

**REPORT TO:** Cabinet

**MEETING DATE:** 14 March 2017

**BY:** Depute Chief Executive – Resources and Peoples Services

**SUBJECT:** Re-Use of Public Sector Information Regulations 2015  
(ROPSI) Policy

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## **1 PURPOSE**

- 1.1 To seek approval from Cabinet of the Re-Use of Public Sector Information Regulations 2015 (ROPSI) Policy (Appendix 1).

## **2 RECOMMENDATIONS**

- 2.1 That Cabinet approves the attached ROPSI Policy and adopts it as Council policy.
- 2.2 That Cabinet approves and adopts the charges contained in the Appendix to the ROPSI Policy.

## **3 BACKGROUND**

- 3.1. ROPSI came into force in 2015.
- 3.2 The re-use of information is directly linked to Freedom of Information (FOI) requests. The timescales for both types of request are identical as are the processes. The procedures for the handling of ROPSI requests will be appended to the Council's FOI procedures.

## **4 POLICY IMPLICATIONS**

- 4.1 The Policy will provide clarity and consistency of approach for staff, clients and members of the public.

## **5. INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy

## **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – None
- 6.2 Personnel – The policy will be communicated via Elnet and E-alert to employees of the Council.
- 6.3 Other – None

## **7 BACKGROUND PAPERS**

- 7.1 None

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<b>DATE</b>	7 February 2013

EAST LOTHIAN COUNCIL

**Re-use of Public Sector Information  
Regulations  
Policy**

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**East Lothian**  
Council

East Lothian Council  
Re-use of Public Sector Information Regulations Policy

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Re-use of Public Sector Information Regulations Policy

## **1. Introduction**

- 1.1 This document sets out East Lothian Council's ("the Council's") policy regarding the Re-use of Public Sector Information Regulations 2015 ("the Regulations"). As compliance with the Regulations is closely linked with compliance with the Freedom of Information (Scotland) Act 2002 (FOISA) and the Environmental Information (Scotland) Regulations 2002, this policy should be read in conjunction with the policy on Freedom of Information.
- 1.2 "Re-use" means the use by a person of a document held by a public sector body for a purpose other than the initial purpose within that public sector body's public task for which the document was produced. This includes documents held for commercial and non-commercial purposes in alignment with the Council's vision for Open Data.
- 1.3 The Regulations came into force in 2015 and are intended to make information easier to re-use, resulting in economic, social and civil benefits. Under the Regulations, providing information for re-use has become mandatory under an open licence.
- 1.4 Each public authority has the duty to adopt and maintain an Information Asset Register that details the information it holds for re-use. East Lothian Council's Information Asset Register is its publication scheme and can be found on the Council's website: <http://www.eastlothian.gov.uk/site/scripts/downloads.php?categoryID=704>

## **2. Statement of Intent**

- 2.1 East Lothian Council is committed to transparency about the way in which it operates and makes decisions and will favour disclosure of information whenever possible.
- 2.2 The Council will ensure that the public will have a general right to re-use the information it holds, subject to certain conditions and exemptions and subject to the Open Government Licence.
- 2.3 The Council will adopt and maintain an Information Asset Register which relates to the publication of information by the Council.
- 2.4 The Council will ensure that training (including refresher training) is provided to officers who may be required to provide information, and that these officers are familiar with the requirements of the

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Regulations. The Council will ensure that all relevant staff attend briefing sessions on the Regulations.

- 2.5 This policy applies to all information (regardless of format) produced, held or disseminated by the Council which relates to the delivery of services and provisions of a statutory function and is not protected by third party copyright. These are defined by the Council's Public Task and can be found in the Public Task Statement on the Council's website.

### **3. Roles and Responsibilities**

- 3.1 The Council recognises its corporate responsibility under the Regulations to provide a general right of re-use to the information that it holds.
- 3.2 The Council's Information Governance Manager will take the lead role to be responsible for the provision of advice and guidance regarding the Regulations and will be responsible for keeping this document up to date.

### **4. Dealing with Requests**

- 4.1 A person who wishes to make a request for re-use must ensure that the request:
- i. is in writing (by letter or email)
  - ii. states the name of the applicant and an address for correspondence
  - iii. specifies the document requested, and
  - iv. states the purpose for which the document is to be re-used.
- 4.2 If the information has not been previously disclosed, the request will be treated as a request for information under the Freedom of Information (Scotland) Act to determine if the information is exempt. Only when the information is provided will it become eligible for re-use. At that point, the re-use element of the request will become a valid request for re-use.
- 4.3 The Regulations require information to be provided 'promptly'. In agreement with other public sector authorities, the Council will base its response to requests under the Regulations on responding to requests under the Freedom of Information (Scotland) regime and respond within 20 working days. The timescale may, however, be extended if the request involves an extensive number of documents or raises complex issues. If the timescale is extended, applicants will be informed before the 20 working day deadline as to why the

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response time has been extended, and provided with a date on which to expect a response.

- 4.4 The Council will make information available for re-use in the format and language in which we hold it. The Council will endeavour, whenever possible, to make information available in a machine readable format with appropriate metadata.
- 4.5 The Regulations do not apply to third-party copyright information. Any applicant requesting re-use of such information will be directed to the copyright holder. When the copyright is jointly held by the Council and a third party, the permission of both bodies must be agreed before re-use is permitted.
- 4.6 Where requests are refused, the applicant will be advised of the decision and their right to make a formal complaint.

## **5. Fees and Charges**

- 5.1 The Council can charge marginal costs for allowing the re-use of its information. These are limited to the reproduction, provision and dissemination of documents. There are three exceptions to this:
- i. where the Council is required to generate revenue to cover a substantial part of the costs relating to our public task
  - ii. where the Council is required to generate revenue from documents to cover a substantial part of our costs
  - iii. where the information is held for the purposes of our libraries, museums or archives.
- 5.2 For an outline of the charges, please see the Appendix.

## **6. Terms and Conditions of Reusing Information**

### **6.1 UK Open Government Licence**

The [Open Government Licence](#) is the default licence for most of the Council's copyright information produced. It is a non-transactional open licence which enables use and re-use with virtually no restrictions. It is applicable when use and re-use, including for commercial purposes, is at no cost to the user/re-user. The Open Government Licence only requires public authorities to link to the Licence where it is hosted on the National Archives website.

### **6.2 Non-commercial Government Licence**

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The Open Government Licence will not be appropriate in all cases, such as where information may only be used for non-commercial purposes. The [Non-Commercial Government Licence](#) covers this situation. As with the Open Government Licence, the Non-Commercial Government Licence is hosted by the National Archives.

### 6.3 Charged Licence

Where the Council charges a fee for the re-use of information, it must do so in accordance with the [Charged Licence](#). The licence consists of standard licensing terms and, like the above licenses, forms part of the UK Government Licensing Framework. It, too, can be accessed on the National Archives website.

## 7. Refusal of Re-use Requests

- 7.1 If the Council refuses a request for re-use, it will notify the applicant of the reason for the refusal within the 20 working days and provide a detailed explanation of the reasons for its decision.
- 7.2 If the information for re-use is refused because the copyright of the document is owned by a third party, the Council will identify that third party in its response, or provide the name of the person from whom the Council obtained the document.
- 7.3 All responses will provide details of the internal appeals process to the applicant.

## 8. Appeals and Complaints

- 8.1 Where applicants are dissatisfied with a decision, they are entitled to an independent appeal of the decision through an internal appeals procedure.
- 8.2 This internal appeals procedure will be conducted through and in accordance with the Council's freedom of information review procedure and a response will be issued within 20 working days. The timescale may, however, be extended if the appeal involves an extensive number of documents or raises complex issues. If the timescale is extended, applicants will be informed before the 20 working day deadline as to why the response time has been extended, and provided with a date on which to expect a response.
- 8.3 If applicants are not satisfied with the Council's response to their complaint, they can complain to the UK Information Commissioner. The UK Information Commissioner will confer with the Scottish



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Information Commissioner (as appropriate) and investigate and assess if the Council has met its obligations under the Regulations.

- 8.4 Any complain to the UK Information Commissioner must be in writing, state the nature of the complaint and include a copy of the Council's decision notice.

**9. Review of Policy**

- 9.1 This policy will be reviewed every three years from the date of approval.

**APPENDIX**

CHARGING UNDER THE RE-USE OF PUBLIC SECTOR  
INFORMATION REGULATIONS

Email transmission	no charge
CD/DVD per disk	£2 (incl. VAT)
Postage cost	Variable (weight & size) Costs based on Royal Mail Standard 2 <sup>nd</sup> Class
Photographs	Cost of reproduction

Photocopy Charges		
Paper Size	Black and White (£ per sheet)	Colour (£ per sheet)
A4	10p	50p
A3	20p	£1.00
A2	40p	£1.50
A1	80p	£2.00
A0	£1.60	£2.50

A Fee Notice will be issued when the total disbursement costs, detailed above, exceed £5; however, the Council reserves the right to charge for amounts below this limit on a case-by-case basis. Payment needs to be received before the information will be sent and within 3 months of the Fee Notice being issued.