

Central Bedfordshire Council

Reuse of Public Sector Information Regulation Policy

Issued by

Knowledge and Information Management

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Not Protected

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Glossary

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|---------------------------------|--|
| End-use Licence | A licence issued by publishers of electronic products and publications. It gives terms under which users or subscribers may access the content of these products and publications. |
| Information Commissioner | Responsible for implementation and policing of the Data Protection Act and the Freedom of Information Act, with the authority to investigate and prosecute. |
| Licence | The offer of terms and the application. |
| Material | Information detailed in the application. |
| Official Source | Any publication, product or information service which has been made available to the public by CBC or on our behalf, including material featured on the CBC website. |
| OPSI | Office of Public Sector Information – the body responsible for administering the Re-use of Public Sector Information Regulations. |
| Personal Data | Any information – held manually or electronically – which relates directly to a Data Subject. This can include: Name and Address, Date of Birth, Qualifications, Income level, Employment history. |
| Processing | <p>In relation to information or data, means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including-</p> <ul style="list-style-type: none"> • organisation, adaptation or alteration of the information or data, • retrieval, consultation or use of the information or data, • disclosure of the information or data by transmission, dissemination or otherwise making available, or alignment, combination, blocking, erasure or destruction of the information or data. |
| The Council | For the purposes of this document this refers to Central Bedfordshire Council. |

1. Introduction

- 1.1 The Re-use of Public Sector Information Regulations 2005 (RPSIR) have been introduced to enable public sector information held, to be re-used lawfully outside the public sector domain. Re-use means the use by a person of a document held by a public authority for a purpose other than the initial purpose for which the document was produced.
- 1.2 This creates a general legal for the public, hereafter referred to as applicants, to re-use that information that has already been requested from public authorities (such as the Council) through the Freedom of Information Act 2000/Environmental Information Regulations 2004.
- 1.3 This document replaces any previous re-use of Public Sector Information policy documents created by this Council's predecessors.
- 1.4 Central Bedfordshire Council shall not be bound by previous decisions of Bedfordshire County Council, Mid Bedfordshire District Council or South Bedfordshire District Council.
- 1.5 Reference to any document, guidance note, Act or regulation includes any amendment made to these from time to time.

2. Scope

- 2.1 The scope of this policy relates to the RPSIR, which came into force on 1 July 2005.
- 2.2 The purpose of this policy is to identify the requirements of the RPSIR and to set out procedures to follow at the Council to support compliance with the Regulations and the law.
- 2.3 In summary the Regulations promote the re-use of information for which the Council owns the copyright.

3. Roles and responsibilities

3.1 Head of Legal and Democratic

This role has the following responsibilities:

- To ensure that the issuing of re-use licences is carried out in compliance with this policy.
- To issue or delegate the authority to issue the licenses on behalf of the Council.

3.2 Information and Records Officer

This role has the following responsibilities:

- To ensure that the re-use of public sector information process is carried out in a co-ordinated manner.
- To ensure all information assets are identified so that when a request is received there is a basis for establishing the correct value of the information. This will assist in determining if a fee is to be charged for the information, and the value of that fee.

3.3 Service Managers

This role has the following responsibilities:

- To ensure that any information assets held in the service area are identified on the corporate information asset register.

3.4 Customer Relations Manager

This role has the following responsibilities:

- To ensure any enquiries for the re-use of information are logged by the Customer relations team.
- To ensure that all enquiries are passed on to the Information and records officer for processing.

4. Re-use of public sector information policy statement

- 4.1 Central Bedfordshire Council (CBC) recognises and supports the requirement to have a policy in place for the RPSIR.
- 4.2 The Council intends to use this policy and its responsibilities to inform its decision-making and communication with any person making a request.
- 4.3 The Council will follow the guidance issued by the Office of Public Sector Information (OPSI).

5. The re-use of public sector information regulations process

- 5.1 When the Council releases information, which was requested under access to information legislation such as the Freedom of Information Act 2000/Environmental Information Regulations 2004, an applicant may ask if they can re-use the information for a purpose other than the initial purpose for which the document was produced. An applicant's intentions may be for commercial purposes, in a way, which, without permission, might breach the Council's copyright. It is this sort of situation with which the Regulations are concerned.
- 5.2 Any person or organisation can make an RPSIR request. An RPSIR request must be received in writing (e.g. letter, e-mail, fax) and must state the name of the applicant, an address for correspondence, details of the document being requested and the purpose for which the document is to be re-used.

- 5.3 The request for re-use can be received by any officer of the Council at any point in time. If they are unsure that it is a RPSIR request, the officer must contact the Council's Customer Relations Manager immediately.
- 5.4 If the request is determined to fall within the scope of this policy, it must be passed to the Council's Information and Records Officer.
- 5.5 The Council must respond promptly and in any event within 20 working days of receipt of the request.

6. Receipt of re-use of public sector information regulations request

- 6.1 The Council is not obligated to make public sector information available for re-use, but if the Council does allow re-use of any of our public sector information, this has to be done in accordance with the Regulations. In these circumstances the Regulations set out:
- A 20 working day time-frame for a response to a request for re-use. This period may be extended where the request is extensive in quality or raises complex issues.
 - That the Council has the right to refuse the re-use of documents provided they fall outside the scope of the Regulations.
- 6.2 As soon as the Council's Customer Relations Manager has received a request for re-use it must be logged.

7. Making Requests

- 7.1 Rights of access will apply to all types of Freedom of Information Act 2000 / Environmental Information Regulations 2004 information, held by the Council regardless of the date of the information:
- Any person or organisation may apply. Access is not confined to UK citizens and permanent residents; foreign nationals may also apply.
 - A request must be in writing.
 - An applicant must state their full name in writing.
 - A request must give an address for correspondence.
 - A request must specify the document requested.
 - The applicant must state the purpose for which the document is to be re-used
- 7.2 Access to information requests should be submitted to the Customer Relations team for logging and processing. Enquiries can be made via the following channels:
- **In person:** At Council offices or Points of Presence

- **By post:** Customer Relations and Access to Information Team, **<INSERT ADDRESS>**
 - **By fax:** **<INSERT FAX NUMBER>**
- By email:** accesstoinfo@centralbeds.gov.uk **<TO BE CONFIRMED>**

8. Complex requests

- 8.1 If the request for re-use is extensive in quantity or raises complex issues, the Council may extend the period for responding to the applicant.
- 8.2 The applicant must be notified in writing before the twentieth working day that no decision on issuing a re-use licence has been reached. The correspondence should also include the estimated date by which the Council expects to have reached a decision and informed the applicant.

9. Conditions of Re-use

- 9.1 If an applicant makes a request to re-use information for which the Council holds the copyright, and the Council agrees in principle to the request, the Council will communicate to them the conditions for re-use and other license terms. The Council will issue licenses, which will include the conditions for re-use, on a case-by-case basis.

10. Fees

- 10.1 The Council may make a charge for allowing re-use. The charge should not exceed the cost of collection, production, reproduction and dissemination of documents and a reasonable return on any investment.
- 10.2 The applicant must be informed in writing of any proposed charge and how the factors taken into account in calculating the charge.

11. Format

- 11.1 When responding to a request the Council will, where possible and appropriate, make a document available by electronic means. The Council is not obliged to:
- Create or adapt a document in order to comply with a request.
 - Provide an extract from a document where it would involve disproportionate effort.
 - Continue to produce a certain type of document for the purposes of re-use by another person.

12. Exemptions to Disclosure

12.1 Once the Council has agreed to make types of information available for re-use, thereafter the basis for refusing to provide any of the specific information of that type will be limited. Re-use can be refused if:

- The activity of supplying the document is one which falls outside its public task.
- The document contains content in which relevant intellectual property rights are owned by a third party.
- The content of the document is exempt from access by virtue of the Freedom of Information Act 2000/Environmental Information Regulations 2004.

13. Refusal

13.1 Any decision to refuse to release information under RPSIR will be taken by the Corporate Solicitor, or person with the appropriate delegated authority. The Council must notify the applicant in writing explaining the reason/s for refusal.

13.2 Should the refusal be because a third party owns the relevant intellectual property rights in the document, the Council must notify the applicant where the document is held, the name of the person holding it, who owns the relevant rights and from whom the Council obtained the document.

14. Complaints

14.1 If an applicant is unhappy with the way the Council has handled their request, they may ask for an internal review. Applicants will be advised to contact the Information and Records Officer, who will arrange an internal review of their case.

14.2 Applicants for information may complain to the Council about how the Council has managed their request, e.g. they may wish to complain about the:

- Failure to respond to their request within 20 working days (or failure to explain why longer than 20 working days is needed).
- Failure to provide information in the form in which they requested it.
- Failure to provide them with proper advice and assistance.

14.3 The target for dealing with complaints is 10 working days from receipt of the written complaint. A complaint will be acknowledged within 3

working days and the applicant informed of the Council's target date for determining the complaint.

15. Appeals

15.1 Where the Council has declined to provide information; then an applicant will be sent an explanatory Refusal Letter. The applicant may choose to appeal against the Council's decision, and reasons may include:

- Failure to provide all/part of the information that was requested.
- Failure to correctly apply an:
 - Exemption under the Freedom of Information Act 2000 and/or;
 - Exception under the Environmental Information Regulations 2004.
- Failure to properly explain any reasons for refusing their request.

15.2 The appeals procedure set up by Re-Use of Public Sector Information Regulations 2005 works in the same way as the appeals procedure under the Freedom of Information Act 2000/Environmental Information Regulations 2004. The main difference is that the Government's Office of Public Sector Information is the ultimate authority to which to appeal under the Re-Use of Public Sector Information Regulations.

15.3 The applicant can appeal to [Office of Public Sector Information](#) only after their complaint has first been reviewed by the Council (as the authority to which their request for re-use of information was made) and if they remain dissatisfied with the response to their complaint.

16.1 Appendix A – Central Bedfordshire Re-use Licence template

Licence for the Re-Use of Public Sector Information

1. Introduction

- 1.1 This licence has been drafted in accordance with reference to the Re-Use of Public Sector Information Regulations 2005, and explains how users throughout the world may reproduce material produced by Central Bedfordshire Council. It closely follows the principles of the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004. Therefore, this Licence does not cover information for which an exemption from disclosure to the public under any of the aforementioned legislation could be claimed.
- 1.2 This licence is an offer of Licence terms from Central Bedfordshire Council and it explains which material is covered by the Licence and how the arrangements will operate.

2. Purpose and Scope of this Licence

- 2.1 The main purpose of this Licence is to provide users with a fast system which lets you re-use a wide range of information produced by Central Bedfordshire Council. This Licence specifically covers the information identified by you in your request.
- 2.2 This Licence does not cover:
 - 2.2.1 Information, which is exempt from disclosure under the Freedom of Information Act, The Data Protection Act and the Environmental Information Regulations;
 - 2.2.2 Information which is not the copyright of Central Bedfordshire Council; and
 - 2.2.3 Information which falls outside Central Bedfordshire Council's public tasks.

3. Definitions

- 3.1 In this Licence, the terms below have the following meanings:

- 3.1.1 Application: a written request to re-use material.
- 3.1.2 End-use Licence; a licence issued by publishers of electronic products and publications. It gives terms under which users or subscribers may access the content of these products and publications.
- 3.1.3 Licence: the offer of terms and the application.
- 3.1.4 Material: information detailed in the application.
- 3.1.5 Official Source: any publication, product or information service which has been made available to the public by CBC or on our behalf. It also includes material featured on the CBC website.
- 3.1.6 Our, us and we: Central Bedfordshire Council
- 3.1.7 You, your: any person, organisation or company who wishes to reproduce the material covered by this Licence.

4. Material covered by this Licence

4.1 <Insert details of material to be used>

- 4.2 This Material may be reproduced under this Licence for the purposes described at paragraph 2 of this Licence.

5. How the Material may be reproduced

- 5.1 In this Licence, to reproduce includes the following non-exclusive rights throughout the world:
 - 5.1.1 Publishing the Material in any medium. This includes featuring the Material on websites that can be accessed via the world-wide web or via an internal electronic network or on an intranet;
 - 5.1.2 Authorising users and subscribers, who use your electronic or digital products to access the Material by means of an End-User Licence. This will normally allow users and subscribers to download the material to screen and printer for their own use. It does not otherwise allow you to authorise the reproduction of the Material;
 - 5.1.3 Translating the Material from English into other languages provided that the translations are accurate and made by a competent translator;
 - 5.1.4 Copying the Material for non-commercial research or private study;
 - 5.1.5 Converting to Braille and other formats for people who are visually impaired;

5.1.6 Copying by libraries;

5.1.7 Copying for the purposes of news reporting. This includes broadcasting on radio and television;

5.1.8 Photocopying or scanning the Material from an Official Source.

6. Period

6.1 This Licence is for the period of five years from the date of your Application.

7. Charging

7.1 You will only be charged if there is a cost in supplying the material to you or converting data from one format or medium into another. You can, therefore, reproduce the material covered by this Licence direct from an Official Source without any charge.

8. Our obligations

8.1 We aim to:

8.1.1 confirm receipt of the Application promptly;

8.1.2 quickly put right any difficulties or answer any queries which you may have;

8.1.3 handle all Licences in a way that is fair and consistent;

8.1.4 give you details of any changes to this Licence.

8.1.5 if you are dissatisfied with the standard of service you receive from us, you can make a formal complaint. We will deal with it by following our Complaints Procedure.

9. Your obligations

9.1 You must:

9.1.1 provide full and accurate information on your Application and in the context of the Licence, and let us know if any of this information changes.

9.1.2 let us know if you want to terminate the Licence;

- 9.1.3 reproduce the Material accurately from the current Official Source. In cases where you want to reproduce Material that has been superseded you should make it clear that a more up to date version is available;
- 9.1.4 identify the source of the Material and feature the following copyright statement if you publish the Material:

© Central Bedfordshire Council This material is reproduced with the permission of Central Bedfordshire Council.
- 9.1.5 not use the Material for the principal purpose of advertising or promoting a particular product or service, or in a way which could imply endorsement by us or generally in a manner which is likely to mislead others;
- 9.1.6 not reproduce our logos; without express consent
- 9.1.7 allow us to inspect, on request, copies of any works that include the Material to check that you have kept to the terms of this Licence;
- 9.1.8 send us, if we ask for it, with a complimentary copy and/or subscription of any product or publication that you produce that includes the Material. In the case of electronic products and services you should provide the appropriate End-user Licence. We shall notify you of the address where they should be sent;
- 9.1.9 ensure that you comply with the terms of the Data Protection Act 1998;
- 9.1.10 not use the Material in ways which are knowingly or potentially libellous or slanderous of individuals, companies or organisations;
- 9.1.11 send us, if we ask for it, a copy of your standard End-user Licence

10. Changes to the terms of this Licence

- 10.1 We have the right to change the terms of this Licence. We will give you details of any changes in writing or by email to the last contact address that you gave us. Unless you tell us otherwise within 14 days of receiving notice of the changes, we will assume you are content for your existing licence to continue, using the revised terms.

11. Ending the Licence

- 11.1 We reserve the right to end this Licence if there is a significant breach of any of the terms and you do not put this right within 30 days of our telling you in writing or by e-mail.**

11.2 You have the right to end the Licence at any time by e-mail or in writing.

12. Assignment

12.1 This Licence may not be assigned.

13. Disclaimer

13.1 Your use of the Material under this Licence is entirely at your own risk. We make no warranty, representation or guarantee that the Material is error free.

14. Governing law

14.1 This Licence is made under the laws of England and Wales and comes under the exclusive jurisdiction of the courts of the England and Wales.

End of Licence for the Re-Use of Public Sector Information

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16.2 Appendix B - Related Council Policies

- 1 Data Protection
- 2 Freedom of Information
- 3 Environmental Information Regulations
- 4 Information Governance
- 5 Information Security
- 6 Records & Information Lifecycle Management
- 7 ICT Acceptable Use Policy

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16.3 Appendix C - Related Statutes, Legislation and Standards

| Legislation | Notes | Area of impact |
|--|--|---|
| The Data Protection Act 1998 | The Data Protection Act requires that all personal information be handled in an appropriate way. | Access to Information Data Management Records Management Information |
| Freedom of Information Act 2000 | Provides the legal framework around which the public are able to access information held by the council. Section 46 – of the Freedom of information act makes it clear that in order to comply with the Fol a public body must maintain its records in a way that makes the accessible. | Access to Information/Records Management |
| The Environmental Information Regulations 1992 | Provides the framework for public access to Environmental information of an organisation Pt2 Section 5 (4) – requires that information is accurate and up-to-date and comparable | Access to information/ Management of environmental information |
| Human Rights Act 1998 | Article 8.1 of the European Convention on Human Rights (given effect via the Human Rights Act 2000) provides that “everyone has the right to respect for his private and family life, his home and his correspondence”. However there are exemptions that override those rights, such as national security, public safety, prevention of disorder or crime, and protection of the rights and freedom of others. | The council has a duty to abide by the human rights act and ensure that all correspondence with the council is treated appropriately, which includes managing it in a way that will not invade the privacy of the individual. |
| Crime and Disorder Act 1998 | Section 115 of this Act provides that any person has the power to disclose information necessary for the provisions of the Act to the police, local authorities, probation service or health authorities. | To be able to provide appropriate information the council must not only ensure access to the information, but that the context is not lost through poor management. |

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| Children Act 2004 | Background Every Child Matters: Change for Children (Dec 2004), and the draft statutory guidance on the Children Act 2004 S10 Duty to Cooperate (Dec 2004), set out clear expectations for local action to improve information sharing. It seeks to provide clarity on the legal framework for practitioners sharing information about children, young people and families; and give practitioners confidence in making decisions. | Information retained in all service areas could potentially be valuable in ensuring the well being of children in the area. Therefore being able to access information from a wide range of sources across the council is essential. |
| Limitation Act 1980 | This act places a limit on the validity of information, therefore provides the legal framework for retention and disposal of certain documents | Retention and disposal of records, although not all records or information has a legal limitation attached. |
| Public Records Acts 1958 & 1967 | These two acts provide the framework for the appropriate management of Public Records, these were heavily amended in with the introduction of the Freedom of Information Act | Management of Public Records |
| Local Government (Records) Act 1962 | (10 A local Authority may do all such things as appear to it necessary or expedient for enabling adequate use to be made of records under its control, and in relation to such records may particular – a) Make provision for enabling persons, with or without charge and subject to such conditions as the authority may determine, to inspect the records and to make or obtain copies thereof | Records Management |
| Taxes Management Act 1970 | Details the requirements for managing tax records | Records retention |
| Local Government Act 1972 | Section 224 – without prejudice to the powers of the <i>custos rotularum</i> to give directions as to the document of any county, a principle council shall make proper arrangements with respect to any documents, which belong to or are in the custody of the Council or any of their officers | Records Management |

| Codes of Practice | Notes | Area of impact |
|--|---|-----------------------|
| <i>FOI Code of Practice for Local Government</i> | <p>“1. To set out practices which public authorities, and bodies subject to the Public Records Act 1958 and the Public Records Act (NI) 1923, should follow in relation to the creation, keeping, management and destruction of their records (Part I of the Code); and</p> <p>2. To describe the arrangements which public record bodies should follow in reviewing public records and transferring them to the Public Record Office...”</p> | Access to Information |

| Standards |
|--|
| ISO 15489-1 and ISO 15489-2, 2001 'best practice' for managing records in an organisation. |
| PD 0008:1999 a code of practice for Legal Admissibility and Evidential Weight of Information Stored Electronically |
| PD 0010:1997 Principles for Good Practice for Information Management |
| BS 5454:2000 Recommendations for the Storage and Exhibition of Archival Documents, |
| ISO 18925:2002 Imaging materials – optical disk media – storage practices |
| PD 0016:2001 Guide to scanning business documents |
| MoReq 2001 Model requirements for the management of electronic records. |
| BS 7799:2002 Specification for information security management |

16.4 APPENDIX D - Document Classification

All corporate documents are classified using the two following classification methods. For more detailed information see [Corporate Information Records Management Policy](#).

16.4.1 Security Classification

The purpose of security classification is to ensure that all information is secured and only accessible to the appropriate persons. All documents (including emails) will have the security classification clearly identified.

The security classification is divided into the following three categories:

- Not Protected
- Protected
- Restricted

Refer to [Information and Record Management Policy](#) for a detailed explanation of the security classifications.

The security classification of this document is as follows:

- Not Protected

16.4.2 Functional Classification

The purpose of Functional Classification is to ensure that all significant documents are placed in their correct position within the corporate information architecture. This is to facilitate effective management, access and disposal of information across the organisation. Each document will be marked using the corporate function (highest element of classification which describes the general area in which the document resides) under which it falls.

The functional classification of this document is as follows:

- Information Management