

BRENT COUNCIL

Re-use of Public Sector Information (2005) Brent Council Policy

Version 1.0

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1 Introduction

- 1.1 The Re-use of Public Sector Information Regulations 2005 (Statutory Instrument 1515) came into force on 1st July 2005.
- 1.2 These regulations provide that a public sector body, such as the London Borough of Brent, has discretion whether to permit the “re-use” of a document pursuant to a request (regulation 7). The regulations set out the basis on which the authority should act when deciding whether and how to comply with a re-use request. This present policy is to set out the approach of London Borough of Brent as regards dealing with re-use requests.
- 1.3 Brent, like other public bodies, complies with the Freedom of Information Act 2000, and substantial information is given out to applicants in accordance with the Act. To date there are few areas where London Borough of Brent has identified information that would be appropriate for re-use. This may change over time.

2 The Request

- 2.1 A request for re-use must be in writing, stating the name of the applicant and an address for correspondence, specifying the document requested and stating the purpose for which the document is to be re-used (regulation 6).
- 2.2 The request should be sent to the Corporate Information Manager, Room 103, Forty Lane, Wembley, Middlesex HA9 9 HD, or sent via e-mail to foi@brent.gov.uk.
- 2.3 The request must be complied with before the end of twenty working days beginning with day after receipt, though this can be extended to such time as is reasonable in the circumstances in cases where the request is extensive in quantity or raises complex issues (regulation 8). A written notification must be sent to the applicant before the initial twenty days runs out if the extension of time is invoked.

3 Refusal

- 3.1 A request for re-use must be in writing, stating the name of the applicant and an address for correspondence, specifying the document requested and stating the purpose for which the document is to be re-used (regulation 6).

- 3.2 It may be decided that the re-use application be refused, in which case the Corporate Information Manager will give written notification of refusal (regulation 9). The notification shall contain:
- a statement of why the request is not being complied with;
 - a statement that the applicant may appeal against the refusal;
- 3.3 If the refusal is because the regulations do not apply given that a third party owns relevant intellectual property rights in the document then the notification shall contain the name of the person who owns the relevant intellectual property rights or from whom the public sector body obtained the document.

4 Compliance

- 4.1 If, following discussions between the Corporate Information Manager and the relevant service area, it is decided that the re-use request will be complied with then the applicant will receive in writing a statement that will include the following information:
- the format of documents to be produced;
 - any conditions which Brent may impose on re-use;
 - the charge which Brent shall impose whether by reference to a standard charge or an indication of the factors that Brent will take into account in calculating the charge
- 4.2 Where possible and appropriate the response to the request will be carried out by electronic means (regulation 10). There is no requirement that Brent will carry out any of the following (regulation 11):
- create or adapt a document in order to comply with a request for re-use;
 - provide an extract from a document where to do so would involve disproportionate effort;
 - continue to produce a certain type of document for the purposes of re-use by another person
- 4.3 If conditions are imposed they should not unnecessarily restrict (regulation 12):
- the way in which a document can be re-used; or
 - competition
- 4.4 Generally Brent will not enter into an exclusive arrangement with an applicant, though it may do so, in the terms provided by the regulations, if it is in the public interest to do so (regulation 14).

5 Charging

5.1 Brent will charge in line with the provisions set out at regulation 15. The total income for the charge for re-use will not exceed the sum of the cost of collection, production, reproduction and dissemination of documents and a reasonable return on investment. It is envisaged that the charge will include some or all of the following elements:

- the original cost of producing the data;
- an intellectual property valuation;
- officer time in complying with the re-use request;
- costs of arranging any re-use license;
- disbursements;
- profit element

6 Re-Use Licences

6.1 Brent may require that applicants sign and comply with the terms of a Licence which will set out the terms on which the applicant may re-use material including copyright material.

7 Complaints

7.1 If any person believes that Brent has failed to comply with the requirements of the regulations then that person may comply in writing to seek that the the internal complaints procedure of Brent is invoked (regulation 7). Brent will use its freedom of information complaints procedure, adapted as necessary, for the purpose of dealing with complaints under these regulations