

Causeway Coast & Glens Borough Council

To: Corporate Policy and Resources Committee
Date: 19th January 2016

**Open Data Portal and The Reuse of Public Sector
Information Regulations 2015**

For information

Linkage to Corporate Plan	
Strategic Priority	Innovation and Transformation
Objective	The Council will continuously examine and introduce ways to provide services in more accessible and efficient ways.
Lead Officer	Head of Policy and Community Planning
Cost: (If applicable)	

1.0 Background

- 1.1 The Re-Use of Public Sector Information Regulations 2015 (“RPSI”) came into force on 18th July 2015. From this date anyone could make a request to re-use information held by the public sector including local government.
- 1.2 The legislation was introduced to:
- Recognise that public sector information is a valuable information resource that can be utilised by the private sector to develop value added products and services;
 - Remove barriers to the re-use of information and therefore act as a stimulus to the information and publishing industry in Europe, in turn providing significant economic opportunities and enhancing job creation across Europe;
 - Improve the flow of information from the public sector to the citizen.
- 1.3 Public sector information means information that the Council produces as part of its “public task”. ‘Public task’ means the Council’s core role and functions, as defined in legislation or established through custom and practice.
- 1.4 Re-use means using public sector information for a purpose other than the initial public task it was produced for.
- 1.5 Typically, this would mean an individual, a company or another organisation taking information the Council has produced and republishing it or using it to produce a new product or resource, often by combining it with other information. This is sometimes, though not always, on a commercial basis.

1.6 The legislation does not apply to recorded information held by the Council if someone else holds the intellectual property rights (eg by copyright or database right).

2.0 Implications for Council

2.1 The Council will have to publish a list of the main information assets held which falls within the Council's "public task" and which is of interest and value to the Council itself and potentially to others. This is known as an "Asset List" and it will include information that the Council already publishes proactively as well as unpublished information.

2.2 It is likely that much of the information on the Asset List will already be covered by the publication scheme the Council is required to produce under the Freedom of Information Act and it may be possible to combine these two documents.

2.3 People who want to make a request for re-use of Council information must submit the request in writing, with their name and address for correspondence, and specify the information they want to re-use and the purpose they intend to use it for.

2.4 When the Council receives a request to re-use information it must respond within 20 working days. The Council can, however, extend this time if the information is extensive or the request raises complex issues, but we must inform the requester of this within the 20 day period.

2.5 If the Council has not previously disclosed the information requested, then we have to firstly deal it as an access request under the appropriate legislation eg Freedom of Information Act, Data Protection Act or the Environmental Information Regulations in order to decide whether the information is exempt from disclosure. This will be the first stage of dealing with the request as the Re-Use of Public Sector Information Regulations do not apply to information that would normally be exempt from disclosure under information access legislation.

2.6 The Council may charge for permitting re-use of information but this has to be limited to marginal costs incurred in respect of the reproduction, provision and dissemination of documents.

2.7 The Council may impose conditions on re-use but these conditions must be as open and non-restrictive as possible. The legislation refers to Implied and Formal Licences which provide caveats to how the information is to be used. For example an "Implied Licence" would mean the information would have a covering statement that "*This information can be re-used freely subject to acknowledging the copyright, identifying the source and not using it in a misleading manner*".

2.8 The Council has to establish a procedure for dealing with complaints about Council's implementation of the Re-Use of Public Sector Information Regulations. For example, a complaint must be submitted in writing and the Council has to respond to the complaint within a reasonable time. If the applicant is not satisfied with the Council's response to their complaint they can then complain to the Information Commissioner's Office.

3.0 Launch of the Northern Ireland Open Data Portal

- 3.1 Central government are promoting the re-use of public sector information and have recently launched a new Open Data Portal.
- 3.2 The Open Data Portal is a website which will provide free on-line access in one place to a range of data from government departments and other public sector organisations, some of which has not previously been published. The data will be free to copy, adapt, commercially exploit and publish.
- 3.3 The Open Data Portal website already has more than 40 datasets available – everything from prescription data, to mapping and transport. The Portal aims to join up access to data across a range of themes including: health; education; employment and the economy; population and society; property and land; and environment and agriculture.
- 3.4 In the first instance, local authority waste management figures, provided by Councils to the Department of the Environment in various statutory returns, will be uploaded to the Portal by the Department.
- 3.5 The Northern Ireland open data website can be accessed at: www.opendatani.gov.uk