

## ***Report to the Cabinet***

***Report reference: C/079/2006-07.***

***Date of meeting: 13 November 2006.***



**Epping Forest  
District Council**

**Portfolio: Customer Services, Media, Communications and ICT.**

**Subject: Re- Use of Public Sector Information Regulations and ICT.**

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**Democratic Services Officer: Gary Woodhall (01992 - 56 4470).**

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### **Recommendations:**

- (1) That requests for public sector information in which the Council holds the copyright be considered and made available for re-use in accordance with the adopted policy;**
- (2) That the attached draft policy based on a case by case review of requests be approved with a view to implementation on 1 January 2007; and**
- (3) That the Head of Research and Democratic Services be authorised to include appropriate scales of fees and charges in the policy.**

### **Report:**

1. This report sets out a draft policy for the re-use of public sector information held by the Council in which the Authority holds the copyright. Such a policy is not obligatory. However, the Council needs to determine how it will respond to any request and this would be difficult without a policy. It is proposed that arrangements to allow re-use should be established by means of the policy, which reflects the requirements of the regulations.

2. The Cabinet will appreciate that these regulations, through the charging regime, allow opportunities for income generation. By the same token, the regulations envisage that persons who receive the information will make a conscious decision to apply to the Council for permission to re-use it.

3. In respect of the charges, it is proposed that the task of setting the various scales be delegated to the Head of Research and Democratic Services for inclusion in the report to the Cabinet. The report has been considered by the Constitutional Affairs Standing Scrutiny Panel and the Overview and Scrutiny Committee.

### **Statement In Support Of Recommended Action:**

4. The Re-Use of Public Sector Information Regulations allow local authorities to licence the re-use of information which they hold and which may infringe copyright. The Council has no policy in place at present and in order to be able to respond to applications for re-use of licences, this needs to be put in place.

### **Other Options For Action:**

5. The Council does not have a policy but it will make the task of dealing with re-use applications easier if there is one. The alternative is to have no policy but this will not give clear advice to potential applicants.

**Consultation Undertaken:**

6. Overview & Scrutiny; Head of ICT.

**Resource implications:**

**Budget provision:** Nil.

**Personnel:** From existing resources. Provision is made in the regulation of licences to re-use information for the Council's costs to be recovered.

**Land:** Nil.

**Community Plan/BVPP reference:** Nil.

**Relevant statutory powers:** Data Protection Act 1998, Freedom of Information Act 2000, Re-Use of Public Sector Information Regulations 2005.

**Background papers:** Nil.

**Environmental/Human Rights Act/Crime and Disorder Act Implications:** The regulations make specific reference to decisions not discriminating between applicants.

**Key Decision reference (if required):** N/A.