Licensing Forum, 20 January 2010
Land Registry, London

Present:

Mike Westcott-Rudd	*Land Registry* (**chair**)
Andrew Rolph	*Land Registry* (**speaking**)
Louise Booth	*Land Registry* (**speaking**)
Neil Ackroyd	*Ordnance Survey* (**speaking**)
Caroline Kimbell	*The National Archives* (**speaking**)
Howard Davies	*OPSI* (**speaking**)
Sushma Acharya	*Land Registry*
Carol Watts	*Centre for Ecology and Hydrology*
Stephen Keightley	*Centre for Ecology and Hydrology*
Robin Pudney	*Ordnance Survey*
Tony Jardine	*Ordnance Survey*
Mark Buckley	*Companies House*
Chris Luton	*British Geological Survey*
Robert Smith	*British Geological Survey*
Stephen Bagley	*Highways Agency*
Averil Fairley	*Medicines & Healthcare Regulatory Authority*
Ela Ginelska	*Department for Transport*
Camilla Lawrence	*Met Police*
Susan MacInnes	*Registers of Scotland*
Michael Allen	*Driver and Vehicle Licensing Agency*
Maggie Hill	*Maritime and Coastguard Agency*
Rob Spillard	*Maritime and Coastguard Agency*
Tim Padfield	*The National Archives*
Matthew Pearce	*OPSI*
Tom Wharton	*OPSI*
Marcia Jackson	*OPSI*
Margaret Fuller	*Fire Service College*
Rebecca Jones	*Welsh Assembly Government*
Michelle Gibsone	*Office of Government Commerce*
Jon Mitchell	*Environment Agency*
Will Spendlove	*Environment Agency*
Yvonne May	*Driving Standards Agency*
Andrew Lloyd	*Driving Standards Agency*

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1. **Introduction** from the Chair, Mike Westcott-Rudd (Land Registry)
    a. Mike began by summarising the role of the Land Registry in:
        i. Granting and transferring titles to land.
        ii. Maintaining plans & information on land.
        iii. Registering activity.
    b. Land Registry's turnover is around £500m, with £5m from commercial services.
    c. Land Registry held spatial and ownership data on over 23m titles.
    d. The Land Registry's headquarters, which were the forum's venue, were designed by the first Chief Land Registrar.

2. **Information: assurance & licensing**, Mike Westcott-Rudd, Andrew Rolph & Louise Booth (Land Registry)

    a. Mike described the Land Registry's traditional role in information usage. This revolved around the conveyancing market and was directly related to its role in the transfer of titles to land.
    b. More recently however other commercial uses had been identified for Land Registry information:
        i. Data cleansing – as an official source of information to for companies to check their records against, e.g. credit agencies.
        ii. Data mashing – e.g. in producing flood risk maps.
        iii. Price paid – Land Registry information was now used widely in tracking the housing market.
    c. A number of uses for the information in combating crime had also been developed:
        i. Preventing mortgage fraud
        ii. Money laundering
        iii. Tax/benefits fraud
        iv. Anti-terrorism
    d. An information management board had been introduced, overseeing knowledge & records management, FOI & DPA, and compliance & assurance.

    e. Andrew began by explaining the effect on the Land Registry of the data losses at HMRC.
    f. This had greatly increased the weight given to information assurance issues within the organisation.
    g. For instance, mechanisms to inform ministers of any serious breach of information security within 24 hours had to be put in place.
    h. Land Registry did however operate under a regimen where the majority of its information was open to public inspection.
    i. The majority of its records also had to be retained indefinitely, due to the nature of land registration.
    j. This wide, long-term openness had to be made explicit to the public.

k. Land Registry undertook an annual assessment of their information assurance capability using the methodology developed by CESG.
l. This maturity model measured factors such as governance, training, risk management, through life-cycle measures, compliance and information sharing.
m. The Land Registry was currently preparing for its next assessment in Spring 2010.

n. Louise explained the commercial services offered by Land Registry.
    i. Recapping the role played by the traditional services around registering land & conveyancing.
    ii. New powers gained in the 2002 Land Registration act to publish information and offer advisory/consultancy services.
    iii. Provision of these services brought in around £5m.
o. Land Registry was a long-term member of the Information Fair Trader Scheme, having been verified in '04, '06 and '09.
p. Its licensing operation was based on two standard contracts.
q. Its earlier products concerned individual properties and information about the extent of land titles
r. It has since branched out and now offers
    i. land management services,
    ii. illustrative plans services which show how different titles are related,
    iii. property search information
    iv. risk management and
    v. property watch services
s. The Land Registry's strategy in developing its products was to meet citizen need at an appropriate, useable level – in line with the government's push towards wider adoption of e-services.

3. **Ordnance Survey policy options consultation**, Neil Ackroyd (Ordnance Survey)
    a. Neil explained his position as both a Director at Ordnance Survey and a member of the government's Advisory Panel on Public Sector Information. APPSI incorporates members from the private sector, academia, the civil service etc.
    b. A consultation regarding OS' policy options had recently been launched in response to the Smarter Government paper, which itself had led on from the earlier work of CUPI and POI.
    c. Neil had enjoyed seeing the debates evolve and welcomed the new consultation, which it was hoped would resolve a number of outstanding questions.
    d. Licensing was core to OS activities, as it formed the major part of OS revenue.
    e. This revenue supported a long standing tradition of mapping at OS, which had been in operation for 217 years.

f. OS had been classified as a trading fund since '99 and this meant OS was obliged to cover its expenses with revenue.

g. The cost of data collection matched the high level of its data quality.

h. Consequently OS required a substantial turnover – £118m in 07/08

i. Less than 50% of OS revenue came from the public sector.

j. OS consumer products, such as maps, were a source of profitable turnover.

k. Consumer mapping was also a sensitive area in terms of PR given the tradition associated with them, e.g. changing the icon for churches had been front page news in the Times.

l. The consultation asked which datasets should be made available free, for free re-use.

m. Neil noted the work OS had already done on OpenSpace, which was one of OS' web distribution mechanisms for mapping data.

n. OpenSpace had begun with less permissive policies, with only non-commercial development not requiring full licensing.

o. OpenSpace usage policies now permitted light commercial use, with supported routes towards further commercialisation.

p. Nevertheless the consultation paper suggested a wider of selection of datasets to be made available under non-restrictive conditions.

q. The first candidate data sets had been identified by Tim Berners-Lee and Nigel Shadbolt in their capacities as government information advisers.

r. Government also required that OS data continued to be maintained.

s. If the eventual mix of datasets and policies to be opened out led to a shortfall OS would receive funding to cover the gap, based on cost-reflection rather than foregone revenue.

t. Despite the liberalisation some OS Licensed Partners could be adversely affected by the changes.

u. OS would also need to continue to review the viability of products such as its national paper map series.

v. However greater levels of innovation were expected to result in some areas following the release.

w. OS was considering three main business models:
   i. Continuing with the current strategy review set out in April '09.
   ii. Fully funded – with strict separation between a funded data collection company and a product company which operated on a fully commercial basis supplying products to consumers and private companies.
   iii. A staged model – with an integrated data collection and product distribution organisation, providing both a range of free data products and commercially licensing others.

x. OS acknowledged that whichever model was adopted, planning would need to ensure its viability over the long term.

Questions included:

a. In model 2, would the Data Co. not be able to guarantee national interest products such as paper mapping?
   i. It would be difficult to guarantee the survival of any particular product – also OS would have to be very careful where government support was placed, in order to comply with subsidy rules.
b. Option 2 appeared rigid and the questioner noted that a similar system had not been successful in New Zealand.
   i. Neil agreed that it was important to draw a line between public activity and public goods, as confusion between the two could cause difficulty for option 2.
c. When did the consultation finish? When would the results be acted on?
   i. The consultation would close towards the end of March. This would be followed by a period of reflection. CLG 'owned' the consultation and would influence the timing.
d. How were datasets selected? What about non-mandated products?
   i. OS had to bear in mind substitution effects. If OS released datasets for free which were closely related to datasets it would still charge for, substitution effects could undermine the new model.
   ii. The range of datasets would be determined to some extent by the support available.

4. **Licensing at The National Archives**, Caroline Kimbell (The National Archives)
   a. Caroline outlined some key facts regarding The National Archives' provision of digital information:
      i. 9.7m documents downloaded last April
      ii. 80m documents online
      iii. Since '04 TNA has seen around £53m of investment in from the private sector
   b. This constituted a new online industry – made possible particularly by the rise of broadband.
   c. The English language diaspora provided a particularly large audience for UK family history materials.
   d. While private partners tended to be involved in the digitisation of large family history record sets, TNA itself ran many smaller, more niche projects, especially where the records had significant collection care requirements. Sometimes these were run in collaboration with other organisations e.g. Met Office & ships' logs digitisation.
   e. Growth in the market remains strong, with income from commercial partners increasing from £5.7 to £7m in a recession year, which allowed TNA to reinvest in services.
   f. Still, TNA has over 175km of shelving and 11m catalogue entries in need of digitisation.

g. In identifying records which would most benefit from digitisation TNA looks at several different publication models:
    i. Competition & tender – licensed internet associates for large, name-dense genealogy resources e.g. 1911 census
    ii. Academic – narrative collections on historic themes for institutional markets, e.g. State Papers Online
    iii. Non-commercial, grant funded projects free to view: e.g. Ships' Logs for Climate Change.
h. This licensing is based on:
    i. Contract rather than copyright law
    ii. Fixed term agreements, usually 10years
    iii. Royalties or fixed fees, typically 7-14%
    iv. Deposit digital images with TNA
    v. TNA owns image IP, partner retains transcriptions/metadata
i. This approach yielded benefits through pursuit of common goals:
    i. Archives need investment in preservation and accessibility
    ii. Companies want to improve consumer choice and expand their product range
    iii. Onsite access to originals and digital versions would remain free
    iv. TNA can help build coalitions for collections split across many institutions – resulting in a simpler user experience and greater bargaining strength.

Questions included:
    a. Who owned the IP in the digitisations, and the transcriptions?
        i. TNA owned IP in the images, IP in the transcriptions went to the company. Although volunteer transcriptions were beginning to be used and these would be open for use. Also TNA was considering other models for transcription IP.
    b. Would records without a high commercial value ever be digitised?
        i. In some cases yes, for example a volunteer academic project called Anglo-American legal history now had over 2m images online.
    c. How are particular packages of records chosen for 'auction'?
        i. TNA works with companies to identify records sets of interest on a thematic basis – in order to prioritise and get the most popular series online. Typically TNA will identify around three packages of records each year, and open the digitisation opportunity up to tender.

5. **Update: exceptions to marginal cost pricing**, Howard Davies (OPSI)
    a. *Unfortunately the scheduled speaker was not able to attend. Howard kindly gave a ten minute update on the progress of an item discussed at the previous forum.*
    b. Howard outlined the purpose of the exceptions to marginal cost pricing policy developed by OPSI.
        i. Action stemmed from Power of Information recommendations to treat marginal cost pricing for re-use of information as the default, and to develop tests for departures from this.
        ii. OPSI had published a draft set of criteria for comment in 2009, and Howard noted the useful comments which had been received on this.
        iii. The criteria had now been published, along with supporting information on the process. This was now the basis on which OPSI would assess applications for delegations of authority.

Questions included:
    a. When would the criteria apply from?
        iv. OPSI had written to departments in 2009, giving notification of its intention to cease licensing directly at the end of 2009. Therefore departments whose material OPSI directly licensed at that point were invited to express their interest in applying for a delegation under the exceptions policy.
    b. Would there be strain on OPSI resources from an increasing number of IFTS Members?
        i. It was not envisaged at this point that new membership of IFTS would present significant resource issues.