

UK-Legal Framework

Legal framework

Before the development of the UK Location Strategy, no encompassing policy on the coordination of the provision and dissemination of GI existed at the level of central government. A legal framework for the NSDI in the UK was not developed. The Location Strategy is the general strategic document on which the set-up and implementation of the UK NSDI is based. As a part of the Location Strategy, the INSPIRE directive was transposed by the INSPIRE regulations in December 2009. The final text has been published at

http://www.opsi.gov.uk/si/si2009/uksi_20093157_en_1

The development of the legal text was preceded by a consultation on the policy principles on which the regulations were based. The consultation showed the need for a further assessment of the costs and benefits, and a need for communication and guidance (see Explanatory Memorandum to the INSPIRE Regulations 2009). Sub-national legislation also exists for Scotland.

Public-private partnerships (PPPs)

An important ‘flagship’ project with respect to public-private partnership in the GI-sector is lead by the National Land Information Service (<http://www.nlis.org.uk>). This project is providing a service through which it is now possible to search for property details online. The National Land and Property Gazetteer can also be considered as a form of PPP. This is the national address list that has to be updated by the local authorities in England and Wales. The NLPG is a partnership between Local Government Information House, the Improvement and Development Agency, Intelligent Addressing and Local Government Association. General statements about PPP related to GI have not been found.

Policy and legislation on access to public sector information(PSI)

The UK Parliament broadly signalled its position with regard to the accessibility of public sector information by passing a Freedom of Information Act in 2000, which came into full force in January 2005. The Act has received considerable criticism from many politicians across the political spectrum and NGOs as being insufficient and weaker than the existing code of practice. In June 2002, the Scottish Parliament approved a Freedom of Information bill that is regarded as

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stronger than the English Freedom of Information Act. It also will not go into effect until 2005. Free access by the citizen to information on EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2011 United Kingdom K.U.Leuven (SADL) 14 the environment has however been specified since 1992 by a Statutory Instrument, which was replaced by new Regulations in January 2005. The Re-use of Public Sector Information Regulations 2005 (Statutory Instrument 2005 No. 1515), transposing Directive 2003/98 on the re-use of PSI came into force on 1 July 2005. The regulations do not impose a general obligation on the public sector bodies to make their documents available for re-use. A public sector body may permit re-use, and if it decides to do so, it has to comply with the regulations. The Office of Public Sector Information (OPSI), which has a regulatory function for PSI holders has merged with The National Archives with effect from October 2006. The merger created a stronger centre for information management in the public sector, enabling a more responsive approach to the challenges of new technology. The combined organisation will be known as The National Archives, which will continue to operate as a government department and as an executive agency of the Secretary of State for Constitutional Affairs (<http://www.opsi.gov.uk>).

A number of studies have been done in the UK to show the value of availability of public sector data under non-restrictive conditions and at a charge of marginal costs or lower (e.g. the Office of Fair Trading's report on Commercial Use of Public Information, the Power of Information Report, the Cambridge Report on Models of Public Sector Information Provision via Trading Funds). These studies paved the way for initiatives of the Office of Public Sector Information and other public bodies to start opening up data. In June 2009, Prime Minister Gordon Brown enlisted Sir Tim Berners-Lee to help move the British public sector towards opening up its data (Cabinet Office 2009). Following this initiative, the data.gov.uk website was launched in January 2010, with currently over 3,000 datasets that are available for re-use, free of charge and without use restrictions. During 2010, the Public Sector Transparency Board was established by the Prime Minister with the objective to drive forward the Government's Transparency Agenda and promoting the opening up of government data.

Legal protection of GI by intellectual property rights

Part I on copyright of the Copyright, Designs and Patents Act 1988 extends to England and Wales, Scotland and Northern Ireland. It came into force on 1 August 1989. Chapter X of Part I of this Act has some special provisions on Crown and Parliamentary copyright. This 1988 Act provided a major updating of copyright law but the process has continued since then with a number of amendments. EU Directive 96/9/EC of 11 March 1996 on the legal protection of databases was implemented by the Copyright and Rights in Databases Regulation 1997, coming into force on 1 January 1998. The Copyright (Computer Programs) Regulations 1992 came into

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force on 1st January 1993. Both Regulations made amendments to the above Copyright, Designs and Patents Act 1988. The amendments to the Copyright Act that transposed the 2001 directive on copyright in the information society into English law came into force on October 31st, 2003. EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2011 United Kingdom K.U.Leuven (SADL) 15 In the UK, government geo-information is strongly protected by far reaching Crown copyright. No other country has a system quite like it. Crown copyright is defined in the above Act as a work made by Her Majesty or by an officer or servant of the Crown in the course of his duties. It covers a wide range of material, including legislation, government codes of practice, Ordnance Survey mapping, government reports, official press releases, government forms and many public records. There are however public sector copyright owners other than the Crown, such as local authorities and non-departmental public bodies (NDPB). These are thus not subject to Crown copyright control. The UK system of Crown copyright does however apply to Ordnance Survey <http://www.ordnancesurvey.co.uk>

which holds a strong market position as far as geographic products is concerned. It is responsible for mapping at all the scales. The Ordnance Survey therefore exercises a virtual monopoly in the provision of mapping through the enforcement of Crown copyright.

Restricted access to GI further to the legal protection of privacy

The Parliament approved the Data Protection Act in July 1998, which came into force on 1 March 2000. This Act updates the 1984 Data Protection Act in accordance with the requirements of the EU Directive 95/46/EC. The 1998 Act covers records held by government agencies and private entities. It provides for limitations on the use of personal information, access to and correction of records and requires that entities that maintain records, register with the Information Commissioner <http://www.informationcommissioner.gov.uk>

The Office of the Information Commissioner is an independent agency that maintains the register and enforces the Act. Directive 2002/58 on privacy and electronic communications has been transposed into English law.

Licensing framework

Public sector information regulated by Crown Copyright is licensed by the Controller of Her Majesty's Stationery Office (HMSO) at The National Archives (TNA) but for many geographic datasets, the data providers have their own licensing policy, e.g. Ordnance Survey, British Geological Survey, Environment Agency, and Met Office. However, TNA works with these agencies (and with local authorities and other public bodies) to harmonise licensing policies, by

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giving advice, providing guidelines and by managing the Information Fair Trader Scheme. The Information Fair Trader Scheme (IFTS) ensures that re-users of public sector information can be confident that they will be treated reasonably and fairly by public sector information providers. All Crown bodies that have a licensing delegation from the Controller of OPSI (such as Ordnance Survey) must join the Scheme, but it is open to public sector organisations to join voluntarily. Public bodies that are accredited under the scheme include Ordnance Survey, Ordnance Survey of Northern Ireland, British Geological Survey, Registers of Scotland and the UK Hydrographic Office. EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2011 United Kingdom K.U.Leuven (SADL) 16 In June 2009, Prime Minister Gordon Brown enlisted Sir Tim Berners-Lee to help move the British public sector towards opening up its data (Cabinet Office 2009). Following this initiative, the data.gov.uk website was launched in January 2010, with currently over 3,000 datasets that are available for re-use, free of charge and without use restrictions under the Open Government Licence. The only conditions involve attribution (see

<http://www.nationalarchives.gov.uk/doc/open-governmentlicence/opengovernmentlicence.htm>

The UK Location Data Sharing Operational Guidance establishes the UK Government Licensing Framework as the basis for licensing the use of datasets that are part of UK Location. When the location data is available without further restrictions, conditions or charges, the Open Government Licence will be used as the default licence. For other data, new licence models are being developed. (UK Location, UK Location Data Sharing Operational Guidance Part 2 – Licensing and Charging, <http://location.defra.gov.uk/2011/03/data-sharing-operational-guidance/>

In March 2010, Ordnance Survey decided to make some of its datasets openly available under the OS Open Data Licence, using the same licence terms as the data.gov.uk website. See <http://www.communities.gov.uk/news/corporate/1529556>

Since November 2010, a new licensing and pricing model was launched for the Ordnance Survey data that was not subject to the OS Open Data Licence (see

<http://www.ordnancesurvey.co.uk/oswebsite/business/licences/2010-model.html>

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Next to its regular licensing policies, Ordnance Survey also has a number of Collective Licensing Agreements, for instance with the National Health Service, and with central bodies under the Pan-Government Agreements. Since April 2009, Ordnance Survey and Landmark have launched a new version of the Pan-Government Agreement for 4 years, providing national bodies with access to a broader set of data at an affordable price (see

<http://www.ordnancesurvey.co.uk/oswebsite/business/sectors/health/NHSagreement/NHSagreement.html>; <http://www.ordnancesurvey.co.uk/oswebsite/business/sectors/health/NHSagreement/NHSagreement.html>

UN-GGIM Knowledge Base

<http://ggim.un.org/knowledgebase/KnowledgebaseArticle51518.aspx>