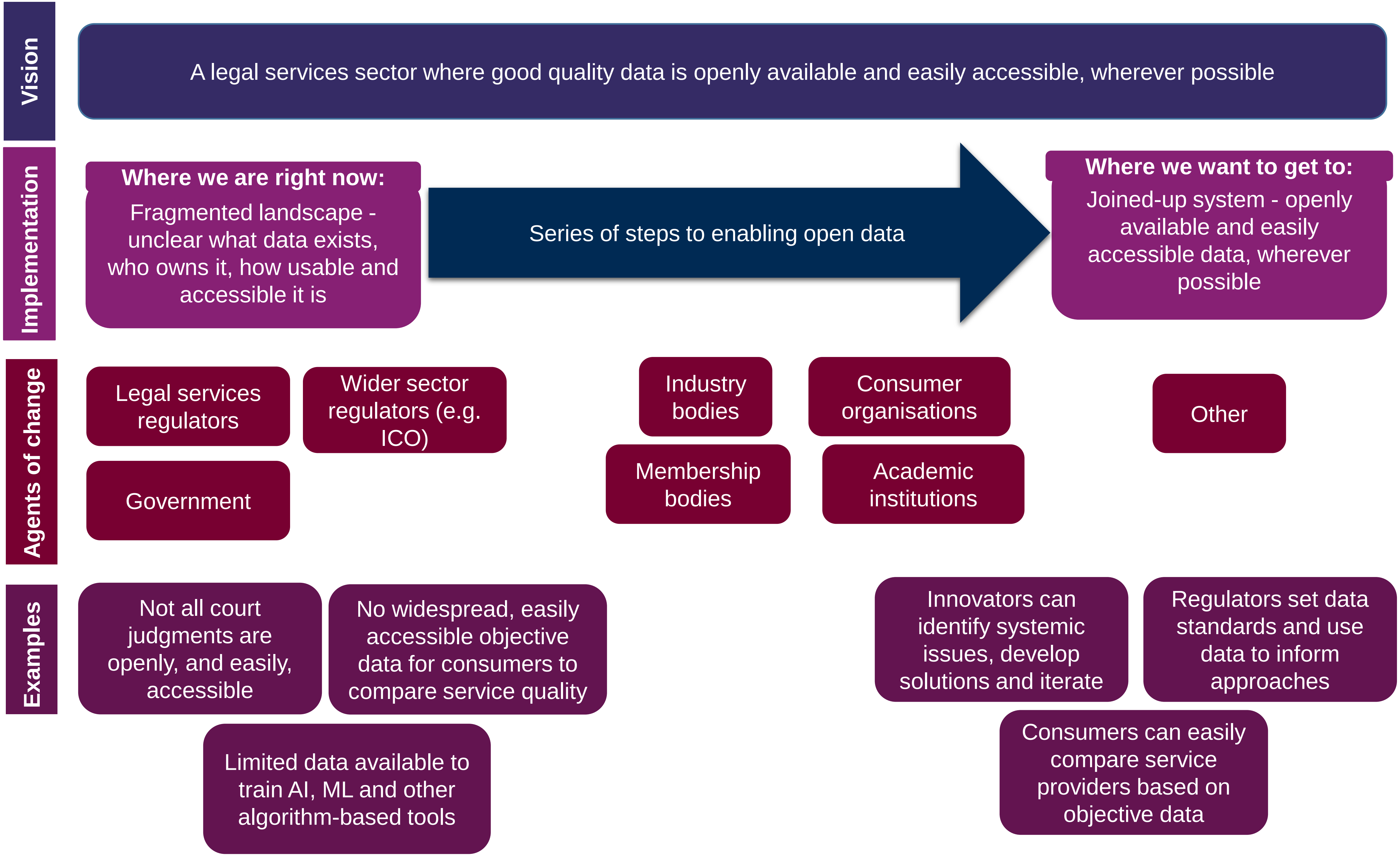
There needs to be a coordinated, system-wide view of data across the entire justice system. We can support the creation of an open-by-default justice system, and use our convening role in support of this.

If we think about data as infrastructure, there are a number of steps to creating an ‘open-by-default’ data ecosystem

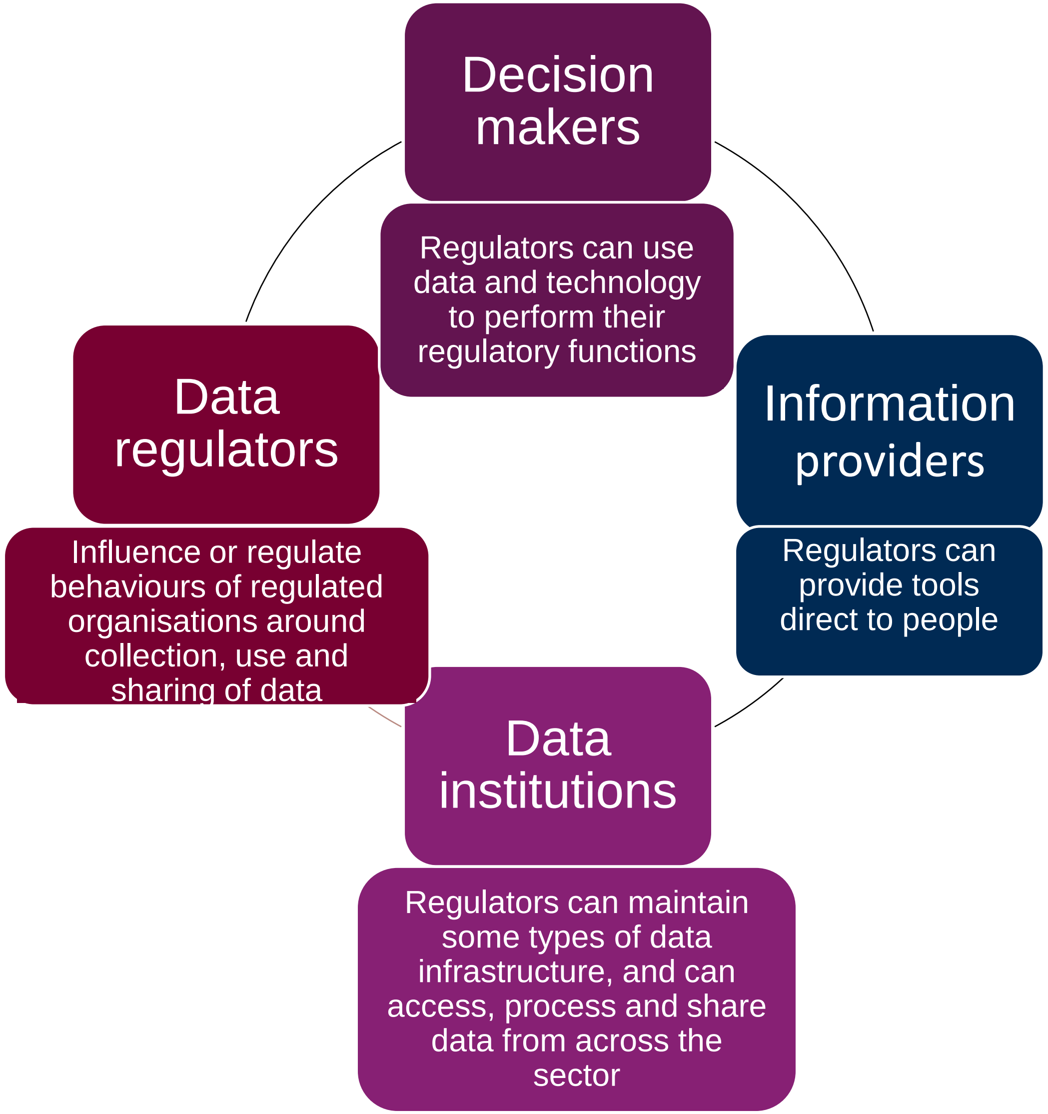
1. Understand and communicate what is possible
2. Data assets
3. Data standards and technologies
4. Data policies and guidance
5. Data stewards and institutions
6. Data stakeholders and communities

	Step	Activities	LSB Activities 2021-22	
1	**Understand and communicate what is possible**	▪ Communicate why more, and better, open data is needed, and understand existing practices ▪ Communicate a vision for change that builds on strategy	▪ Stakeholder engagement/ workshops ▪ Vision statement/ case for change	Primary focus
2	**Data assets**	▪ Understand what data currently exists ▪ Determine what ‘should’ be collected	▪ Internal data mapping ▪ Engagement/ workshops	
3	**Data standards and technologies**	▪ Define data standards ▪ Stimulate their creation	▪ Explore how open data best enabled by regulators – potential for use case of single digital register	Secondary focus
4	**Data policies and guidance**	▪ Sector-specific ethical guidance ▪ Design protocols for data use	▪ Promote opportunities to co-create guidance, protocols and other tools ▪ Research on how data trusts can enable openness	Ancillary focus
5	**Data stewards and institutions**	▪ Understand and support stewardship responsibilities across the sector		
6	**Data stakeholders and communities**	▪ Ensure inclusive design of data infrastructure ▪ Lead public participation exercises	▪ Ongoing engagement, and continued support of cross-sector initiatives	

Slides adapted from ODI presentation to LSB, March 2021


Vision
A legal services sector where good quality data is openly available and easily accessible, wherever possible
Implementation
Where we are right now:
Fragmented landscape - unclear what data exists, who owns it, how usable and accessible it is
Series of steps to enabling open data
Where we want to get to:
Joined-up system - openly available and easily accessible data, wherever possible
Agents of change
Legal services regulators
Wider sector regulators (e.g. ICO)
Government
Industry bodies
Consumer organisations
Membership bodies
Academic institutions
Other
Examples
Not all court judgments are openly, and easily, accessible
No widespread, easily accessible objective data for consumers to compare service quality
Limited data available to train AI, ML and other algorithm-based tools
Innovators can identify systemic issues, develop solutions and iterate
Regulators set data standards and use data to inform approaches
Consumers can easily compare service providers based on objective data

The role of regulators in a data ecosystem



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