



Barnsley Biological Records Centre

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DATA REQUEST FROM AN EXTERNAL USER

TERMS OF SUPPLY AND CONDITIONS OF USE

Terminology

Below are definitions of the terminology used in this document:

Term	Definition
BBRC	Barnsley Biological Records Centre.
YHEDN	Yorkshire Environmental Data Network A community of the Local Record Centres in the Yorkshire region who collate, manage and disseminate environmental data on behalf of both professional organisations and amateur naturalists.
Recipient	The person or organisation instigating the data search and the person to whom the data is delivered.
Agent	An organisation or individual requesting the data on behalf of a third party client such as an environmental consultancy working on behalf of a developer.
Client	The end user of the data such as a developer making a planning application.
Data Copyright Holder	In most cases these will be amateur naturalists. The YEDN network and its member organisations act as the custodians of environmental data, but in most cases the data remains the property of the original recorder and they retain any copyright governing its use.

Introduction

Thank you for your request for copies of data held by BBRC. To help us deal with your request please ensure that you have completed a Data Request Form to clarify the nature of the data required, and to help us monitor the distribution and use of electronic data on behalf of data copyright holders.

In signing a data request form, the data recipient confirms that they have read and understood the terms of supply and conditions of data usage, and recognise that they or the organisation they represent are entering into a legally binding contract with BBRC in commissioning the data search.

BBRC retains the right not to supply data to clients at its discretion. The release of data will normally be agreed unless one or more of the following situations occurs:

1. The data copyright holder is unwilling for the data to be released for the proposed purpose. Data will be withheld if release of the data on this occasion may result in the copyright holder withholding data from BBRC in the future.

[All of the data identified in the search is covered by YEDN's confidentiality policies or one or more Data Exchange Licences with a member organisation of YEDN.]

2. The enquirer cannot agree to the conditions listed below, has not adhered to the conditions on a previous occasion and / or is not prepared to pay the extraction fee.

[Please note that consultants requesting access to sensitive and / or confidential data from BBRC will normally be required to show membership of the Chartered Institute of Ecology and Environmental Management, or similar professional body, and operate within the Institute's Professional Code of Conduct or other recognised codes of best practice.]

3. The enquirer is seeking data that are out of proportion to the case, study or research project concerned.

[The geographical scope of the data supplied will be appropriate to the enquiry made. Complete data sets for the Yorkshire & Humber region or a significant proportion of it will not normally be released, although context distribution maps for habitats and species across the county or country may be included where relevant.]



Conditions of use

1. The data may not be copied to third parties, published in any form, placed on the world wide web or, where the recipient is acting as an agent, supplied to the recipient's client without written permission from BBRC except in the circumstances given below.
2. Reports which include the data supplied by BBRC may be provided to the recipient's client and to consultees provided that any special arrangements made in respect of confidential data are adhered to and full acknowledgement is given in the report to BBRC and, where appropriate, the original recorders. Any specific copyright conditions attached to the data, including Crown Copyright, must be strictly adhered to.
3. The data must not be entered on a computerised database or Geographical Information System without written permission from BBRC. The data are supplied for the purpose of informing a short-term case, study or research project and are not intended for storage by the recipient for future use.
4. Permission to use data expires 12 months after approval. Applications to extend beyond this period should be made at least one month before the expiry date.
5. The data is to be used by the client on the understanding that reasonable steps have been taken to ensure the accuracy of the environmental information provided, but this does not make YHEDN nor its directors, trustees, officers, members, supporters or associates legally responsible to the recipient of the data, their clients or others for any losses caused by any errors or omissions in the environmental information. Details of YEDN's current quality assurance policies are available from YEDN upon request.
6. YEDN members are registered under the Data Protection Act 1998 and undertake to manage personal information in line with this, and all subsequent data protection legislation. Names are included as part of biological records with the consent of the original recorder. All other personal data is considered confidential and will not be passed to data users except with the individual's explicit written consent. Details of YEDN's current confidentiality policies are available from YHEDN upon request.
7. The data is to be used by the client on the understanding that reasonable measures have been taken to ensure that a YEDN member organisation is vested with the necessary authority to distribute the data provided. Provision of the data does not confer on the data user any form of data custodianship; the data at all times remaining the intellectual copyright of the original data collector / observer.