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**Glasgow City Council Policy on the Re-use of Public Sector  
Information Regulations 2015**

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### Introduction

On 18 July 2015, the UK implemented the provisions of European Directive 2003/98/EC by way of the Re-use of Public Sector Information Regulations 2015 (“the 2015 Regulations”).

The 2015 Regulations govern the re-use of information that has been obtained from a public body such as Glasgow City Council.

This document is intended to set out Glasgow City Council’s arrangements for the re-use of public sector information, including datasets.

### The Re-Use of Public Sector Information Regulations 2015

The 2015 Regulations will apply if an applicant has been provided with information by the council and wants to re-use that information for a purpose other than that for which it was originally produced.

Information can be obtained from the council, for example, through an information request under the Freedom of Information (Scotland) Act 2002 or the Environmental Information (Scotland) Regulations 2004. An applicant who obtains information in this way from the council does not have an automatic right to re-use that information. The purpose of the 2015 Regulations is to allow an applicant to apply to re-use public sector information, based on the principles of fairness, transparency, non-discrimination and consistency of application.

The 2015 Regulations also require public bodies to hold and make available an Information Asset List which shows information that the organisation makes available for re-use. A link to the council’s Register is provided [here](#). An applicant can apply for re-use of the information contained within the List.

In addition, requests can also be made to re-use council information that is already available in the public domain (i.e. it is on our website or otherwise publically available).

An applicant can also apply to the council to re-use information that is not contained within the Information Asset Register or available on our website and the council will consider the application.

### Information that falls within the scope of the 2015 Regulations

Examples of types of information that the Council can make available for re-use include data about the environment, roads, benefits and website content.

### How to make a request under the 2015 Regulations

All requests must meet the following requirements:

1. They must be in writing to the council;
2. They must provide a name and address for us to contact;
3. They should set out the information requested and the purpose for which the documentation is to be re-used.

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All applications for re-use of information should be made to:

Colin Edgar  
Head of Communication and Strategic Partnerships  
City Chambers  
George Square  
Glasgow  
G2 1DU  
Email: [colin.edgar@glasgow.gov.uk](mailto:colin.edgar@glasgow.gov.uk)

### **Timescales for compliance**

The council must process applications under the 2015 regulations for re-use in a timely, open and transparent manner and through fair, consistent and non-discriminatory processes.

The council must respond to requests under the 2015 Regulations within 20 working days.

The council can extend this period of 20 working days if the documents requested are extensive in quantity or if the request raises complex issues. The time period can be extended by such time as is reasonable in the circumstances but the council will advise an applicant of an estimated response date.

### **Conditions of re-use**

If the council receives two requests from different applicants for the same information, it cannot discriminate between them. For this reason, the council (other than in exceptional circumstances) cannot grant exclusive rights to re-use the information.

If the council grants an application for re-use of information, an applicant will require to agree to our terms and conditions of re-use, in accordance with our Licenses. Depending upon the information requested, the council may require either:

1. Glasgow City Council Open Licence (based on the Non-Commercial Government Licence) or
2. Glasgow City Council Charged Licence

Most information can be re-used under the Glasgow City Council Open Licence free of charge. However, the Glasgow City Council Charged Licence may be required if the council wishes to recover nominal charges, impose additional re-use conditions or require a reasonable return on investment by way of a single fixed fee.

In most circumstances the council will charge marginal costs incurred in reproducing, providing and disseminating documents. However, in some circumstances this will not apply. These circumstances can include where the documents for re-use are documents which the council is required to generate sufficient revenue to cover a substantial part of the costs relating to their collection, production, reproduction or dissemination. The council may also include direct costs, a reasonable

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apportionment of indirect and overhead costs attributable to chargeable activity and a reasonable return on investment.

The council will apply fair and consistent charging.

### **Availability and format**

Where possible and relevant, we will make information available in both a 'human readable' format (such as PDF) and an open, 'machine readable' format that is not dependent on specific software.

We will make information available electronically where possible. We will try where possible to comply with requests for specific formats but this may incur an additional charge.

### **Reasons why a request under the 2015 Regulations might be refused**

Information held by Glasgow City Council schools falls outwith the scope of the 2015 Regulations and therefore an application cannot be granted for re-use for such information. The Regulations also do not apply to personal data and some information may be exempt on the basis of commercial confidentiality.

If a third party owns the intellectual property rights in a document that has been requested, the council will not be able to grant permission for the information to be re-used. If a request for re-use is refused on this basis, the council will advise an applicant who does own the copyright in the document or notify the applicant of the party who provided the document to us.

The council will not grant an application for re-use of documents that fall outside the scope of our public task. Sometimes the council produces documents that are not directly related to our statutory functions and these documents will not be made available to re-use under the 2015 Regulations.

We will publish the information we hold that falls within the classes of information set out in the Information Asset List. If a document contains information that is exempt under Scotland's freedom of information laws (for example sensitive personal information or a trade secret), we will remove or redact the information before publication and explain why.

### **When a request is refused**

A request for re-use of information can be refused by the council. Any such refusal will be notified to an applicant in writing and will give the reasons for refusal. The applicant will also be given a means of redress.

### **Complaints procedure**

If an applicant is dissatisfied with the Council's handling of their request for re-use of information, they can make a complaint through the Council's Customer Care Team.

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Information on how to make a complaint is available through the following link and PDF documents:

<http://www.glasgow.gov.uk/index.aspx?articleid=2896>



GCC-Complaints  
leaflet for Customers



CHttpHandler.pdf

An appeal can be taken to the UK Information Commissioner. This can be done through their website at <https://ico.org.uk/>. In Scotland, the Information Commissioner must notify the Scottish Information Commissioner (<http://www.itspublicknowledge.info/home/ScottishInformationCommissioner.aspx>) of any such appeal and allow her to provide information relating to the appeal.

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