

<b>Subject:</b>	<b>Open Government Licence</b>		
<b>Date of Meeting:</b>	<b>22 September 2011</b>		
<b>Report of:</b>	<b>Strategic Director, Resources</b>		
<b>Lead Member:</b>	<b>Cabinet Member for Finance &amp; Central Services</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Paul Colbran</b>	<b>Tel: 29-0283</b>
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<b>Key Decision:</b>	<b>No</b>		
<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE****1. SUMMARY AND POLICY CONTEXT:**

- 1.1 Cabinet is recommended to apply the Open Government Licence to all data and content, subject to limited exceptions as set out in the report. This would enable any member of the public to copy, publish and distribute the non-exempt information without infringing the council's copyright.
- 1.2 The recommendation supports the Government's commitment to increase public sector transparency and to create a right to data.

**2. RECOMMENDATIONS:**

- 2.1 That Cabinet authorises data and content including that on the council's public website to be made available for re-use under the terms of the Open Government Licence
- 2.2 That Cabinet authorises the Strategic Director, Resources, to assess against the criteria specified in paragraph 3.10 (i) and (ii) any exceptional circumstances which may support an exemption to publish data and content under the Open Government Licence and apply the exemption.

**3. RELEVANT BACKGROUND INFORMATION:**

- 3.1 The Council already publishes a variety of information on the Council website. The Transparency agenda requires the council not only to publish information, but to publish it in a way that makes it re-usable by the public. Whilst the Council will continue to provide performance and financial information in context to help residents understand how the Council performs, data will also be made available so that interested and data-literate parties are able to re-use the data as they see fit.
- 3.2 The Council will enable greater transparency, engagement and efficiency by allowing public and peer comparison and re-use of the data in applications and analysis. The publication of public data will improve levels of trust, expand opportunities for analysis of need with voluntary and community sectors, help to

open new markets for local business, achieve a reduction in avoidable contact and support the delivery of improved public services.

- 3.3 In May 2010, the Government published *The Coalition: our programme for government*, setting out their commitment to increase government transparency and create a right to data. On 4 August 2011 the Cabinet Office published a consultation, *Making Open Data Real: a Public Consultation*, which sets out its proposed approach for implementing its transparency and open data agenda. This is about creating two forces: a pull – an enhanced right to data; and a push – a presumption of publication.
- 3.4 Already in place is the Government's Licensing Framework and Open Government Licence (OGL), which aim to open access to publicly held information, promoting transparency and enabling wider economic and social gain.
- 3.5 The OGL provides the mechanism for public sector content to be made accessible with minimal restrictions on the user – thus providing the mechanism by which public sector information can be reused, adapted or blended together etc.
- 3.5 Copying, publishing or distributing written, graphic or photographic material without the copyright holder's consent usually constitutes an infringement of copyright, which could give rise to legal proceedings. The effect of the OGL is – in relation to the material to which it applies – to render the copying, publishing and distribution lawful by granting the necessary consent.
- 3.6 The licence applies to information and data in which the Government or a public body holds the copyright, and which the rights holder has expressly made available under the terms of the OGL. This can be achieved by a clear statement in the information being licensed, or in a position which relates to the information, or by means of a hyperlink.
- 3.7 The OGL is reproduced in full at Appendix 1
- 3.8 Certain forms of information and data are excluded from the licence. These are listed under the heading 'Exemptions' in the licence document, and include personal data and third party rights which the information provider is not authorised to license. An example of the latter would be Ordnance Survey material which the council is permitted to reproduce on its website under licence from OS, but which we are not permitted to license on to others.
- 3.9 The established statutory role of Caldicott Guardian assures all arrangements, protocols and procedures to prevent disclosure of confidential social care information are maintained in line with established information sharing and data confidentiality policies
- 3.10 It is proposed that implementation would cover most data and content, including databases and source code, on the council's website and on websites where it holds sole publishing rights. It should be noted there exists a number of related websites to which the council provides information or links which are managed either in partnership with the council or privately on behalf of the council on which

we cannot legally enforce the OGL. The material which it is proposed should be made available for re-use under the terms of the OGL comprises all and any data and content except for:

- (i) material which is considered exempt from the OGL as noted in the licence; and
- (ii) material in respect of which the council wishes to retain income generated from the granting of one or more copyright licences; or to preserve for potential future income from such licences; or
- (iii) material selected to be published which conflicts with organisational practices and/or policies

#### **4. COMMUNITY ENGAGEMENT AND CONSULTATION**

- 4.1 Engagement with community and special interest groups has identified that open data as an approach supports the Council's aim of increased community engagement and improved relationships. Events such as CityCamp, dialogue with community and voluntary groups and consultation with the local developer community support initiatives which seek to maximise benefit from the reuse of council data assets.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 5.1 There are no costs associated with implementing OGL.

*Finance Officer Consulted: Mike Bentley Date: 31/08/11*

##### Legal Implications:

- 5.2 The decision as to whether and in what manner the council applies the OGL is an executive decision for Cabinet or the relevant Cabinet member. As indicated in paragraph 3.5, a licence to re-use the council's data and content or information is needed to prevent infringement of the council's copyright.
- 5.3 There is no legal obligation on the council to apply the OGL to its copyright material, but doing so is consistent with government policy.

*Lawyer Consulted: Oliver Dixon Date: 15/08/11*

##### Equalities Implications:

- 5.4 There are no implications specifically related to the implementation of OGL

##### Sustainability Implications:

- 5.5 There are no adverse implications for sustainability as a result of implementing OGL. The repurposing of data and content provides many benefits, from fostering stakeholder participation in solving complex problems, to enabling third parties to innovate completely new services, for example, as mobile applications that help visitors to find the fastest way to get around the city

#### Crime & Disorder Implications:

- 5.6 There are no implications as a result of implementing OGL

#### Risk and Opportunity Management Implications:

- 5.7 There exists a risk that some licensed material on the council website contains third party materials which may not be clearly defined as such but which, under the terms of the licence is exempt. Consideration with regards current and future web content will be required to ensure no infringements of 3<sup>rd</sup> party copyright are encountered.
- 5.8 There is the potential for an increased number of requests to publish additional material for release under the terms of OGL impacting on existing capacity. These will be considered on a case-by-case and planned accordingly by the CIO

#### Public Health Implications:

- 5.8 There are no implications for Public Health as a result of implementing OGL.

#### Corporate / Citywide Implications:

- 5.9 The OGL is aimed at creating a culture of openness and transparency in public services. Government has also identified social and economic gain as a consequence of open data, which supports the council priority of involving residents and communities in everything we do.

### **6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 An assessment was made against the most recognised licences for data, databases and datasets including Creative Commons Licences, CC Zero tool and Open Data Commons licences.
- 6.2 OGL was considered the most appropriate licence for providing access to data in both machine and human readable forms. The licence does not permit the copying of logos, registered trademarks and other IP such as patents and includes specific non-endorsement clauses.
- 6.3 OGL is compatible with the Creative Commons Attribution Licence for content, and also the Open Data Commons Attribution Licence for data, datasets and databases thus providing the means for data, databases and content to be licensed under one licence which is beneficial for content comprising of multiple elements.

### **7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 Publishing data under OGL supports the councils aim to achieve open and transparent data which can be repurposed and is reusable.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Open Government Licence – full terms and conditions

### **Documents in Members' Rooms**

None

### **Background Documents**

1. The Coalition: our programme for government:  
[http://www.cabinetoffice.gov.uk/sites/default/files/resources/coalition\\_programme\\_for\\_government.pdf](http://www.cabinetoffice.gov.uk/sites/default/files/resources/coalition_programme_for_government.pdf)
2. Making Open Data Real: a Public Consultation:  
<http://www.cabinetoffice.gov.uk/resource-library/making-open-data-real-public-consultation>



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## Item 75 Appendix 1

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## Item 75 Appendix 1

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Further context, best practice and guidance can be found in the [UK Government Licensing Framework](#) section on The National Archives website.