

# **STRATHCLYDE PARTNERSHIP FOR TRANSPORT**

## **RE-USE OF PUBLIC SECTOR INFORMATION POLICY**

### **1. Introduction**

This policy supports the legislative framework for responding to requests under the Re-use of Public Sector Information Regulations 2015 ("the RPSI Regulations").

The RPSI Regulations govern the re-use of information that has been obtained from a public body such as Strathclyde Partnership for Transport ("SPT").

To distinguish between the RPSI Regulations and the Freedom of Information (Scotland) Act 2002 ("the Act"):

- The Act is about access to information and does not give an automatic right to re-use the information; and
- The RPSI Regulations permit the re-use of public sector information and involves licensing and possibly charging for the re-use of public sector information.

### **2. Policy Statement**

SPT is committed to implementing the provisions of the RPSI Regulations and the purpose of this policy is to ensure that SPT does so by applying appropriate measures of compliance.

### **3. Rights Under the RPSI Regulations**

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

Information can be obtained from SPT, for example, through an information request under the Act or the Environmental Information (Scotland) Regulations 2004. An applicant who obtains information in this way from SPT does not have an automatic right to re-use that information. The purpose of the RPSI 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 RPSI 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 subject to acceptance of the [Non-Commercial Government Licence](#). SPT's asset list is made up of those documents which are available in its Publication Scheme Guide to Information (the "Guide"). SPT's Guide can be viewed [here](#).

In addition, SPT information that is already available in the public domain (i.e. it is on our website or otherwise publically available) is also available for re-use subject to acceptance of the Non-Commercial Government Licence.

The Non-Commercial Government Licence is a simple set of terms and conditions that facilitate the re-use of SPT information free of charge.

An applicant can also apply to SPT to re-use information that is not contained within SPT's Guide or available on our website and/or in a way that is incompatible with the Non-Commercial Government Licence, an applicant is required to submit a formal request for re-use and SPT will consider the application.

#### **4. Roles and Responsibilities**

Overall responsibility for SPT's compliance with RPSI legislation lies with SPT's Assistant Chief Executive.

The Strategy Group agrees the arrangements, set out in this policy, for implementing the RPSI Regulations

#### **5. Dealing with Re-use Requests**

- SPT will offer advice and assistance to any person or organisation who wishes to make a request for re-use of SPT information.
- A request for re-use of a document must be in writing and state the full name and address of the applicant, the information that the applicant wishes to re-use and the reason for re-using the document.
- SPT is committed to dealing with requests within 20 working days and more speedily if possible, unless the request is complex and then in certain circumstances the deadline may be extended.
- Where a request for re-use is allowed SPT will issue a licence with SPT's Terms and Conditions for re-use of the document. Once the Terms and Conditions are agreed by the applicant, a reference number and start date of the licence will be sent to the applicant with the document applied for.

#### **6. Charging**

All information contained in SPT's Guide or on SPT's website is made available at no charge under the Non-Commercial Government Licence.

If you wish to re-use information that is not contained in SPT's Guide or in a way that is not compatible with the terms of the Non-Commercial Government Licence, you are required to submit a formal request for re-use. SPT's response will tell you about any conditions for re-use and if you will be charged a fee to re-use the information.

If you would like to know more about submitting a formal request for re-use to SPT, please see [SPT's Re-use of public sector information page](#).

#### **7. Availability and Format**

SPT will make documents available to an applicant in the format and language in which they are held on the date of the request for re-use.

Where possible and relevant, SPT 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.

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

## **8. Reasons why a request under the RPSI Regulations might be refused**

The Regulations 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, SPT 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, SPT will advise an applicant who does own the copyright in the document or notify the applicant of the party who provided the document to SPT.

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

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

## **9. When a Request is Refused**

As stated above, a request for re-use of information can be refused by SPT. 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.

## **10. Complaints**

SPT has an established procedure and guidance for handling complaints. This procedure will be applied in the event of any complaints received about requests for re-use of SPT information.

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 UK 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.

## **11. Review**

SPT will record Re-use of Public Sector Information requests and any complaints in respect of the RPSI Regulations and monitor the quality of responses for compliance.

The policy will be reviewed annually and at least 3 months prior to new legislation taking effect.