



Re-use of Public Sector Information Regulations Policy (RPSI)

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This document will be distributed to the following for review and feedback prior to submission for approval:

Name	Role	Directorate	Div	Date Issued for Review
Information Governance Board	Membership as at 20 th September 2018			20/09/2018
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Document Status

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1 Introduction

Re-use of Public Sector Information Regulations 2015 (RPSI) were originally introduced on 1 July 2005 and provide any person or organisation with the right to request the re-use of information held by a Public Authority (for example, to copy it and sell it on). An updated set of regulations was introduced on 18 July 2015.

The aim of the Regulations, which carry out a directive of the European Parliament, is to make re-using public sector information easier. The main themes of the Regulations are improving transparency, fairness and consistency. Re-use means using public sector information, for a purpose other than the initial public task it was produced for. The RPSI are about permitting this re-use of information and how the information is made available.

The Regulations complement the rights of access to information available under the Freedom of Information Act 2000 (FOI) and the Environmental Information Regulations 2004 (EIR). The Council is a public body that is required to comply with the RPSI.

This policy sets out the Council's obligations, criteria, and conditions in relation to the re-use of information under RPSI.

2 Policy Statement

The Council will comply with all the relevant provisions of the RPSI. In general, any information that is accessible, either because it has been published or because it has been released under FOI legislation or other access legislation will be made available for re-use. The Council retains copyright to all information we disclose.

The Council is committed to conducting its affairs in a transparent manner and enabling public access to its information whenever this is appropriate. Generally, the Council will act in as open and transparent a manner as possible whilst ensuring the integrity of its information and protecting the privacy of its customers.

3 Roles, Responsibilities and Scope

This policy operationally applies to all employees of the Council including agency staff, contractors, all elected members, or anyone working on Council premises or on behalf of the Council. A summary of the specific roles and responsibilities is detailed in Appendix A.

This policy applies to all information (regardless of format) produced, held or disseminated by the Council which relate to the delivery of services and provision of a statutory function. These are defined by the Council's Public Task. These regulations should not be confused with the FOI or EIR which only provide public access to information and not the right to re-use it.

See Appendix B for information that is within the scope of the RPSI and outside the scope of the RPSI.

4 Managing Requests for Re-use of Information

You do not need to ask permission to re-use any published information for which the Council holds the copyright, but you must acknowledge the copyright and source of the information, agree and comply with the terms of the [Open Government Licence](#) (OGL). This arrangement is already used as part of the Council's Open Data arrangements and allows the re-use of public sector information without charge for any purpose, commercial or otherwise, with minimal conditions. Where information is not released under the OGL, you will need to request permission for re-use under the RPSI regulations.

To make a request for re-use to the Council please:

Submit the request:

- by emailing informationrequests@barnsley.gov.uk
- or in writing to: Barnsley Council, Information Governance Team, PO Box 634, Barnsley S70 9GG
- Include your name and address for correspondence
- Specify the information that you want to re-use and the purpose you intend to use it for

When the Council receives a request to re-use information, we must respond within 20 working days. This time limit can be extended if the information is extensive or the request raises complex issues, but we must inform you of this within the 20 day period. In most cases information will be available to re-use free of charge. If the information is available electronically and you are happy to receive it by email, there will be no charge. There may be a charge if you require paper copies of documents.

5 Refusing Requests

A refusal of a request for re-use will only be made when it is necessary to do so. Upon refusal of a request for re-use, the applicant will be informed of the reasons for the decision within twenty working days, and at the same time, will be informed of the procedures for making a complaint.

RPSI does not apply to information that would be exempt from disclosure under information access legislation, i.e. the UK General Data Protection Regulations (UK GDPR), DPA 2018, the FOI Act, EIR and the INSPIRE regulations.

RPSI does not apply to recorded information you hold if someone else holds the intellectual property rights (e.g. copyright or database right). You can only permit re-use if you hold the intellectual property rights in the information.

Copyright protects material such as literary works, artistic works, software and databases, and stops others from using such material without permission. It prevents people from:

- copying it
- distributing copies of it, whether free of charge or for sale
- renting or lending copies of it
- performing, showing or playing it in public
- making an adaptation of it
- putting it on the internet

6 Publication Scheme

The [Council's Publication Scheme](#) is available on the Council's website. The Council is committed to being open and honest and the publication scheme is designed to increase transparency and allow members of the public to routinely access information relating to the functions of the Council.

7 Datasets and re-use

In 2012, the government amended the Freedom of Information Act 2000 (FOIA) to create a 'right to data' comprising new duties for certain public authorities to make datasets available and provide for citizens' rights to re-use them. These provisions were inserted into the FOI Act by the Protection of Freedoms Act 2012.

The RPSI amended the FOI Act regarding release of datasets or portions of datasets for re-use. These changes mean that where a document is covered by the RPSI, then it is the RPSI and not FOI Act which will govern the re-use of such dataset information and their entry on a publication scheme. A dataset is a collection of factual information in electronic form (e.g. statistics or figures) that has not been materially altered since it was recorded. To be a dataset, the 'raw data' must not have been the product of analysis or interpretation.

The new rights to re-use under the RPSI have been consolidated with the FOI Act provisions where a dataset is within the scope of the RPSI. For datasets or public authorities out of scope of the RPSI, there is no change. The access and means of communication requirements of FOI Act remain the same.

8 Complaints and Internal Review

8.1 Complaints Procedure

The Council has an internal review procedure. Any person who is unhappy with the way in which the Council has handled their request for information may use this procedure. Correspondence should be clearly marked 'Request for Internal Review' and addressed to:

Barnsley MBC
 Information Governance Team
 PO Box 634

Barnsley
S70 9GG
Email: informationrequests@barnsley.gov.uk

8.2 Internal Review

If the requestor is unhappy with the response, the Council should be asked to conduct an internal review. A request for an internal review should be made to the Council within 40 working days from the date the Council has issued an initial response to a request and this should be made clear in that response to the applicant. The Council is not obliged to accept internal reviews after this date. Internal review requests should be made in writing. Requests for internal review will be acknowledged and the applicant informed of the target date for responding. This should normally be within 20 working days of receipt.

Re-use complaints will be dealt with through the Council's freedom of information review procedures, and a response issued within 20 working days. This timescale may vary depending on the complexity of the matter. Complainants will be informed of any delay.

8.3 Information Commissioner's Office

If you are not content with the outcome, requestors have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:-

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Website: www.ico.org.uk
Tel: 0303 123 1113

The Council will maintain a record of all complaints and their outcomes.

9 Audit, Monitoring and Review

This policy, standards and procedures will be audited periodically as part of the annual internal audit work plan to ensure compliance.

This policy and all supporting procedures will be reviewed as is deemed appropriate but no less frequently than every 12 months.

Performance reports will be submitted to the Information Governance Board on a quarterly basis.

Performance reports and assurance will also be submitted to Audit Committee and the Data Protection Officer.

10 Training and awareness

All employees will be given awareness, induction and update training on a yearly basis on the requirements of the RPSI as appropriate. This includes employees who are non-network users.

11 Breach of Policy

Any deliberate breach of the RPSI or a breach of this policy will be seen as misconduct and may result in disciplinary action.

References

Freedom of Information Act 2000

Environmental Information Regulations 2004

Protection of Freedoms Act 2012

Data Protection Act 2018

UK General Data Protection Regulation

Human Rights Act 1998 (Article8)

Local Government Transparency Code 2014

Related documents

Data Protection Policy

Revised Code of practice issued under S45 of FOI

Records Management Policy

Information Security and Computer Usage Policy

Council Publication Scheme

Council Complaints Procedure

Roles and responsibilities

Information Governance Board

The Information Governance Board (IGB) has delegated responsibility, through the SIRO and the Senior Management Team, for the development and delivery of effective information governance throughout the Council. In particular, the IGB will provide the necessary ownership and advocacy required to support, co-ordinate, promote, monitor and assure compliance with the Act.

Senior Information Risk Owner

The Executive Director, Core Services is the Council's Senior Information Risk Owner (SIRO). The SIRO has delegated authority through the Senior Management Team with specific responsibility for information risk and mitigation, ensuring that any information threats and breaches are identified, assessed and effectively managed.

Service Director Responsibilities

Service Directors have responsibility for information governance. This involves providing high-level support to ensure that each directorate and locality applies relevant information governance policies and controls, including compliance with the Regulations.

Information Governance Team (IG)

The IG Team are responsible for:

Acting as the first point of contact for all requests and to assess and log requests and allocate to the relevant service. Regularly assessing and evaluating procedures; co-ordinating the work of the IG, including monitoring compliance with requests;

Ensuring that any disclosure of data will be in compliance with approved policy and procedures and providing the final decision as to whether any limitation applies to the information requested from the Council;

Maintenance of the Council's publication scheme and publishing details of all requests and the responses to these on the Council's disclosure log; pro-actively identifying data sets that can be published on the Council's external website;

Providing guidance and training in relation to the RPSI legislation and internal procedures to managers and staff to ensure they are aware of their role and responsibility in relation to identifying and processing requests;

Reports on compliance with the policy and procedures to the Information Governance Board on a quarterly basis, reports to Senior Management Team on a quarterly basis and reports to Audit Committee;

To ensure impartiality, reviews of decisions where the applicant is dissatisfied with how their response has been dealt with are carried out; also acts as the link with the Information Commissioner's Officer in relation to any appeals made by dissatisfied applicants.

Employees

On receipt of a request for re-use immediately notify IG informationrequests@barnsley.gov.uk

Responsible for ensuring that any request they receive is dealt with in line with the requirements of the RPSI and in compliance with this policy.

Employees have a legal duty to preserve formal records. Employees must also ensure information is recorded correctly, accurately, adequately named and indexed for easy retrieval or publication. Poor records management practices are not offences in themselves, however they may lead to an inability to comply with requirements of the Act.

Employees will, through appropriate training and responsible management observe all forms of guidance, codes of practice and procedures about the storage, closure, retention and disposal of documents and records;

Employees will be given awareness, induction and update training on the requirements of the RPSI.

Employees will understand that breaches of this Policy may result in disciplinary action, including dismissal.

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Information in and out of scope of the RPSI

Information in scope

The RPSI define information by relating it to 'content' which is information in any form – including print, visual, digital, electronic, and sound recordings. Examples of public sector information in scope include:

- primary and secondary legislation
- official records of the Proceedings of the UK and Scottish Parliaments, the Northern Ireland Assembly and the National Assembly for Wales
- codes of practice
- geospatial data produced by organisations such as the Ordnance Survey and the UK Hydrographic Office
- meteorological data produced by the Met Office
- consultation and policy documents
- statistics produced by the Office for National Statistics
- financial and performance data
- annual reports published by government departments, agencies and local authorities
- statutory registers such as those for birth, death and marriage and land titles
- patent information collected and produced by the Intellectual Property Office
- health and safety guidance and reports published by the Health and Safety Executive
- forms issued by local and central government such as tax forms
- press notices
- still and moving images
- technical reports
- local planning information
- publication schemes (required under Freedom of Information Act legislation)
- information held by libraries, museums and archives where they hold the copyright

The RPSI apply only to information produced, held or disseminated within a public sector body's public task.

If the information is a relevant copyright work under the Freedom of Information Act (FOIA), and the RPSI do not apply, then the re-use provisions in FOIA still apply and re-use permission should be granted. Example: if a public sector body is excluded from the 2015 Regulations, but is a FOIA 'authority', then the right to re-use information comes from FOIA.

Information produced, held or disseminated by a public sector body must not be reclassified as outside its public task in order to avoid compliance with the 2015 Regulations

Information out of scope

Some public sector body information is excluded regardless of the body that produces, holds or disseminates it. This is set out in 2015 Regulation 5 and includes:

- information that falls outside the scope of the public task of the public sector body
- information in which the relevant copyright is owned or controlled by a different person or organisation that is not in scope (third-party copyright)
- parts of documents containing only logos, crests or insignia
- information exempt from release under access legislation, including where a person or company has to show a particular interest to access it

An exception to this is where section 21 of the Freedom of Information Act 2000 or section 25 applies. These sections cover information which is 'reasonably accessible' to the requester. For example, information published on a public sector body's website would be exempt from an access request by virtue of being already reasonably accessible. This information would normally be available for re-use

Information that contains personal data which must be protected

Information with third-party copyright is excluded from the RPSI. Information produced, held or disseminated outside a public sector body's public task is excluded from the RPSI.