

Freedom of Information Act (2000)

NWSSP applicant guide relating to the reuse of public sector information (RPSI)





About the Guide to Reuse of Public Sector Information

This guide has been written with guidance taken from information that is routinely published by the Information Commissioner's Office (ICO) which relates to all public sector bodies covered by the Re-use of Public Sector Information Regulations (2015) (further known in this guidance as the RPSI).

The purpose of this guide is to provide those requestors who have requested information from the NHS Wales Shared Services Partnership (known in this guidance as NWSSP) with information relating to the RPSI and its processes.



What is the Reuse of Public Sector Information (RPSI)?

Public Sector information definition

Public sector information means information that has been processed as part of an organisation's 'public tasks'. A 'Public task' is defined as an organisation's core roles and functions, as defined in legislation or established through custom and practice.

It is possible that some of the information processed by the NWSSP is not part of the aforementioned public tasks. Therefore, this information would not be covered by the terms of the RPSI.

For example, the Reuse of Public Sector Information would not apply to organisational data that would be exempt from disclosure under information access legislation such as the UK Data Protection Bill (2018), Freedom of Information Act (2000) and the Environmental Information Regulations (2004).

However, information that is already reasonably accessible to you as the requester (for example because it is on the NWSSP's website or available by other means) would normally be available for re-use.



The RPSI does not apply to recorded information that the NWSSP holds if someone else retains the intellectual property rights (for example, information under copyright). Therefore, the NWSSP can only permit re-use for data that it holds intellectual property rights for.

What is defined as re-use?

Re-use means using public sector information, for a purpose other than the initial 'public task' it was produced for. Typically, this would mean an individual, a company or other organisation taking information the NWSSP has produced or released and republishing it or using it to produce a new product or resource, often by combining it with other information. This is

sometimes, (though not always) on a commercial basis. The information contained within with guide, is therefore intended to encourage re-use of public sector information.

RPSI is about permitting re-use of information and how it is made available. It is not about accessing information, which is dealt with under information access legislation such as data subject access requests under the Data Protection Legislation under subject access provisions or by the use of the Freedom of Information Act (2000).



Does the re-use of Public Sector Information Regulations apply to NWSSP?

NWSSP is a body that would be covered by RPSI as the organisation is classified as a public sector body.

RPSI is UK-wide, so therefore it applies to public sector bodies in England, Wales, Scotland and Northern Ireland.

Dealing with requests for re-use

If an applicant wants to make a request for re-use, they must submit the request in writing to the NWSSP Information Governance Manager with their name and address for correspondence, and specify the information they want to re-use and

the purpose they intend to use it for.

If the NWSSP has made information available under the Open Government Licence (OGL) no request has to be made, but re-users must follow the terms of the OGL.

www.nationalarchives.gov.uk/doc/open-government-licence/version/3/

Response to a re-use request

The NWSSP will respond within 20 working days on receipt of a request for reuse of information.

This time can be extended if the information is complex or the request raises issues, but this will be informed to the requestor within the 20 working day period.

It is important to note that the RPSI does not apply to information that would be exempt from disclosure under information access legislation, and therefore the NWSSP will not have to permit re-use of exempt information.

It is important to note that if the NWSSP has not previously disclosed the information requested, then this will be dealt with this as an access request under the appropriate legislation (for example: the Freedom of Information Act (2000) or the Environmental Information Regulations (2004)) in order to decide whether the information is exempt.

The NWSSP will make the information for re-use available in the format and language in which it is held. If it is not already held in an open and machine readable format with metadata, but it's possible and appropriate to make it available in this way, then the NWSSP will attempt to do this.

The definition of 'Machine readable' means that the information is structured so that software can extract specific elements of the data. Open formats, such as CSV are preferable to proprietary formats such as XLS.



Charges

The NWSSP can legally charge for permitting re-use, but it is worth noting that there are some important exceptions. The NWSSP can and will only charge for the marginal costs of reproducing, providing and disseminating the information. For example, if an organisation requires a copy of a dataset on disk for re-use purposes, the NWSSP will charge for the cost of the disk and the postage.

In many cases, however, these costs will be negligible, and if the NWSSP publishes the information on the website, it is unlikely that a further charge will be made.

Furthermore, under the Open Government Licence, information is made available for re-use free of charge. It should be noted that if information is made available for re-use under

the Open Government Licence it will be unlikely that the NWSSP will make a charge.

What happens if you have a complaint?

The NWSSP will use local protocols for dealing with complaints about how a request for re-use has been complied with.

An applicant may wish to complain, for example, about how the NWSSP has handled their request for re-use, therefore will be asked to submit their complaint in writing. The NWSSP will respond to the complaint within a reasonable time and explain the reasons for the decision.

Complaints to the Information Commissioner's Office (ICO)

If the applicant is not satisfied with the NWSSP's response

to their complaint, they can complain to the Information Commissioner's Office (ICO). Complaints to the ICO can be about any aspect of how the NWSSP handled the re-use request.

Examples include:

- Failing to respond to the request;
- Refusing to allow re-use;
- Placing unnecessary restrictions on re-use; or
- Incorrectly charging a fee above marginal cost.

ICO will investigate the complaint and assess whether the NWSSP has complied with the requirements of the RPSI. How the complaint is resolved will depend on what it is about.



What about RPSI and dataset provisions in the Freedom of Information Act?

The dataset provisions in the Freedom of Information Act introduced by the Protection of Freedoms Act (2012); are to do with making datasets that have been requested under the Freedom of Information Act available for re-use.

They cover the format in which such information should be made available, charges and licences for re-use. The RPSI makes certain amendments to those provisions.

As a result, NWSSP's work relating to datasets under the Freedom of Information Act have now been developed as follows:

- As the NWSSP is a public authority, making a dataset available in response to a FOIA request, as is reasonably practicable, will be made available in a re-usable, electronic form.
- The NWSSP will also make requested datasets available in the FOIA Publication Scheme in a re-usable form. NWSSP will do this as long as it is satisfied that it is appropriate to do so.
- If the dataset falls under RPSI, for example because it is produced as part of NWSSP's 'public task', then calculation of any charges for allowing re-use and dealing with any licenses under RPSI will be done.
- As the NWSSP is a public authority, any dataset that is covered by RPSI, the Freedom of Information Act applies to the format in which it is made available, but RPSI applies to the charges and licenses for re-use.

Useful Links

Legislation

www.legislation.gov.uk/ukxi/2015/1415/pdfs/ukxi_20151415_en.pdf

Protection of Freedoms Act 2012
Chapter 9 Part 6, Section 102 -
Publication of certain datasets
Release and publication of datasets
held by public authorities

www.legislation.gov.uk/ukpga/2012/9/section/102/enacted

First Tier Tribunal (Information
Rights)

www.informationtribunal.gov.uk/Public/search.aspx

The Information Commissioner's
Office (ICO)

ico.org.uk/for-organisations/guide-to-rpsi/

National Archives for RPSI

www.nationalarchives.gov.uk/information-management/re-using-public-sector-information/licensing-for-re-use/

Open Government License

www.nationalarchives.gov.uk/doc/open-government-licence/version/3/

UK Government Licensing
Framework

www.nationalarchives.gov.uk/documents/information-management/uk-government-licensing-framework.pdf



Contact

For any questions or to apply for re-use under the regulations, then please contact:

Tim Knifton
Rheolwr Rheoli Gwybodaeth/
Information Governance Manager
Partneriaeth Cydwasanaethau GIG
Cymru/NHS Wales Shared Services
Partnership

Tel: 02920 902272

Email: tim.knifton@wales.nhs.uk



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Partnership