

Re-Use of Public Sector Information

Introduction

A European Directive came into force on 1st July 2005 which allows people to apply to re-use information held by the Council. This page explains how you can make a request to re-use information and how the Council will deal with requests.

The directive does not provide access to the information itself. That remains available through the Freedom of Information Act, Data Protection Act or other access to information regimes, such as the Environmental Information Regulations.

Definition of 'Re-use'

'Re-use' means using the information for a purpose other than the purpose for which the information was originally produced, including commercial purposes. This includes copying, adopting, developing, adding value, broadcasting or commercially exploiting.

How do I make a request to re-use information?

To be valid a request must be:

- ◆ be in writing legible and can be filed for subsequent reference. In writing includes by fax and e-mail but not text message
- ◆ state the name of the applicant and an address for correspondence
- ◆ specify the document to be re-used
- ◆ state the purpose for which the document is to be re-used

There is no prescribed form, and your request can be made in writing to:

Joint Assistant Director – Customer Service & Improvement
Bolsover District Council
The Arc
High Street
Clowne
Derbyshire
S43 4JY

E-mail: enquiries@bolsover.gov.uk

Fax: 01246 242423 and mark the request for the attention of the Joint Assistant Director – Customer Service & Improvement

Does the Council have to respond within a set time?

We must respond to your request within 20 working days. Where your request is received outside of normal working hours, i.e. evenings or weekends, it will be treated as having been received the next working day.

Sometimes it may be necessary to extend the time limit, for example, where a request is extensive in terms of the number of documents requested, or raise complex issues. Where this happens we will tell you before the end of the 20 working day time deadline

Bolsover District Council

why we are extending the time limit and the date on which we expect to be able to respond.

Responding to a request means:

- ◆ making a document available for re-use, or
- ◆ where conditions are attached to the re-use, finalising the offer to you of the costs and conditions on which re-use will be permitted, or
- ◆ refusing the request

What types of documents will I be able to access under the re-use regulations?

You will be able to access documents produced as part of our public task. Such documents are likely to feature some of the following characteristics:

- ◆ the document is essential to the business of the Council
- ◆ it explains Council policy
- ◆ the information contained in the document will be considered key to the applicant's relationship with the Council
- ◆ there is a statutory requirement to produce or issue such information
- ◆ Codes of Practice
- ◆ consultation documents
- ◆ policy documents
- ◆ annual reports
- ◆ statistics and other facts and figures
- ◆ press notices
- ◆ forms issued and used by the Council

Will I always be granted permission to re-use documents?

Not always. The regulations allow us to refuse requests for one or more of the following reasons:

- ◆ the document contains information in which intellectual property rights are owned by a third party. Examples would be architectural drawings which the Council has commissioned from an architect who retains the copyright and official Council photographs taken by an external photographer. In addition, where the document is Crown Copyright, i.e. Acts of parliament or Statutory Instruments, it will be necessary to refer you to the Office of Public Sector Information (OPSI) who have central responsibility for the management of the Crown Copyright or to another government department who has issued the document requested, i.e. the Department for Communities and Local Government (DCLG)
- ◆ the content of the document is exempt from disclosure under the Freedom of Information Act 2000, Environmental Information Regulations and any other access legislation. Examples would include documents containing information provided by the Council that contain personal data or have been provided and disclosure would constitute an actionable breach of confidence
- ◆ the content of the document falls outside of the Council's statutory functions. On occasions the Council may produce documents not directly related to core activities, but could contain commercial information competing on the open market

Bolsover District Council

Will I be told why you have refused to let me re-use the information?

Yes – if we refuse your request for re-use, we must inform you in writing of the reason for refusal. We must also advise you of your rights of an internal review and appeal.

Where the refusal is because intellectual property rights are owned by a third party, we have to tell you who owns the relevant intellectual property rights, where we know that information; or the name of the person from whom we obtained the document.

List of main documents for re-use:

- ◆ All the documents declared in the Council's Publication scheme can be used accurately and not in any way misleading context without a formal application for re-use. Such material must be acknowledged as Bolsover District Council copyright and you must give the title of the source document/ publication. All charges declared in the Publication Scheme continue to apply.
- ◆ Formal applications for re-use can also be made for documents falling outside the scope of the Publication Scheme. These applications will be dealt with in accordance with the Reuse of Public Sector Information Regulations 2005 (Statutory Instrument No 1515/ 2005). Where the re-use is permitted, the material must be acknowledged as Bolsover District Council copyright and you must give the title of the source document/ publication. Where a document has commercial value, the Council reserves the right to charge for material in response to a formal re-use application.

Processing requests for re-use:

- ◆ Where possible we will process your request electronically and also make the documents you wish to re-use available electronically
- ◆ However, we do not have to create or adapt a document in order to comply with a request for re-use; nor are we required to provide an extract from a document where it would involve disproportionate effort, or continue to produce a certain type of document just so that someone else can re-use it.

Will I be able to re-use information in any way I choose?

No. Sometimes, but not always, we will impose conditions on re-use. Where we do, these conditions will be imposed by licence, but they will not necessarily restrict the way in which a document can be re-used or restrict competition. A standard set of licence conditions will be formulated but additional licence conditions will be added according to the type and extent of the information being re-used.

Copyright:

The supply of Council information to an applicant under access to information legislation doesn't grant the applicant the right to re-use the information in any way that would infringe the copyright on that information. For example, an applicant will not be permitted to publish the information, or issue copies to other people. Subject to an acknowledgement from the Council, the fair dealing provisions of the [Copyright Designs & Patents Act 1988 \(Sections 29 & 30\)](#) permit the reproduction of brief extracts of the material released for the following reasons:

Bolsover District Council

- Research for non-commercial purposes
- Private study
- Criticism
- Review
- News reporting.

Any wider use than this requires permission. For any wider use, the Council may choose to allow the re-use under licence. This enables us to impose conditions on the re-use to ensure it isn't used in a manner which is inconsistent with the Council's copyright, as well as providing the option to charge a fee for re-use.

What happens if someone else wants to re-use the same information?

We cannot discriminate between two applicants who request the same information. Both requests have to be dealt with.

We cannot grant you exclusive rights to re-use the information, except where the arrangement is for the provision of a service in the public interest. If you are granted exclusive rights, these will be reviewed every year and the details of the exclusivity agreement may have to be published on our website.

Will I have to pay for re-use information?

You may have to pay. Charges will be applied in accordance with the Council's accounting principles using the following criteria:

- ◆ Cost of collection, production, reproduction and dissemination of the document
- ◆ A reasonable return on investment

If you ask, we can provide a breakdown of how charges have been calculated.

Information Asset Register

Where permission for re-use has been granted, we will enter the type of information for which permission for re-use has been granted and how it may be used into a list known as an 'Information Asset Register' and this will be linked to the Council's Publication Scheme.

Freedom of Information

The re-use of public sector information regulations do not affect access to information through the Freedom of Information Act.

Information on Freedom of Information can be found at:

<http://www.bolsover.gov.uk/index.php/your-council/freedom-of-information> on our website.

Our Publication Scheme can be found at:

http://www.bolsover.gov.uk/images/P/Publication_Scheme_2012.pdf on our website.

What happens if I'm not happy with how you have handled my request?

You have the right to complain via the Council's Compliments/ Comments/ Complaints system. To do this you should write within 40 days of being informed of the decision to:

Bolsover District Council

Joint Assistant Director – Customer Service & Improvement
Bolsover District Council
The Arc
High Street
Clowne
Derbyshire
S43 4JY

E-mail: enquiries@bolsover.gov.uk

Fax: 01246 242423 and mark the request for the attention of the Joint Assistant Director – Customer Service & Improvement

If you are still dissatisfied after your complaint has been dealt with by the Council you can write to the National Archives at:

The National Archives

Kew

Richmond

Surrey

TW9 4DU

Tel: 020 8876 3444

Web: <http://www.nationalarchives.gov.uk>

Any appeal to the National Archives concerning public sector information must be lodged before the end of 28 working days from the date you were advised by us of the outcome of your complaint.

What happens if I'm not happy with how the National Archives have dealt with my complaint?

You can complain to the Advisory Panel on Public Sector Information (APPSI).

Your appeal must:

- ◆ be in writing
- ◆ state the nature of the appeal
- ◆ include a copy of the decisions of the National Archives and the Council
- ◆ be lodged with the Advisory Panel on Public Sector Information before the end of 28 working days from the date you were informed by Office of the Public Sector Information of the results of their review

The Advisory Panel on Public Sector Information can be contacted at:

Advisory Panel on Public Sector Information

The National Archives

Kew

Richmond

Surrey

TW9 4DU

Tel: 020 8392 5330

Web: <http://www.nationalarchives.gov.uk/appsi/complaints-review.htm>