

The Re-Use of Public Sector Information Regulations 2015 – Guidance Notes

Statutory Instrument 2015 No. 1415

http://www.legislation.gov.uk/uksi/2015/1415/pdfs/uksi_20151415_en.pdf

The Re-use of Public Sector Information Regulations (RPSI) came into force 1st July 2005, updated 18th July 2015, and sets out guidance for how public sector information can be re-used. In Scotland, these regulations apply in conjunction with the Freedom of Information (Scotland) Act 2002 (FOI(S)A), Environmental Information (Scotland) Regulations 2004 (EI(S)R), and the Data Protection Act 1998 (DPA).

Re-use allows a person to, under certain conditions, use information held by a public sector body, such as a local authority, for a purpose other than the initial purpose for which that information was originally produced. This information may have been obtained by Freedom of Information Regulations or Environmental Information Regulations, and any applications for re-use must be made to the council. RPSI Regulations aim to promote transparency, consistency and fairness across the council.

Re-use legislation is monitored by the Office of Public Sector Information (OPSI) which operates from within The National Archives, Kew, Richmond, Surrey, TW9 4DU. Telephone +44 (0) 20 8876 3444.

<http://www.nationalarchives.gov.uk/information-management/re-using-public-sector-information/>

The Moray Council has identified the following documents as being available for re-use under the Regulations:

- Department circulars
- Codes of practice
- Consultation on policy documents
- Annual reports
- Statutory registers such as those for birth, marriage and death and land titles
- Forms issued by the local authority e.g. tax forms
- Press notices
- Public records
- Technical reports
- Local planning information
- Regional economic strategies

The regulations do not apply:

- Where supplying the document falls outside of the public task of the local authority
- A third party owns relevant intellectual property rights in the document
- Where the content is exempt from release under FOI(S)A, EI(S)R or any other access legislation. This means that for documents which are reasonably accessible, section 25 of FOI(S)A applies. If the documents are e.g. published on the council's website, they would normally be already available for re-use

The regulations do not apply to a document unless it has been:

- Identified by the local authority as being available for re-use
- Provided to the applicant e.g. in response to an FOI(S)A access request
- Made accessible by means other than by making a request under the Acts and regulations cited above

The regulations do not apply to documents held by:

- Educational and research establishments such as schools, archives and libraries
- Cultural establishments such as museums, libraries, archives and theatres
- Information held in a public sector archive is excluded from the scope of the regulations if the archive exists wholly or in part for educational, research and cultural purposes. It is not classed as an archive under the regulations if the documents are kept solely to serve the operational needs of the parent body. If the archive exists for educational, research or cultural purposes, all the information held by it is excluded, whether among historical records or among the archive's own current files. Consequently the archives held by the Local Heritage Centre are exempt from the scope of the regulations.

Requests for Re-Use

Such requests will be:

- In writing
- State the name of the applicant and an address, or email address, for correspondence
- Specify the document requested
- State the purpose for which the document is to be re-used

Responding to a Request

The local authority:

- Will respond promptly and before the end of the 20th working day beginning with the day after receipt
- Has the right to extend the period where the documents are excessive in quantity or complex in nature
- Must inform the applicant that no decision has been reached if 20 days have passed, and will send an estimated date by which a response is expected
- Can respond with a refusal to allow re-use
- Can respond making the document available for re-use
- Can impose conditions on the re-use of the document
 - Any conditions imposed shall not discriminate between applicants, and they should not be unduly restrictive
 - If The Moray Council wishes to re-use the same material itself, it should do so under the same conditions as for applicants
 - There should be no exclusive arrangements for applicants

Charging

A local authority may charge for allowing re-use. The total income from any charge will not exceed the sum of:

- The cost of collection, production, reproduction and dissemination of the documents
- A reasonable return on investment

The local authority should establish standard charges where possible, and these should be made available to the public

The Licence fee will be considered on a case by case basis, and will take into consideration:

- The council's intellectual property e.g. information which has commercial value
- Staff time
- Charges for materials supplied e.g. photocopying

The Policy Committee of The Moray Council adopted charging on 24 October 2007

Information that should be Published Concerning the Regulations

A list of the main documents for re-use should be available. See the [Publication Scheme](#).

- These should be available electronically
- As far as possible, applicants should be able to search the list of documents by electronic means
- The means of redress available to an applicant relating to any decision or practice affecting them under the regulations

Complaints

- The applicant has the right to complain to the council if they are dissatisfied with the response to their enquiry. Please see the [Comments and Complaints Procedure](#) on the council's internet site, and contact the Information Co-ordinator, Elgin Library, Cooper Park, Elgin, info@moray.gov.uk
- Where these procedures have been exhausted, the applicant may exercise their right to complain to the Office of Public Sector Information (OPSI). Such complaints must be in writing, and may be appealed

Copyright

The copyright in material and information supplied in response to an FOI(S)A enquiry will often belong to the Moray Council. Such material is not to be used commercially without permission from the copyright holder. The supply of documents under FOI(S)A does not give the person who receives them a right to re-use the documents in a way that may infringe copyright e.g. make further copies,

publishing the material supplied and so making it available to the public. If the applicant wishes to re-use the material for a purpose beyond fair dealing, they will need to seek permission of the copyright holder. Where the copyright holder is The Moray Council, the council will deal with the application for re-use in accordance with the Re-use of Public Sector Information Regulations.

In accordance with the fair dealing provision of the Copyright, Designs and Patents Act 1988, extracts may be taken from copyright material for the purposes of non-commercial private study or research, review or current news reporting. For all other purposes only insubstantial extracts may be re-used without infringement of copyright.

For further advice please contact:

Information Co-Ordinator
Elgin Library
Cooper Park
Elgin
IV30 1HS
Email: info@moray.gov.uk