

**Notes of meeting of Licensing Forum  
27 January 2005**

**Present:**

Glenda Bishop	Inland Revenue
Andrea Bradley	Foreign and Commonwealth Office
Richard Bridge	DVLA
Susan Corrigan	National Archives of Scotland
Ken Dearman	UK Hydrographic Office
Margaret Fuller	Fire Service College
Paul Griffiths	Office of Government Commerce
Nick Halliday	National Archives
Melanie Harris	Department of Work and Pensions
Nicola Hunt	Ministry of Defence
Marcia Jackson	Office of Public Sector Information
Tony Jardine	Ordnance Survey
Anna Jeremiah	Office of Public Sector Information
Jo Kenny	Office of Public Sector Information
Janice Knight (Chair)	HM Land Registry
Frances Law	MHRA
Tim Padfield	National Archives
Sonali Parekh (Part)	DCA
John Ponting	Met Office
Adam Pope	Government Actuary's Department
William Pope	Department for Transport
Daphne Prail	Highways Agency
Ian Robertson	Office of Government Commerce
Derrick Walker	Ministry of Defence
Sue Warrington	HM Treasury
Mike Westcott-Rudd	HM Land Registry
Helen Westhall (Secretary)	Office of Public Sector Information
Alistair Wilkinson	HM Land Registry

## **1. Introduction**

The Chair opened the meeting by welcoming everybody and introduced the first speaker.

## **2. Trading in Information: A Land Registry perspective**

*Introduced by Mike Westcott-Rudd (HM Land Registry)*

- Mike discussed the statutory and non-statutory areas of the Land Registry business. The sale of register information is part of their core business and there was initially a concern that the Freedom of Information Act (FOIA) could potentially take part of this away.

- Mike stated that people nowadays often wanted information for purposes other than conveyancing. The Land Registry offers services such as property price search, international consultancy etc. Future plans include mapping/polygon data; enhanced property price data; credit checking facilities; data sharing with organisations such as the Home Office and education and advisory services, but for the foreseeable future core business will remain the main source of income.
- There have been issues with developing this non-statutory business. The Land Registry had to ensure that it had the vires to trade in information. It also has to ensure that releasing bulk property data did not breach the Data Protection Act. Both issues have now been resolved and the Land Registry is able to trade in property information. There was concern that the FOIA might prevent Land Registry trading in information but for trading funds it now appears to be business as normal. Land Registry's publication scheme makes it clear that a charge is levied for the provision of this information

It was agreed that the next presentation should be given before proceeding to a discussion on both topics.

### **3. Data Sharing within Government**

*Introduced by Sonali Parekh (Department of Constitutional Affairs)*

- Examples of the different forms of data sharing are one-off data disclosure; bulk data sharing; and multiple agencies requiring access to the same information.
- There are three pieces of legislation to consider when data sharing: the EU Convention on Human Rights; Law of Confidence and the Data Protection Act. In common law there is a duty of confidence. But it is not an absolute right. The Data Protection Act does not prevent information sharing but it controls how it is shared. There is a need to consider the impact of sharing information and to prove its necessity for social, economic, political and security issues.

### **4. Discussion**

- The question was raised whether a specific act should be quoted when requesting information, for example when police request information from an agency. This is not necessary but there the agency has an entitlement to ask under what legislation this is being requested.
- There was discussion over whether there was a specific test to determine whether someone consented for their information to be released. It was thought difficult to assess the measurement of someone's capability to give consent to use personal data.

- There is an issue surrounding use of names and the definition of “personal data”. If the focus of the request is on a thing and not a person, then some considered that it was not personal data. Other thought that it depended on the context of each request. Broad guidance should not be issued as each case should be considered individually. There are many different parts to legislation that need to be considered. Sonali agreed to take this issue back to DCA and to clarify the position.
- The question was raised whether it is acceptable to publish company names and addresses on websites. There was concern that this information might be used for illegal purposes. This is something that can be found on certain government websites at present, and was brought about by the FOIA.
- There have been difficulties with the misuse of logos, i.e. companies using department’s logo to endorse a product. This is a wide problem, and apart from policing websites this is a very difficult problem to regulate. One department has a monitoring scheme, but this is limited to the UK. Other departments use staff to unofficially monitor re-use. If someone is found to have been misusing logos etc, it is usually sufficient to send them an e-mail/letter and they usually comply.

## **5. Copyright and Licensing – nothing to do with me, guv?**

*Introduced by Tony Jardine (Ordnance Survey)*

- Ordnance Survey’s primary business is licensing information for re-use. There are many external governance drivers such as trading commercially, management of compliance (Competition Act, FOI, PSI etc) and management of scrutiny.
- Ordnance Survey has a Pricing and Trading Group structured to ensure balanced decision-making and to enable instant advice on issues such as competition law, pricing etc. The group runs “hot topic” workshops on issues e.g. FOI. OS also has a copyright and licensing intranet for staff.
- The Pricing and Licensing Team ensures that good governance is translated into daily practice. The result is consistency, fairness, customer confidence and customer satisfaction etc.

## **6. Discussion**

- The issue of monitoring correct use of a licence was raised. It was agreed that breaches cannot be stopped completely but that departments should start from a position of trust.

## **7. Office of Public Sector Information**

*Introduced by Jo Kenny (Office of Public Sector Information)*

- The role of HMSO has been expanded to include encouraging the re-use of information throughout the wider public sector. HMSO has been renamed the Office of Public Sector Information (OPSI) in order to reflect this wider remit.
- The Directive must be implemented in the UK by 1<sup>st</sup> July 2005. It promotes the re-use of information by government, executive agencies, NHS, Local Authorities, and Parliament etc with some exceptions.
- A Consultation is currently being run by HMSO and DTI and views on the draft Regulations and the Guide to Best Practice are sought by forum members. The regulations cover standard licences, asset lists, copyright and licensing arrangements, complaints and transparency and fairness.
- OPSI have
  - published standard licence terms and fees on HMSONline,
  - updated guidance on copyright and publishing notices,
  - started developing the next generation Information Asset Register (IAR),
  - started expanding the Information Fair Trader Scheme (IFTS) to include the wider public sector
  - been working on a complaints procedure and disputes resolution process via APPSI which will be published on HMSONline
  - published an article aimed at the public sector (see Appendix 1).

## **8. Discussion**

- It is important to note that the FOIA only covers access. The re-use of information provided under the FOIA is a separate issue which is subject to copyright licensing arrangements. The DCA has drafted standard letters for use by government departments in responding to FOIA requests. These letters include reference to the fact that information provided cannot be re-used without a licence.
- A couple of departments wished to know why they needed to deduct the copyright fee from an FOIA request charge. This seemed inconsistent to some. As nobody at the forum could answer the question, it was agreed that OPSI would ask Jim Wretham for a response. The departments concerned also stated that they would be raising the issue in their responses to the consultation.

## **9. Future Meetings**

- The next Licensing Forum will be hosted by the UK Hydrographic Office in Taunton in April.
- Topics may include the Advisory Panel on Public Sector Information; the difference between trading funds and non-trading funds; and the Government Communications Network. Details will be confirmed nearer the time.