

OPEN SOURCE UK POLICY & PRACTICE

European Open Source Legal Event
2010

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Current position

- Some governments (e.g. Spain) prescriptive about OSS use
- In the UK many local authorities using OSS

But

- No EU wide policy
- Bad procurement practices endure
- Procurement processes present a high barrier to entry for SMEs



Previous UK policy

- Previous government policy in Feb. 2009, relaunched Jan. 2010
- Four promises:
 - Actively and fairly consider OSS
 - Existing proprietary licences will have a “shadow licence fee”
 - Bidders must consider a mix of proprietary and OSS or be non-compliant
 - If no significant price difference, OSS will be selected
- Comply with open standards
- “General purpose” software released



Election Manifestos

- **Conservatives**

- Create a level playing field for open source IT
- Implement open standards across government IT systems
- Break up contracts into small modular components

- **Liberal Democrats**

- Investigating the potential of open-source software



The Coalition Government

- Cabinet Office still drafting the policy
- Francis Maude: departmental websites “whenever possible using open source software.”



What can or should be done?

- Nothing – why favour FOSS business models over others?
- Mandate its use for public sector projects?
 - Materiality?
 - Permissive or reciprocal licences?
- Level the playing field?
Changes to procurement law and practice?
- Publish Government-developed software as FOSS?
Which licence?



Questions

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