STATUTORY INSTRUMENTS

2015 No. 1415

PUBLIC SECTOR INFORMATION

The Re-use of Public Sector Information Regulations 2015

Made - - - -	*24th June 2015*
Laid before Parliament	*25th June 2015*
Coming into force - -	*18th July 2015*

The Secretary of State is designated [F1] for the purposes of section 2(2) of the European Communities Act 1972 [F2] in relation to the re-use of public sector information.

The Secretary of State makes the following Regulations in exercise of the powers conferred by that section.

Annotations:

F1 S.I. 2014/1362
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F2 1972 c. 68
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Citation and commencement

1. These Regulations may be cited as the Re-use of Public Sector Information Regulations 2015 and come into force on 18th July 2015.

Interpretation

2. In these Regulations—

"the 1998 Act" means the Data Protection Act 1998 [F3];

"the 2000 Act" means the Freedom of Information Act 2000 [F4];

"the 2002 Act" means the Freedom of Information (Scotland) Act 2002 [F5];

"the 2004 Regulations" means the Environmental Information Regulations 2004 [F6];

"the 2004 Scottish Regulations" means the Environmental Information (Scotland) Regulations 2004 [F7];

"the 2009 Regulations" means the INSPIRE Regulations 2009 [F8];

"the 2009 Scottish Regulations" means the INSPIRE (Scotland) Regulations 2009 [F9];

"applicant" means a person who makes a request for re-use of a document to a public sector body;

"document" means any information recorded in any form, including any part of such information, whether in writing or stored in electronic form or as a sound, visual or audio-visual recording, other than a computer program;

"formal open standard" means a standard which has been laid down in written form, detailing specifications for the requirements of how to ensure software interoperability;

"government department" includes a Northern Ireland department and any other body or authority exercising statutory functions on behalf of the Crown;

"information access legislation" means the 1998 Act, the 2000 Act, the 2002 Act, the 2004 Regulations, the 2004 Scottish Regulations, the 2009 Regulations and the 2009 Scottish Regulations;

"machine-readable format" means a file format structured so that software applications can easily identify, recognise and extract specific data, including individual statements of fact, and their internal structure;

"open format" means a file format that is platform-independent and made available to the public without any restriction that impedes the re-use of documents;

"public sector body" has the meaning given by regulation 3;

"relevant intellectual property rights" means any of the following rights—

(a) copyright (within the meaning of section 1 of the Copyright, Designs and Patents Act 1988 [F10]);

(b) database right (within the meaning of regulation 13 of the Copyright and Rights in Databases Regulations 1997 [F11]);

(c) publication right (within the meaning of regulation 16 of the Copyright and Related Rights Regulations 1996 [F12]);

(d) rights in performances (meaning the rights conferred by Part 2 of the Copyright, Designs and Patents Act 1988 [F13]);

"re-use" and cognate expressions have the meaning given in regulation 4;

"university" means any public sector body that provides post-secondary school higher education leading to academic degrees;

"working day" means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 [F14] in any part of the United Kingdom;

"writing" includes text which is—

(a) transmitted by electronic means;

(b) received in legible form; and

(c) capable of being used for subsequent reference.

Annotations:

F3 1998 c. 29
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F4 2000 c. 36
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F5 2002 asp 13
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F6 S.I. 2004/3391

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F7 S.S.I. 2004/520

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F8 S.I. 2009/3157

, as amended by

S.I. 2012/1672

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F9 S.S.I. 2009/440

, as amended by S.S.I 2012/284.

F10 1988 c. 48

. Section 1 was amended by

S.I. 2003/2498

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F11 S.I. 1997/3032

.

F12 S.I. 1996/2967

. Regulation 16 was amended by

S.I. 2003/2498

and 2006/1028.

F13 1988 c. 48

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F14 1971 c. 80

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Public Sector Bodies

3.—(1) For the purposes of these Regulations each of the following is a public sector body—

(a) a Minister of the Crown;

(b) a government department;

(c) the Corporate Officer of the House of Commons;

(d) the Corporate Officer of the House of Lords;

(e) the Northern Ireland Assembly Commission;

(f) Scottish Ministers;

(g) the Scottish Parliament;

(h) the Scottish Parliamentary Corporate Body;

(i) the National Assembly for Wales Commission;

(j) Welsh Ministers;

(k) a local authority;

(l) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 **F15** or a scheme to which section 4 of that Act applies;

[F16(la) a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;**]**

(m) the Northern Ireland Fire and Rescue Service Board;

(n) a police and crime commissioner elected under section 1 of the Police Reform and Social Responsibility Act 2011 **F17**;

(o) a chief constable of a police force appointed under section 2 of that Act;

(p) The Mayor's Office for Policing and Crime established under section 3 of that Act;

(q) the Commissioner of Police of the Metropolis appointed under section 4 of that Act;

(r) the Scottish Police Authority established under section 1 of the Police and Fire Reform (Scotland) Act 2012 [F18];

(s) the Police Service of Scotland established under section 6 of that Act;

(t) the Northern Ireland Policing Board;

(u) an authority established under section 10 of the Local Government Act 1985 [F19];

(v) a joint authority established by Part IV of that Act;

(w) any body established pursuant to an order under section 67 of that Act;

(x) the Broads Authority;

(y) any joint board the constituent members of which consist of any of the bodies specified in paragraphs (k) and (l), (n) to (s) and (u) to (x);

(z) a National Park authority established under section 63 of the Environment Act 1995 [F20];

(aa) a corporation established or a group of individuals appointed to act together for the specific purposes of meeting needs in the general interest, not having an industrial or commercial character, and—

(i) financed wholly or mainly by another public sector body; or

(ii) subject to management supervision by another public sector body; or

(iii) more than half of the board of directors or members of which, or in the case of a group of individuals, more than half of those individuals, are appointed by another public sector body;

(bb) an association of or formed by one or more public sector bodies;

(cc) a community justice authority established under section 3 of the Management of Offenders etc. (Scotland) Act 2005 [F21].

(2) In the application of these Regulations to England, "local authority" means—

(a) a county council, a district council, a London borough council, a parish council or the Council of the Isles of Scilly;

(b) the Common Council of the City of London in its capacity as local authority or police authority;

(c) the Greater London Authority or a functional body within the meaning of the Greater London Authority Act 1999 [F22].

(3) In the application of these Regulations to Wales, "local authority" means a county council, a county borough council or a community council.

(4) In the application of these Regulations to Scotland, "local authority" means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 [F23] and also includes a joint board or joint committee within the meaning of that section.

(5) In the application of these Regulations to Northern Ireland, "local authority" means a district council within the meaning of the Local Government Act (Northern Ireland) 1972 [F24].

Annotations:

F15 2004 c. 21
. Sections 2 and 4 were amended by the Local Government and Public Involvement in Health Act 2007 (c. 28) and the Local Democracy, Economic Development and Construction Act 2009 (c. 20)

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F16 Reg. 3(1)(la) inserted (E.) (1.10.2017) by The Fire and Rescue Authority (Police and Crime Commissioner) (Application of Local Policing Provisions, Inspection, Powers to Trade and Consequential Amendments) Order 2017 (S.I. 2017/863) , art. 1(1) , **Sch. 2 para. 9(2)**

F17 2011 c. 13 .

F18 2012 asp 8 .

F19 1985 c. 51 . Section 10 was amended by the Environmental Protection Act 1990 (c. 43) .

F20 1995 c. 25 .

F21 2005 asp 14 .

F22 1999 c. 29 .

F23 1994 c. 39

F24 1972 c. 9 .

Re-use of documents

4.—(1) Subject to paragraph (2), re-use means the use by a person of a document held by a public sector body for a purpose other than the initial purpose within that public sector body's public task for which the document was produced.

(2) Re-use shall not include—

(a) the transfer for use of a document within a public sector body for the purpose of carrying out its own public task; or

(b) the transfer for use of a document from one public sector body to another for the purpose of either public sector body carrying out its public task.

Exclusions

5.—(1) These Regulations do not apply to a document where—

(a) the activity of supplying the document is one which falls outside the public task of the public sector body, provided that the scope of the public task of that body is transparent and subject to review; or

(b) a third party owns relevant intellectual property rights in the document.

(2) These Regulations do not apply to a document unless it—

(a) has been identified by the public sector body as being available for re-use;

(b) has been provided to the applicant; or