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PART ONE: INTRODUCTION

Information Fair Trader Scheme

1. The Information Fair Trader Scheme (IFTS) is a good practice model for Crown bodies to demonstrate compliance with sound information licensing principles, testing their conformance with the delegation of authority that they receive from the Controller of Her Majesty’s Stationery Office. IFTS aims to give re-users of public sector information confidence that they will be treated reasonably and fairly by public sector information providers.

2. The Driver and Vehicle Standards Agency (DVSA) is a Trading Fund that licenses Crown copyright information and is therefore subject to IFTS.

First verification

3. This is the first verification of the combined DVSA organisation. One of its predecessor bodies, the Driving Standards Agency (DSA), was a member of IFTS. It was accredited to the Scheme in April 2004 and then re-accredited in May 2006 and February 2009.

Re-verification

4. The frequency of re-verification is based on several risk factors. These include the complexity of the system that is in place to license public sector information, how critical information trading is to the body in question and the degree of policy change that is envisaged. DVSA is currently assessed as being low risk against these criteria.

Licensing activity at DVSA

5. DVSA is an Executive Agency of the Department for Transport. It has been a Trading Fund since 1 April 2015. Most of its funding is derived from fees of various kinds, with royalties from sales of third party publications and the licensing of its content accounting for a small proportion of its overall revenue. For example, for the last five years, annual income from licensee royalties has ranged from approximately £130,000 to approximately £171,000.

6. Crown copyright licensing takes place from the Learning Materials Branch, part of Publishing, which in turn is part of the Policy and Stakeholder Management directorate.

7. It offers five categories of licence - royalty-based, royalty-based translation, education or research, British Sign Language, and memorandum of understanding. It also licenses the re-use of images via its Flickr image bank.

8. The most popular of the licences is the royalty-based licence which allows the re-use of the driving Theory Test revision questions which
are supplied in two types of file format. Crown copyright licensees can also purchase simulated Hazard Perception Test (HPT) video clips.

9. Personnel responsible for publications receive revision question material on an equivalent basis to that of third party licensees. Products are then created in conjunction with its current strategic partner, The Stationery Office (TSO).

Overall assessment

10. In this report we:

- Recommend that DVSA carries out a review of its vehicle standards materials in order to evaluate their potential for licensable content.

- Look forward to seeing DVSA’s proposals for the licensing of material for re-use in web publications which derive their revenue from advertising rather than sales.

- Note that learning materials relating to driving standards continue to be licensed to third parties diligently and equitably.

- Advocate the adoption of the Non Commercial Government Licence for educational and research purposes.

- Comment on the arrangements that are in place for identifying and pursuing copyright and trade mark infringements.

- Anticipate the development and publication of a public task statement now that the new combined organisation of DVSA is fully established.

- Point out the requirement to update its web page information on complaints to reflect the new role of the Information Commissioner as complaint handler under the 2015 PSI Regulations.

11. Based on the team’s assessment, DVSA is accredited to IFTS. It will be re-verified within the next 4 years.

12. Below is a summary table rating DVSA’s current position against the IFTS principles.

<table>
<thead>
<tr>
<th>Maximisation</th>
<th>Satisfactory</th>
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<tbody>
<tr>
<td>Simplicity</td>
<td>Good</td>
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<tr>
<td>Category</td>
<td>Rating</td>
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<td>--------------</td>
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<tr>
<td>Fairness</td>
<td>Good</td>
</tr>
<tr>
<td>Transparency</td>
<td>Good</td>
</tr>
<tr>
<td>Challenge</td>
<td>Good</td>
</tr>
<tr>
<td>Innovation</td>
<td>Satisfactory</td>
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PART TWO: ACTIVITIES CARRIED OUT BY THE VERIFICATION TEAM

Methodology

13. The organisation’s performance is tested against the six IFTS principles:

- **Maximisation** – an obligation to allow others to re-use information.
- **Simplicity** – facilitating re-use through simple processes, policies and licence terms.
- **Fairness** – applying terms without any discrimination.
- **Transparency** – being clear and up front about the terms of re-use, and the policies around it.
- **Challenge** – ensuring that re-use is underpinned by a robust complaints process.
- **Innovation** – supporting the development of new and innovative forms of re-use.

14. Together with the principles, the verification team considers the organisation’s governance and culture, risk management, re-use policies, licensing, pricing, and approach to customer experience and feedback.

Documentation review

15. DVSA provided documentation and associated correspondence in support of the fair trading commitment of the organisation which was reviewed by the team prior to and following the onsite re-verification.

People and practices

16. In order to see how people in the organisation work and how their work is impacted by the Information Fair Trader commitment, OPSI interviewed a range of staff from DVSA.

Licence file review

17. A sample of licensing files was examined. The licence file review provides evidence of adherence to corporate policy and the principles of IFTS in actual transactions.

Website review

18. A review of the organisation’s pages on gov.uk has been carried out from the viewpoint of a potential re-user of information and is appended to this report.
Licence review

19. As DVSA’s portfolio of licences has remained relatively stable since the last review of what were DSA licences, we have confined ourselves to a few observations in the body of the report.

Complaints process

20. The customer complaints process has been considered by the team. An organisation’s complaints process, both policy and practice, indicates how committed an organisation is to meeting customer needs.

Assistance provided by DVSA

21. The team appreciates the co-operation and assistance of staff from DVSA prior to our visit and while we were on site.

Re-verification dates

22. The verification took place on the following dates:

9, 15 and 17 June 2015

The on site verification team consisted of an OPSI Standards Manager and Standards and Compliance Manager.
PART THREE: KEY CHANGES

23. On 2 April 2014, the then Roads Minister Stephen Hammond launched the Driver and Vehicle Standards Agency (DVSA), bringing together a range of motoring services including:

- driving tests
- goods and passenger vehicle testing
- operator licensing
- the supervision of MOTs

24. The agency was formed by the merger of the Vehicle and Operator Services Agency (VOSA) and the DSA.

25. It aimed to provide more convenient and cost effective services for motorists.

26. On 1 April 2015, the DVSA Trading Fund Order came into law – officially establishing one agency run as a single trading fund with one set of financial targets and one set of accounts.

27. In re-use policy terms, there have been a number of important developments since the last review of the former Driving Standards Agency.


30. In June 2013, the amended PSI Directive was adopted.

31. In June 2015, the Directive was transposed into UK law as the 2015 Re-use of Public Sector Information Regulations.
PART FOUR: HIGHLIGHTS/AREAS FOR IMPROVEMENT

Maximisation

32. In terms of material licensed by the former DSA, the licensing of the re-use of its learning materials is well established. There are, however, potential growth areas in terms of publications which are more tailored for specific audiences, freight drivers being an example. There is also re-use potential in technological developments, like the piloting of sat nav-based driver instruction.

33. As far as the former VOSA is concerned, there is still work to do in evaluating vehicles information for commercial re-use. Currently, the focus is on making existing technical manuals more easily consumable by professional audiences. However, DVSA should continue to evaluate re-use potential and report by the end of the financial year on any re-usable information products that it intends to develop.

34. **Recommendation** DVSA to continue to evaluate re-use potential of its vehicles information and to report progress by the end of the financial year.

35. Another part of the picture of maximisation is an expectation that some material be made available for free re-use with a view to promoting wider economic and social benefits. To this end, DVSA publishes a range of statistics on gov.uk and continues to publish the Highway Code under the Open Government Licence.

36. One of the other challenges facing DVSA in seeking to maximise the basis for re-use is a tendency of some publications to derive their revenue from advertising as opposed to sales. DVSA has developed an interim means of licensing such companies while it considers a long term basis for licensing these types of re-use request.

37. DVSA already has sound procedures in place for establishing that any advertising is appropriate or not directly associated with the organisation.

38. **Recommendation** DVSA to finalise licensing arrangements for re-users who derive their revenue from advertising as opposed to sales.

Simplicity

39. As documented in the website review appended to this report, DVSA’s licensing information is relatively simple and the categories of licence are clearly explained.

40. With the advent of the Non Commercial Government Licence (NCGL), part of the UK Government Licensing Framework (UKGLF), there is an opportunity for UKHO to benchmark its non commercial licence terms against the national standard. As such, for the licence terms that it offers for educational and research purposes, DVSA should review the NCGL terms and consider adopting these.
41. **Recommendation** DVSA to consider adopting the NCGL for educational and research purposes.

42. We can also note that DVSA has moved to a single royalty rate for electronic or paper-based publication, having previously charged differentially. This promotes simplicity.

**Fairness**

43. Having carried out a review of the licensing files, we can confirm that licences are administered equitably by DVSA. As an example, we found evidence of an attempt by a licensee to vary the offered terms being rebuffed in the interests of fairness.

44. Prices and rates for third party re-use are published on gov.uk, another indication of consistency and fairness.

45. DVSA is active in the pursuit of copyright and trade mark infringements and it has a statement to this effect on its website page. It believes that it is important that material is licensed legitimately in the interest of fairness. It makes significant efforts within its resources to identify breaches and contact transgressors. It also takes appropriate legal advice and keeps OPSI informed when court action is considered the appropriate way of remedying the situation.

**Transparency**

46. One element of transparency is for an organisation to be clear on where its public task responsibilities lie in relation to the information it collects and disseminates.

47. Now that DVSA is established as a single organisation, it should draw up and publish a public task statement. Guidance on formulating a public task statement can be found on The National Archives website.

48. **Recommendation** DVSA to publish a statement of its public task.

**Challenge**

49. OPSI has not been in receipt of any re-use complaints, either for the former DSA, or for the new DVSA.

50. The re-use complaints route is clearly set out on DVSA’s gov.uk pages and the Chief Executive’s statement of commitment to IFTS has always confirmed the organisation’s readiness to co-operate with any external complaint investigation.

51. As such, our only recommendation is that DVSA updates its website information to reflect the Information Commissioner’s new role as the statutory complaint handler.

52. **Recommendation** DVSA to update gov.uk text to state that complaints under the PSI Regulations can now be referred to the Information Commissioner’s Office.
Innovation

53. DVSA publishes a number of statistical datasets on gov.uk in Excel under the Open Government Licence. Other formats of data are available on request.

54. It continues to monitor developments in electronic publishing and endeavours to provide content in appropriate formats.

55. Its work on innovative means of testing and driver education, such as piloting the use of sat navs, may yield innovative forms of re-use in due course.
APPENDIX 1: SUMMARY OF RECOMMENDED ACTIONS

This is a summary of the recommended actions to:

- remedy the weaknesses identified; and
- strengthen the commitment to information fair trading.

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<tr>
<th>Principle</th>
<th>Ref</th>
<th>Recommendation</th>
<th>Priority</th>
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APPENDIX 2: IFTS WEBSITE ASSESSMENT

Organisation: DVSA

Questionnaire Part 1: Transparent Processes

This section considers the transparency of the processes and terms under which a Public Sector Body (PSB) licenses information.

Licences

1. Are the PSB’s licences available online?

   Yes, its royalty-based licences are available online:
   
   
   
   http://www.ukho.gov.uk/copyright/#licenceagreementtemplates

2. How standardised are the PSB’s licences?

   There is a significant degree of standardisation as borne out by the publication of licence templates.

3. Are the purposes of different licences and their intended audiences explained?

   Yes.
   
   https://www.gov.uk/guidance/reuse-dvsa-learning-materials#types-of-licence-you-can-get

4. Are any exceptions given? Are they explained/justified?

   It is made clear that third party revision question products must include “knowledge and understanding text” which explains the context of a question.

5. Would the licences harmonise with those offered by other relevant PSI providers?

   Yes, in those instances where material is licensed under the Open Government Licence, an example being statistical data -
Other policy issues

6. Is there a complaints process? Is it explained? Is it online?

   Yes.

   https://www.gov.uk/guidance/reuse-dvsa-learning-materials#how-dvsa-trades-fairly

   The ability to complain to the Information Commissioner under the 2015 PSI Regulations should now be noted on the web page.

7. Is there a charging policy? Is it online?

   No, but the rates and amounts are published:

   https://www.gov.uk/guidance/reuse-dvsa-learning-materials

8. Does the PSB flag its membership of IFTS?

   Yes.

   https://www.gov.uk/guidance/reuse-dvsa-learning-materials#how-dvsa-trades-fairly

9. Does it explain its IFTS obligations?

   See above.

10. Does the PSB have other feedback mechanisms?

    Email, telephone and postal contact details are listed.

Questionnaire Part 2: Information Availability

This section focuses on the online availability of public sector information held by the IFTS member.

11. Does the PSB make any of its information assets accessible by the web?

    Yes, The Highway Code:

    https://www.gov.uk/highway-code
and statistics:


12. How significant a portion of the PSB’s information assets are available via the web?

What is available is a small proportion of the overall assets. However, while provision of chargeable material requires an application process, it is then offered in a number of formats according to the re-user’s requirements.

13. Do methods used to implement web access represent good practice, taking into account the nature of the assets in question?

Yes

14. How does the PSB make discovery of its offline assets possible? Does it have an Information Asset Register or other catalogue?

It does not have formal asset list, but what is available for re-use is briefly categorised on its web page.

15. Does the PSB supply provenance information for the datasets it offers, that is information about the quality, collection methods, publication frequency etc?

Statistical data contains the appropriate metadata and it is made clear that the data do not constitute official statistics.