



**Mansfield
District Council**
*Creating a District where
People can Succeed*

Re-Use of Public Sector Information Policy

Re-Use of Public Sector Information Regulations 2005

Mansfield District Council (August 2014)

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1. INTRODUCTION

- 1.1 The Re-use of Public Sector Information Regulations 2005 (RPSIR) have been introduced to enable public sector information held, to be re-used lawfully outside the public sector domain. Re-use means the use by a person of a document held by a public authority for a purpose other than the initial purpose for which the document was produced.
- 1.2 The scope of this policy relates to the RPSIR which came into force on 1 July 2005.
- 1.3 The purpose of this policy is to identify the requirements of the RPSIR and to set out procedures to follow at the Council to support compliance with the Regulations and the law.

2. RE-USE OF PUBLIC SECTOR INFORMATION POLICY STATEMENT

- 2.1 Mansfield District Council recognises and supports the requirement to have in place a policy for the re-use of public sector information.
- 2.2 The Council intends to use this policy and its responsibilities to inform its decision making and communication with any person making a request.
- 2.3 The Council will follow the guidance issued by the Office of Public Sector Information.

3. THE RE-USE OF PUBLIC SECTOR INFORMATION REGULATIONS PROCESS

- 3.1 Any person or organisation can make an RPSIR request. An RPSIR request must be received in writing (e.g. letter, e-mail, fax) and must state the name of the applicant, an address for correspondence, details of the document being requested and the purpose for which the document is to be re-used.

The request for re-use can be received by any employee of the Council at any point if they are unsure that it is a RPSIR the employee must contact the Council's Information Officer immediately.

- 3.2 The request must be passed to the Council's Information Officer and the Council must respond promptly and in any event within 20 working days of receipt of the request.

4. RECEIPT OF RE-USE OF PUBLIC SECTOR INFORMATION REGULATIONS REQUEST

- 4.1 As soon as the Council's Information Officer has received a request for re-use it must be logged into the corporate requests for information recording system and all the mandatory fields completed in that system.

5. FEES

- 5.1 The Council may make a charge for allowing re-use. The charge should not exceed the cost of collection in, production, reproduction and dissemination of documents and a reasonable return on any investment.
- 5.2 The applicant must be informed in writing of any proposed charge and how the charge has been calculated including the factors taken into account in calculating the charge.

6. FORMAT

- 6.1 When responding to a request the Council will, where possible and appropriate make a document available by electronic means. The Council is not obliged to:
- Create or adapt a document in order to comply with a request.
 - Provide an extract from a document where it would involve disproportionate effort.
 - Continue to produce a certain type of document for the purposes of re-use by another person.

7. COMPLEX REQUESTS

- 7.1 If the request for re-use is extensive in quantity or raises complex issues the Council may extend the period for responding.
- 7.2 The applicant must be notified in writing before the twentieth working day if applicable that no decision on re-use has been reached and the estimated date by which the Council expects to have reached a decision and a response sent.

8. EXCLUSIONS

- 8.1 Exclusions apply to documents only if the activity of supplying the document is one which falls outside the Council's functions:
- A third party owns relevant intellectual property rights in the document.
 - It has been identified by another public sector body as being available for re-use.

- It has been provided to the applicant; or is otherwise accessible by means other than by making a request for it within the meaning of the Data Protection Act 1998, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

9. REFUSAL

- 9.1 Any decision to refuse to release information under RPSIR will be taken by the Head of Finance, , Property and Revenue Services, in conjunction with the Principal Solicitor or Senior Solicitor (where applicable). The Council must notify the applicant in writing of the reason for refusal.
- 9.2 Should the refusal be because a third party owns the relevant intellectual property rights in the document, the Council must notify the applicant where the document is held, the name of the person holding it, who owns the relevant rights and from whom the Council obtained the document.

10. COMPLAINTS

- 10.1 The Council has an internal complaints procedure. Each applicant will be informed in their response that if they believe that the Council has failed to comply with the RPSIR, they may complain in writing and to whom that complaint should be addressed.
- 10.2 The target for dealing with complaints is 20 working days from receipt of the written complaint. A complaint will be acknowledged within 5 working days and the applicant informed of the Council's target date for determining the complaint.
- 10.3 Where the applicant has exhausted the Council's complaints procedure the applicant may refer their complaint to the Office of Public Sector Information.