



The Regulations on the Re-use of Public Sector Information (PSI)

POLICY ON HOW TO APPLY TO RE - USE PUBLIC SECTOR INFORMATION



The Re-use of Public Sector Information

The Re-use of Public Sector Information Regulations 2005 (the PSI Regulations) establish a framework for making the re-use of information easier and complements existing access to information legislation such as the Freedom of Information Act 2000 (FOI) and the Environmental Information Regulations 2004 (EIR).

Dartford Borough Council has made a commitment to allow re-use of its information, wherever it is possible and reasonable to do so. If you would like more information about how to apply to re-use our information, please refer to our Frequently Asked Questions set out below. If you can't find what you are looking for, please contact the Freedom of Information Officer at:

Dartford Borough Council
Civic Centre
Home Gardens
Dartford
Kent DA1 1DR
Tel: 01322-343634
DX: 142726 DARTFORD 7
Email: foi@dartford.gov.uk

Frequently Asked Questions

Q: What are the Re-Use of Public Sector Information Regulations about?

The PSI Regulations are designed to help unlock the value held in public sector information and to allow re-use of these resources for the benefit of commercial exploitation.

FOI and the EIR both provide a statutory public right of access to information held by public authorities subject to the application of legal exemptions in certain cases. However, although FOI and EIR give a right of access to publicly held information, it does not automatically give an applicant a right to re-use that information. The PSI Regulations are designed to enable you to apply to re-use public sector information upon the principles of fairness, transparency, non-discrimination and consistency of application.

The PSI Regulations impose the following main obligations upon a public sector body:

- to publish a list of its documents which are available for re-use. This list is referred to as an Information Asset Register. Currently, Dartford Borough Council's Information Asset List is contained within its Publication Scheme
- to provide a clear statement on the arrangements for re-use of its information
- to clearly explain any applicable charges for re-use and any licence terms and conditions
- to process applications for re-use in a timely, open and transparent manner and through fair, consistent and non-discriminatory processes
- to establish a quick and easily accessible complaints process



Q: What is meant by 're-use'? Information is generally produced by Dartford Borough Council as part of its statutory duty to carry out public functions (its public task). A re-use of that information will occur when that information is used for a purpose other than that for which it was originally produced.

The PSI Regulations do not require Dartford Borough Council to permit re-use of its documents. However, where we do permit a re-use to one party for a purpose which is outside the scope of our public task, the Regulations require us to consider requests from others in a fair and transparent manner. Where re-use is permitted by more than one party, this must be on the same terms and conditions for comparable categories of re-use.

Q: What information will you allow me to re-use?

1. Generally, Dartford Borough Council will permit re-use of all of the documents listed in its Publication Scheme (unless otherwise stated). If you would like to re-use a document which is not listed in the Publication Scheme, you can still apply to us and we will consider your application.
2. Information which has been produced by Dartford Borough Council and which is already reasonably accessible to you, example, a policy document which is published on our website, but subject to our copyright.

Q: Will I always be granted permission to re-use documents?

Not always. The PSI Regulations allow us to refuse requests for one or more of the following reasons:

- Where the relevant intellectual property rights in the document are owned or controlled by a person or organisation other than Dartford Borough Council. However, if we refuse to allow re-use of a document which falls within this category, we will tell you who does own or control the intellectual property rights (where known to us), so that you can contact them direct. Examples of relevant intellectual property rights are copyright, performance rights, architectural drawings and database rights.
- Where the document is exempt from disclosure under FOI, EIR, Data Protection Act 1998 or other legislation dealing with access to information. An exception to this rule is where section 21 of FOI applies. This section covers information which is exempt from disclosure because it is already 'reasonably accessible to the applicant', for example, information published on our website or information which we have a statutory duty to disclose to you (other than by way of inspection).
- Documents that fall outside the scope of our public task. This covers those situations where we may produce documents that are not directly related to our core responsibilities (i.e. statutory functions), such as where there are optional commercial products competing in the open market.
- Documents that have not been provided to the applicant.
- Documents that have not been identified by Dartford Borough Council as being available for re-use.
- Documents held by Council owned cultural establishments - Dartford Museum and The Orchard Theatre.
- The PSI Regulations do not apply in cases where a person is under a legal obligation to prove a particular interest in the information in order to gain access to it. For example, information which would only be released in response to a subject access request under the Data Protection Act 1998 would not be available for re-use, due to this provision.



Q: Will I be told why you have refused to let me re-use the information? Yes – if we refuse your request for re-use, we must inform you in writing of the reason for refusal. We must also advise you of your rights of an internal review and appeal. Where the refusal is because of intellectual property rights owned by a third party, we have to tell you who owns the relevant intellectual property rights, where we know that information or the name of the person from whom we obtained the information.

Q: What is an Information Asset List and do you have one? An Information Asset List is a list of documents which a public sector body has identified as being available for re-use. The list may include both published and unpublished information. Those public sector bodies which have to comply with the PSI Regulations, are required to publish an Information Asset List.

Currently, Dartford Borough Council's Information Asset List can be found within its Publication Scheme. Unless otherwise stated, all documents held within the Publication Scheme are available for re-use subject to our standard implied licence terms and conditions.

Click [here](#) to be taken to our online Publication Scheme/Information Asset List Alternatively, please contact Customer Services on 01322 343434 for a hard copy. We welcome calls via [Typetalk](#)

Q: How do I make a request to re-use your information? Once you have obtained access to the document you would like to re-use (perhaps via a Freedom of Information request or similar), you may apply to re-use it.

In order to help us process your request as swiftly as possible please ensure that your application:

- is in writing,
- states your name and address, including any organisation you represent,
- contains full details of the document you would like to re-use *and*
- contains the purposes for which you would like to re-use the document.

However, by providing a standard form it makes the process easier both for the applicant and the public sector organisation.

There is no prescribed form, we have provided a standard form to make the process easier for you and the Council. Your request can be made by applying in writing or by email addressed to:

The Freedom of Information Officer
Dartford Borough Council
Civic Centre
Home Gardens
Dartford
Kent DA1 1DR
Tel: 01322-343634
DX: 142726 DARTFORD 7
Email: foi@dartford.gov.uk

Q: Does the Council have to respond within a set time?

We must respond to your request within 20 working days. Where your request is received outside of normal working hours (i.e. evenings, weekends, bank holidays) it will be treated as having been received the next working day. If your application is complex or particularly extensive, we may require longer to process it, in which case, we will consult with you on extending the time limit. You will either receive a final offer permitting re-use together with any conditions of re-use or a refusal letter.



Where possible, we will process your request electronically and also make the documents you wish to re-use available electronically. However, we do not have to create or adapt a document in order to comply with a request for re-use, nor are we required to provide an extract from a document where it would involve disproportionate effort, or continue to produce a certain type of document just so that someone else can re-use it.

Q: What happens if someone else wants to re-use the same information? We cannot discriminate between two applicants who request the same information. Both requests have to be dealt with. We cannot grant you exclusive rights to re-use the information, other than in exceptional circumstances e.g. where the arrangement is for the provision of a service in the public interest. By granting exclusive rights to one person or organisation it effectively means that nobody else, even Dartford Borough Council, is able to use or publish the material in question. It is therefore potentially discriminatory and could raise competition issues.

For Dartford Borough Council, exclusivity may have arisen in the following circumstances:

1. where the Council has appointed a publisher to publish material exclusively on its behalf;
2. where the Council has licensed one person or organisation the exclusive right to re-use material;
3. where the Council has digitised archived information to bring it online;
4. where the Council provides data to another public sector body or contracted public sector body for the purposes of forming or supporting a national data set. For example, the Local Land and Property Gazetteer or Local Street Gazetteer under the current Mapping Services Agreement;
5. where an authority has outsourced the operation of information services;
6. Where data or information is provided to another public sector or private sector body under statute.

Under the PSI Regulations, there are three main requirements for Dartford Borough Council in the context of exclusivity. These are:

1. to identify all exclusive agreements and to publish summary details;
2. any exclusive arrangement which was in place before the PSI Regulations came into force (1 July 2005) should be terminated at the earliest opportunity, and ideally by 31 December 2008;
3. as stated above, there may be extenuating circumstances for setting up exclusive agreements. However, the validity of setting up these arrangements must be reviewed every three years.

If you are granted exclusive rights, these will be reviewed every 3 years and the details of the exclusivity agreement may have to be published on our website.

Q: What are your terms and conditions of re-using your information? If we agree that you can re-use our information, we will require you to agree to our terms and conditions of re-use. These terms and conditions are set out in our Licence Agreements. We operate 4 different types of licence depending upon the unique circumstances of your application. These comprise:

- Implied Licence
- Standard Licence
- Full Charge Fixed Fee Licence
- Full Charge Royalty Licence


We will advise you which form of Licence applies.

Dartford Borough Council Implied Licence In most cases, you will be able to re-use our information, free of charge, by simply indicating your agreement to our Implied Licence terms.

Click [here](#)  (16.18 KB) to see our Implied Re-use and Copyright Licence



Dartford Borough Council Standard Licence In some circumstances, we may require you to agree to our Standard Re-use Licence. For example, where we wish to recover nominal charges and/or impose re-use conditions over and above those contained in our Implied Licence.

Click [here](#)  (33.92 KB) to see our **Standard Licence**

Dartford Borough Council Full Charge Fixed Fee Licence In some circumstances, we may require a reasonable return on investment by way of a single fixed fee. In such cases, we will require you to agree to our Full Charge Fixed Fee Licence.

Click [here](#)  (34.59 KB) to see our **Full Charge Fixed Fee Licence**

Dartford Borough Council Full Charge Royalty Licence In some circumstances, we may require you to pay a reasonable return on investment by way of a percentage of profits made on products incorporating re-use material. In such cases, we will require you to agree to our Full Charge Royalty Licence.

Click [here](#)  (38.60 KB) to see our **Full Charge Royalty Licence**

For more information about our charging policy see below:

Q: Do I have to pay to re-use your information?

In most circumstances, material may be re-used without charge. However, where Dartford Borough Council is requested to convert material or if there is a charge for a reasonable return on investment, a charge may be made. The following explains what fees might apply and how they are calculated.

Dartford Borough Council may require you to contribute towards the cost of meeting your application for re-use by paying either a *Nominal* or *Full Charge*.

If you have been charged for access to the same information e.g. under a FOI request, we will not make further charges in respect of the collection and production of the information or we will deduct the charge made under FOI from any further charges due for the re-use of information. You may still be required to pay a reasonable return on our investment (see below).

A. Nominal charges may cover our basic costs relating to:

(i) the collection, production, reproduction and dissemination of the documents e.g. copying, printing and postage.

Click [here](#) to see our **standard Nominal Charges**

(ii) the cost of conversion of the information to a different format or extraction from a larger dataset.

Please note, Dartford Borough Council is not required to provide the information in a particular format e.g. as a spreadsheet or in a compatible database format, or extract it from a larger dataset. However, we will try and meet reasonable requests wherever possible, in which case there may be an additional charge.

B. Full Charges may include nominal charges together with a reasonable return on our investment. A reasonable return on investment may be sought in certain circumstances. For example, where Dartford Borough Council has made a significant professional or technical input



into the creation of the information, beyond simple collection and collation of information or where you propose to make a commercial re-use of the material.

In calculating a reasonable return on investment, Dartford Borough Council reserves the right to impose either a Royalty or a Fixed Fee.

B1. Fixed Fees

A fixed fee is a fee that is payable either once or at agreed intervals. Fixed fees will usually be used in the following circumstances:

- Where the material is re-used in a way that does not involve the offer for sale of a product or service to a customer;
- Where the quantity of material being used is modest. For text, this will be up to 5,000 words. Most tables, diagrams, illustrations and photographs will be handled this way;
- Where the material will be made available free of charge (and where it is agreed to licence such re-use). For example, a user may wish to re-use material in a free issue publication or on a free access website. The fees are partly dependent on the type of material and how it is presented;
- Where the material represents a small proportion of a large database product.

The range of fees is set out in the following paragraphs.

Fixed Fee - Text


The following fees apply for the re-use of material in all formats, including print, on the web, and intranet. It does not include photocopying. The first 1,000 words can be re-used free of charge. Quantities exceeding 1,000 words will be charged according to the amount of material being used in any single product or service, as illustrated below:

Number of words	Fee in any single product or service
0 - 1,000 words	No charge
1,001 - 2,000 words	£60
2,001 - 3,000 words	£120

Fixed fee - Tables, illustrations, diagrams and photographs

The first item can be re-used free of charge, but all subsequent items will be charged at £50 for each item in any single product or service. This covers the re-use of illustrative material in books, on the web, in journals and newspapers and on television. Additional fees are payable for supply of photographic prints/negatives and artwork by the holding department/ organisation. In the context of this document, a table means an arrangement or collection of text or numbers not exceeding 1,000 words/numbers. It also means a single graph.

Number of items	Fee in any single product or service
1 item	No charge
2 items	£50
3 items	£100

[Click here](#)  (34.59 KB) to see our **Full Charge Fixed Fee Licence**



B2. Royalties


A royalty is a fee that is linked to the amount of income generated from the sale of your product. They are generally payable annually. The royalty approach is often used in the following circumstances:

- Where the material is re-used in a commercial product that is offered for sale; and/or
- Where a substantial amount of material is being re-used.

Our royalty rate is 10%. This rate is linked to the level of income generated by the product and how much material is being re-used. Example: if the re-use material made up 25% of the contents of a published text, the fee due would be based on the following calculation:

10% of Licensee Income x 25%

So, if the publisher sells 3,000 copies of a book during a royalty period and generates £30,000 from sales after taking into account the booksellers' or agents' discount, the fee would be £750 (10% x £30,000 x 25%).

[Click here](#)  (38.60 KB) to see our **Full Charge Royalty Licence**

Q: How do I complain about how you have handled my re-use application or your re-use processes?

If we refuse your request to re-use our information, we will provide a written explanation of why your application has been refused and explain how you can complain, together with related rights of appeal.

If you want to complain about the way Dartford Borough Council has handled your application for re-use or complain generally about our re-use policy and processes, you should write to the Corporate Complaints Officer, Dartford Borough Council, Civic Centre, Home Gardens, Dartford, Kent DA1 1DR or email complaints.officer@dartford.gov.uk

If you are dissatisfied with the outcome of your complaint or the way in which we have handled your complaint generally, you are entitled to refer your complaint to the Office of Public Sector Information (OPSI) at: Office of Public Sector Information Admiralty Arch (North Side) The Mall London SW1A 2WA:

If you are not satisfied with the response from OPSI, you can appeal their decision to the Advisory Panel on Public Sector Information (APPSI) at: Advisory Panel on Public Sector Information Admiralty Arch North Side The Mall London SW1A 2WA.

Additional Information

In line with the requirements of the Equality Act 2010, we can make reasonable adjustments to assist you if you have a disability that prevents you from making use of our services. We can also help, if English is not your first language. If you need any support in accessing our services, please let us know as soon as possible. For more information, call our Customer Services on 01322 343434 or email customer.services@dartford.gov.uk



SCHEDULE OF CHARGES

The information set out below details our charges for providing you with information under the Freedom of Information Act 2000, the Environmental Information Regulations 2004 and the Data Protection Act 1998.

Our charges reflect current statutory requirements and guidance.

The Data Protection Act 1998

When processing a Subject Access Request under the Data Protection Act 1998, we may charge a standard administration fee of £10 (per application) which is payable in advance of your request being processed. In some circumstances, the administration fee may be waived, for example if an individual is on unemployment benefit. Please contact the Data Protection Officer at the address shown below for further details or visit our web site at www.dartford.gov.uk.

In rare cases, where the information requested is held in an unstructured filing system i.e. files which are not appropriately structured or referenced format, we will apply the charges applicable for dealing with requests under the Freedom of Information Act 2000 (see below).

Details about how to make a Subject Access Request and application forms are available on our website at www.dartford.gov.uk Alternatively, write to the Data Protection Officer, Civic Centre, Home Gardens, Dartford, Kent DA1 1DR Email: dataprotection@dartford.gov.uk

The Freedom of Information Act 2000

We do not charge for processing requests under the Freedom of Information Act 2000, providing that the cost of processing does not exceed the statutory limit of £450. This allows for 18 hours (two and-a-half-days) of officer time, at a rate of £25 per hour. When estimating how long it will take to process a request, we take into account the time it will take us to locate, retrieve and extract the information requested; the cost of communicating that information to you and staff time spent on carrying out the activities related to supplying the information.

We reserve the right to refuse a request where the estimated cost of processing exceeds £450. However, before refusing a request on this basis, we will always work with you to look at other ways of providing the information so that your request does not exceed the statutory limit.

Where we agree to process a request which exceeds the statutory limit of £450, you will be asked to pay our processing costs at a rate of £25 per hour.

Disbursements

Any disbursements associated with processing your request are payable in all cases. Examples of disbursements include the costs of postage, reproducing the information and printing. [See the table below for our Disbursements Charges.](#)



Making More than One FOI Request

For the purpose of calculating the statutory limit, where we receive two or more requests, within 60 days of each other, from an individual or group of individuals who appear to us to be acting together or in pursuance of a campaign, we may be entitled to aggregate the costs of processing those requests.

Environmental Information Regulations

In dealing with requests for information under the Environmental Information Regulations 2004 (EIR), we are entitled to charge a reasonable amount towards the cost of reproducing the information for you in the format you have requested. [Our standard charges for reproducing information are set out in the table below.](#)

We will ask for payment before we process your request and in accordance with the law, you will have 60 working days to pay. However, Dartford Borough Council takes a flexible approach to this part of the law and so if you think you might need longer to pay, please ask us for advice.

Refusing a Request for Environmental Information

An EIR request cannot be refused on grounds of cost alone. In rare cases, we may refuse a request where the cost of processing is unreasonable. For example, where processing would place an unreasonable burden upon the Council, either in terms of officer time or the costs of reproducing the information sought. However, we will never refuse a request on this basis without first working with you to see what information can be provided within reasonable limits.

In determining if the cost of processing your request is unreasonable, we may have regard to the statutory limit for processing requests under the Freedom of Information Act 2000. This means that if we estimate that the cost of processing your request exceeds £450, then we reserve the right to refuse your request. This allows for 18 hours (two and-a-half-days) of officer time at a rate of £25 per hour. When estimating how long it will take to process a request, we take into account the time it will take us to locate, retrieve and extract the information requested; the cost of communicating that information to you and staff time spent on carrying out the activities related to supplying the information.

Advance Payment

An advance payment will be levied in limited circumstances such as when the Council may have to incur additional costs that may be excessive. Each application is considered on its own individual merits.

Waiver of Costs

In exceptional cases we may waive the charges of producing information e.g. concessions for pupils, students or charitable organisations. Each application is considered on its own individual merits.

VAT on FOI and EIR Requests



1. If we are asked for information, and the information is only available from the Council or another public authority, any fees charged would not attract VAT.
2. If we are asked for information that is available from another source (not being a public authority), any fees would attract VAT. This would still be the case even if the Council was obliged to supply the information because the cost of answering was below the threshold of £450.
3. Fees charged for information that is provided in accordance with the Council's Publication Scheme, will attract VAT.

VAT on Licence fees

As detailed in the Licence terms and conditions.

Challenges to Charges

If you consider that a fee has been wrongly charged under FOI or EIR, it is open to you to request an internal review of the decision to impose the charge. Complaints should in the first instance be addressed through the Council's Corporate Complaints Procedure (www.dartford.gov.uk). If you consider the outcome of the internal review to be unsatisfactory, you may complain to the Information Commissioner (www.ico.gov.uk) whose decision may in turn, be appealed to the First-Tier Tribunal (Information Rights) (www.informationtribunal.gov.uk)

Additional Information

In line with the requirements of the Equality Act 2010, we can make reasonable adjustments to assist you if you have a disability that prevents you from making use of our services. We can also help, if English is not your first language. If you need any support in accessing our services, please let us know as soon as possible. For more information, call our Customer Services on 01322 343434 or email customer.services@dartford.gov.uk There is no charge for the provision of an auxiliary aid.

Table of Disbursement Charges

Photocopy (prices in £ per sheet) (non plotter copies)

Paper Size	Black and White 0-6 Sheets	Black and White 7+ Sheets	Colour
A4	Free	0.10	0.20
A3	Free	0.20	0.40
A2 (Plan size)	2.00 per plan		* see note
A1 (Plan size)	2.50 per plan		* see note
A0 (Plan size)	3.50 per plan		* see note



Printing (prices in £ per sheet) (non plotter copies)

Paper Size	Black and White 0-6 Sheets	Black and White 7+ Sheets	Colour
A4	Free	0.10	0.20

Printing (prices in £ per sheet) (plotter copying)

Paper Size	High Quality	High Gloss
A0	5.50	10.00
A1	2.75	5.00
A2	2.50	2.75

Audio Visual (price in £ per unit including protective cover)

Format	
CD	1.50
DVD	2.00
Audio Cassette	Price on Application

Photographs (price in £ per photograph)

All sizes	Actual cost of reproduction
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Email (including scanned images)

Free of charge



Postage

Variable weight and size	<p>Costs dependent upon weight and size and based upon Royal Mail Standard 2nd class.</p> <p>Where Applicant requests material to be sent by 'Signed For' and 'Special Delivery', these additional costs to be met by Applicant.</p>
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Inspection

<p>Access to public registers or lists of environmental information</p> <p>Examination of documents at the Council Offices, public library etc including service (excluding photocopying) provided by the Council up to the point of examination</p> <p>Note taking of information by applicant</p>	<p>FREE</p>
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NOTES

***Maps and Plans**

Requests involving the copying and hand colouring of a coloured map or plan size A2, A1 or A0, will incur additional variable charges. Please ask about costs at the time of making your request.

Archive Records

Requests for information held by Kent Council Council Archives on behalf of Dartford Borough Council may be subject to separate charges. Please ask about costs at the time of making your request.