

Complying with the European Directive on the Re-use of Public Sector Information: Northshire County Council: a fictionalised case study

Background

1. The European Directive on the re-use of public sector information (the Directive) was approved by the Council of Ministers on 27 October 2003 and published in the European Journal on 31 December 2003. It must be implemented in the UK and all other member states by 1 July 2005. In the UK, implementation is the joint responsibility of the Cabinet Office¹ and the Department of Trade and Industry (DTI). New Regulations have been drafted for this purpose.

2. Northshire County Council (NCC) is a small to medium sized local authority. It is not a major information provider but it does issue a series of free booklets and provides guidance material on its website. Its Chief Executive, Mr Collins, has decided that there is scope for developing a series of commercial information products that could bring in some much needed publishing and licensing revenue. Mr Collins has just been notified that NCC will have to comply with the new Regulations. Here is a summary of the main obligations the NCC will face and the costs involved are described below.

A. Licensing

3. One of the key obligations is that, where licences are required, public sector bodies should use standard licences. At present when NCC receives applications to re-use material it produces one of the Library staff, Miss Gaskell, deals with the licences. In practice these licences are little more than simple letters saying that the material can be re-used provided that the re-user acknowledges NCC's copyright. NCC seldom charge for such re-use. However, as NCC has plans to develop new value added information products, Mr Collins takes the view that NCC may wish to charge for the re-use of some of the more commercial material in the future.

4. With his Information Manager, Mr Caldigate, Mr Collins assesses the material that NCC produces and decides that 90% of the material can be re-used free of charge. Given the pressure on staff resources, Mr Collins wishes to keep administration down to the bare minimum. He therefore decides that it would make sense not to bother with all this licensing rigmarole and that the best way of handling this work is to give permission in the form of notices in the free issue booklets and on the NCC website. Doing this means that Miss Gaskell will be relieved of the need to deal with applications, allowing her to spend more time on her main library responsibilities. Indeed, NCC do not even need to spend too long drafting the notices as OPSI has helpfully published some templates that public sector bodies can use on [HMSOnline](#). It will take Mr Caldigate about half an hour to adapt these notices for NCC's use. In addition, Mr Scarborough, NCC's Webmaster, will spend an hour loading them onto the website.

5. The remaining 10% of the material is made up of commercial information products. Mr Collins realises that this material will require more formal licensing and that there are two ways to do this. NCC can either use an automated on-line licensing system like OPSI's Click-Use Licence or standard licence terms.

6. Mr Collins considers both options and decides that the expense of setting up the IT to handle this (possibly £5,000) is not really appropriate for NCC, particularly as it is not a major information trader. The best option is to use standard licences that will be published on the NCC website and tailored appropriately for each licence request received. Again, OPSI have helpfully published some standard licences on [HMSOnline](#) that Mr Caldigate can easily adapt for NCC's use. This will take him two hours to complete and Mr Scarborough will take an hour to load it onto the website.

¹ Her Majesty's Stationery Office (HMSO), soon to be re-named the Office of Public Sector Information (OPSI) is the unit within the Cabinet Office that is responsible for this policy.

7. Mr Collins asks Mr Eliot, the Finance Director, how much it would cost NCC to process future licence requests. Mr Eliot says that this would not represent any additional costs for NCC (other than those mentioned under paragraph 5) because Miss Gaskell would have had to process them even if the new Regulations had not been introduced.

8. Mr Collins notes the links with Freedom of Information (FOI) and asks Miss Gaskell to carry out a review of how the new Regulations and FOI can be linked within NCC. Miss Gaskell reckons that this will take about a day of her time including drafting guidance for staff.

B. Transparency

9. In addition to publishing the licence terms on its website, Mr Collins notices that there are a few other things NCC will need to do to meet its transparency obligations under the new Regulations. These are:

- To publish charges – if any – for re-use. Mr Eliot calculates that it will take him a day to produce a charging schedule and Mr Scarborough will spend a further hour loading the information onto the website. In subsequent years Mr Eliot will need to set aside two hours to review and update the charges.
- To identify the basis of any charges, for example they may involve the cost of production and a reasonable return on investment, and be prepared to justify them if challenged. Mr Eliot reckons that this exercise will take a couple of weeks work to complete.
- As part of Miss Gaskell's investigations into links with FOI she identifies the need to revise standard practice in terms of FOI fees (which should be deducted from any charges made for re-use under the new Regulations) and timescales. It would take two days to revise and alert staff of the changes.
- If the NCC turns down any requests to re-use its material, Miss Gaskell will need to tell the applicant how they can make a complaint if they want to. This will involve mentioning NCC's complaints process. She may also have to mention the disputes resolution process that is run by OPSI. This will involve little additional effort for Miss Gaskell and virtually no cost to NCC. However, Mr Eliot assumes that dealing with complaints in the future might take him and Miss Gaskell the equivalent of one day each per year.

C. Asset Lists

10. Mr Collins also realises that there is an obligation under the new Regulations to produce Asset Lists. He decides to undertake a mini information audit and asks each of the 10 departments in NCC to identify the information they hold, both published and unpublished, which is available for re-use. Their responses will then be used to create NCC's Asset Lists. Miss Gaskell points out that the Asset Lists could even link to the Publications Schemes that NCC already has to produce under FOI.

The Information Fair Trader Scheme

12. Mr Collins is pleased to see that NCC is doing everything it can to meet its obligations under the new Regulations. He decides, however, to contact OPSI's Standards Division because he has heard that they run a scheme known as the Information Fair Trader Scheme (IFTS). Although this is a voluntary scheme Mr Collins thinks that it would be worth getting a health check from OPSI. After discussions with OPSI, Mr Collins decides that there is little point in going for the full IFTS accreditation as NCC is not a major information trader. He thinks, however, that the mixture of self assessment with some external verification by OPSI might be the most sensible way forward. In addition to any charges OPSI might make for this service, Mr Caldigate decides to spend a full day dealing with this.

Conclusion

13. Having looked at each of the main obligations that NCC will face when the new Regulations come into force in July 2005, Mr Collins realises that there will be few, if any, additional financial costs for NCC. The tasks identified can all be carried out by existing members of staff during the course of their day-to-day work.

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