



# Northumberland County Council

## RE-USE OF INFORMATION POLICY

DOCUMENT REFERENCE	VERSION	DATE OF THIS VERSION	DATE OF ORIGIN
NCC/IG07	1.0	18/05/2018	14/09/2015

	APPROVED BY	APPROVAL DATE
1	Data Protection Officer	24/05/2018

DATE REVIEWED	REVIEWED BY	APPROVAL DATE	NEXT REVIEW DATE
			May 2020



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## Related Policies

POLICY NAME	POLICY REFERENCE NUMBER	VERSION
Data Protection and Confidentiality Policy	NCC.IG02	5.3
Freedom of Information Policy	NCC.IG04	2.2
Environmental Information Policy	NCC.IG05	1.0
Information Complaints Policy	NCC.IG08	1.0

## Amendment History

VERSION	DATE	DESCRIPTION
0.1	14/09/2015	Working Draft
0.2	25/11/2016	Changes made after consultation with the Information Governance Group, Digital Northumberland Board and Corporate Leadership Team
1.0	18/05/2018	Amendments to policy in line with GDPR



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## 1. Scope

- 1.1 This Policy applies to the re-use of information produced by the Council to deliver services and to provide a statutory public function and applies to all employees.

## 2. Purpose

- 2.1 The purpose of this policy is to ensure that a standardised approach, in line with legislation, is implemented throughout the Council with regard to the re-use of public sector information for a purpose other than for which it was created. The policy also covers when permission to re-use should be sought and the process for doing so.
- 2.2 This policy is part of a suite of Information Governance policies.

## 3. Introduction

- 3.1 The Council encourages the re-use of its information whenever possible.
- 3.2 Legislation such as the Freedom of Information Act 2000 (FOIA) and the Environment Information Regulations 2004 (EIR) provide a right of access to information held by the Council and require that certain information is routinely published. The General Data Protection Regulation (GDPR) 2018 provides a right to request access to personal information held by the Council.
- 3.3 Section 102 of the Protection of Freedoms Act 2012 (POFA) adds new requirements to the FOIA as section 45, about how data-sets are released, including the re-use of this information.
- 3.4 The Re-use of Public Sector Information Regulations 2005 (PSI Regulations) came into effect 01 July 2005 following a European Directive to establish a framework for requesting to re-use of public sector information. These regulations apply to the re-use of information that is not a data-set.
- 3.5 Open data is about making non-personal datasets we publish on our website available to everyone in a format that can be re-used under the terms of the Open Government Licence for public sector information.

## 4. Re-use of Datasets

- 4.1 A dataset in this instance is defined by Information Commissioner's Office (ICO) guidance as:

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*'a collection of factual information in electronic form related to the services and functions of the authority that is neither the product of analysis or interpretation, nor an official statistic and has not been materially altered.'*

4.2 A re-usable form is defined by the ICO as:

*'A re-usable form means that the data-set is in a machine readable form and based on open standards'.*

4.3 If the Council makes information available under the FOIA that fits the definition of a dataset and this information is available as or has been requested in electronic form, it must be made available in a re-usable form if reasonably possible. Making the request electronically is considered to be asking for an electronic copy unless the request specifies otherwise.

4.4 The time it takes to convert the information to a re-usable form or the cost and any technical issues can make it unreasonable, although these should be balanced with making information open for re-use whenever possible.

4.5 The EIR also require information to be made available electronically whenever possible and the Council will handle the re-use of this electronic information in the same way.

4.6 If the Council holds the copyright for this information it must generally make it available for re-use with a licence that permits re-use. To comply:

- Generally when datasets are released a licence for re-use will either be issued with them or details will be provided of how to obtain a licence;
- When a request is received to re-use a dataset generally either a licence will be issued or details will be provided of how to obtain a licence;
- Information released as a dataset under FOIA or EIR will be published in the Council's Publication Scheme available on the website at [www.northumberland.gov.uk](http://www.northumberland.gov.uk), with details of how the information can be re-used or whether a request for re-use should be made.

## **5. Re-use of Information that is not a Dataset**

5.1 The Council will consider all requests to re-use information that is not a dataset, under the PSI Regulations. We will not always grant permission to re-use but will support and encourage re-use whenever possible.

5.2 The PSI Regulations require the Council to:

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- Publish a list of documents that can generally be re-used – see the Council's Publication Scheme;
- Publish a clear, fair and transparent procedure for the processing of requests in a timely way for the re-use of information – see section 7.0 of this policy;
- Publish any standard charges associated with re-use – see section 8.0 of this policy;
- Operate an information complaints process – see the Council's Information Complaints Policy.

## 6. When Re-use of Information will not be granted

6.1 The FOIA or PSI Regulations do not permit the re-use of information, such as:

- That which is exempt from disclosure under the FOIA, EIR, GDPR or any other information request regime;
- Personal information that identifies someone;
- Where the copyright and other related rights of the information are owned or controlled by an organisation other than the Council;
- Information held by libraries, museums and schools;
- Where the Information falls outside the scope of a public function.

## 7. Requesting Re-use of Information

7.1 All requests for re-use will be handled in a way that complies with the requirements the FOIA for datasets and the PSI Regulations for other information by requiring the applicant to:

- Make a clear written request for re-use either via letter or email;
- Provide their name and postal address;
- Explain the information that the request to re-use applies to;
- Explain how and why the information would be re-used.

7.2 Requests should be made using the contact details in Appendix A.

7.3 The Council will process all requests for re-use:

- Responding within 20 working days from the day after receipt of the request to re-use;
- Advising in writing the reason for refusing a request for re-use and if the reason for refusal is due to the Council not owning the copyright by providing details of the copyright owner or if not known details of who originally supplied the information;
- Giving permission to re-use if possible along with conditions for re-use – see section 8.0 of this policy;



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- Providing a copy of the information if the applicant does not already have one. (In this instance a charge may be made if the Council usually charges to provide the information);
- Providing details of the Council's information complaint process.

## 8. Re-use of Information Licensing and Open Data

8.1 Certain information is published by the Council as 'Open Data', which is about making certain information available to be re-used under the terms of the Open Government Licence. In these instances there is no need to ask permission to re-use the information, but any re-use must comply with the terms of the Open Government Licence..

8.2 Other information can be re-used without permission for reasons including non-commercial personal purposes, such as private study and for news reporting. In this instance a licence is not required

8.3 The Council may on occasions give written permission to re-use information without this permission being in a formal licence.

8.4 Where a licence is required the UK Government Licensing Framework (UKGLF) would be followed, using the following principles:

- Any terms used should be easy to understand;
- Information should be made available so that everybody can re-use it;
- Any terms imposed should be fair;
- Similar requests are handled consistently;
- That anyone who re-uses the Council's information acknowledges it as the owner;
- That details of how licences will be applied are published

8.5 Whenever possible information will be made available for re-use free of charge, using the Open Government Licence (OGL). This licence permits re-use for both commercial and non-commercial purposes.

8.6 It is not appropriate to permit re-use using the OGL if the re-use is only to be permitted for non-commercial purposes. In this instance the information would be made available for re-use under a Non-Commercial Government Licence.

8.7 Sometimes we will make a charge for re-use and make the information available under a Charged Licence. In this instance we will advise the applicant at the point of request why this type of licence is necessary and the cost of the licence. The cost will be based on a reasonable rate of return for the re-use of the information.



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8.8 The Council must, unless otherwise advised, be recognised as the source of information being re-used.

8.9 Details and examples of all three licences are available in the UK Government Licensing Framework on the National Archives website, using the following link [www.nationalarchives.gov.uk](http://www.nationalarchives.gov.uk).

## 9. Implementation

9.1 This Policy is effective immediately.

## 10. Monitoring and review

10.1 This policy will be monitored by the Digital Northumberland Board and will be reviewed every two years or where there are changes to Legislation.

## 11. Useful contacts

11.1 The Information Governance Office via [Informationgovernance@northumberland.gov.uk](mailto:Informationgovernance@northumberland.gov.uk)

11.2 The Information Commissioner's Office via [www.ico.org.uk](http://www.ico.org.uk)

11.3 The Office for Public Sector Information via [www.nathionalarchives.gov.uk](http://www.nathionalarchives.gov.uk)