Thank you – great news
I will pick up with you again a little later on
Many thanks

OK, thank you, that is now all clear.

With the information we now have, I think the following is the position.

- The draft rating lists published today are published in order to meet one of VOA’s statutory public tasks.

- The terms and conditions applying to this information restrict the use of the information by interested parties to non-domestic rating purposes only – all other uses or re-uses are forbidden.

- The permitted uses are defined clearly in the terms.

- Accessing the information and re-using it under OGL terms is expressly ruled out, and there is statutory basis for this.

- Therefore it seems clear to us that despite the application of terms by VOA, this information is not being licensed for re-use. It is being made available for its original public task purpose only.

- Therefore, VOA does not require a delegation of authority to license this information, and does not as a consequence need to become a member of the Information Fair Trader Scheme.

- We understand that, were a person to request permission to re-use this data, VOA would refuse that request on the grounds that access to the information is restricted under FOIA, and that this argument has been tested and endorsed by ICO. It is therefore apparent that even though the information is being published, it is not now being made available for re-use under the Re-use Regulations, and nor can it be made available for re-use because of the existing statute bar.
On this basis, we think VOA is clear to publish the information and does not need a delegation of authority to do so.

We do think that VOA could make the position clear by setting out transparently its position under the Re-use of Public Sector Information Regulations. VOA should publish a statement of its public task (see TNA guidance on defining public task<http://www.nationalarchives.gov.uk/information-management/re-using-public-sector-information/about-psi/public-task/>), and should set out on the relevant web pages where the information is published that it is being made available to satisfy a statutory function as part of VOA public task, that permitted uses of the information do not constitute re-use under the Regulations, and that the information is not available for re-use. I can help with the business of defining public task and complying with the Regulations if you get stuck at any point.

I hope this is helpful – and I apologise for the amount of form filling you’ve been required to do, but until we had enough information to properly understand what was proposed, we had to cover the possibility that a delegation would be needed. At least the form helped provide us with the detail to assure us that it was not needed.

Regards

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Twitter content on the amended Re-use Directive:
#PSIUK<https://twitter.com/search?q=%23PSIUK&src=savs>

From: @voa.gsi.gov.uk
Sent: 30 September 2016 09:28
To:
Subject: RE: VOA application for delegated authority - DRAFT

Thanks

I am attaching our terms and conditions document for you.

The site appears to have gone live and I think this link should take you to the downloads page

https://voaratinglists.blob.core.windows.net/html/rlidata.htm
Please let me know if you need anything else. I am on ______ today but will be out between about 10:30 and 13:00

Many thanks

Redacted under FOI exemption S 40 (2)

From: @nationalarchives.gsi.gov.uk
Sent: 30 September 2016 09:17
To: @voa.gsi.gov.uk
Subject: RE: VOA application for delegated authority - DRAFT

Thank you for this. Can you send me either a copy of the proposed terms or a link to them? Armed with those, I think we can see a resolution to this.

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Twitter content on the amended Re-use Directive: #PSIU<https://twitter.com/search?q=%23PSIU&src=savs>

[cid:image002.jpg@01D21B05.11AF1900]<http://www.nationalarchives.gov.uk/first-world-war/>

From: @voa.gsi.gov.uk
Sent: 29 September 2016 19:58
To: 
Subject: VOA application for delegated authority - DRAFT

Hi

Thank you for your assistance this afternoon. I am attaching the draft application form to show you what I have done so far. I realise you cannot assist with wording etc but I would really appreciate a view on whether I am going in the right direction. A steer as to the areas that need to be strengthened would be greatly appreciated.

You will see that I have tailored this to fit just rating lists at the moment. VOA would like to restrict re-use for council tax valuation lists in a similar way in due course.

I am happy to explain anything that is not clear or provide anything else you need

Many thanks for your help
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From: Todd, Malcolm  
Sent: 28 September 2016 13:26  
To:  
Subject: Re: Valuation Office Agency exception to OGL request  

Message Sent From Mobile Device  

A good plan to do this to try to cut through if we can,  

Hard to do and especially at 5pm with an unreasonable deadline at the other end but I am concerned at how bureaucratic our processes might appear from the outside. Applies to IFTS too and in IM with the status form where sometimes the answer to one question makes the others pretty much irrelevant yet we ask for it all.  

I expect you think similarly?  

M  

<table>
<thead>
<tr>
<th>From:</th>
<th>Todd, Malcolm</th>
</tr>
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<tbody>
<tr>
<td>Sent:</td>
<td>Wednesday, September 28, 2016 12:36 PM</td>
</tr>
<tr>
<td>To:</td>
<td>Todd, Malcolm</td>
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<tr>
<td>Cc:</td>
<td></td>
</tr>
<tr>
<td>Subject:</td>
<td>RE: Valuation Office Agency exception to OGL request</td>
</tr>
</tbody>
</table>

Thanks. I have asked for a sample or a description of the information so we can start to think about these aspects – I’ll share if and when I get it.

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First World War  

[Image: nationalarchives.gov.uk/firstworldwar]
Thank you for flagging. There may be more to it than that? Is this covered by an access regime that sets out charges? I should imagine it also contains some personal data if individual properties are identifiable, in the same way as HMLR data does?

Not saying this to prompt you to reply on those points to me immediately but for discussion in saner time as this is hardly conducive to proper discussion on email. Further reason to pause and manage expectation as to the time it may take to address the issue.

[You may already have thought about these things and discounted them in which case apologies]

Thanks

Malcolm Todd
Head of information Policy
The National Archives

+44 (0)20
Twitter @UKNatArchives #PSIUk

From: Todd, Malcolm
Sent: 28 September 2016 11:48
To: Todd, Malcolm
Cc: 
Subject: Valuation Office Agency exception to OGL request

Malcolm

To update, I received a call transferred to him by one of the IMCs from the VOA on Monday – saying they needed a delegation. He explained that there was a process to go through, and gave [redacted] and my contact details. I then took a call on Tuesday evening, just before packing up for the night, from [redacted] at VOA.

It turns out that VOA has plans to release some Crown © data on Friday which will be part of their duty to publish draft rating list information, so enabling property owners to challenge if the rating value is wrong (I think, this was all rather garbled). They have only very late in the day realised that as they do not want to make this information available under OGL terms, they would need a delegation to allow a non-commercial licensing. I pressed on this pointing out that since access was not an issue as the data is to be available for all to see, we would need to be certain that VOA has a thought through and coherent case that there is a proper legal reason under the Re-use Regs not to allow commercial re-use before we could grant a delegation. What would VOA do if, having released the information, somebody asks to re-use it under Regulation 6?

At the moment I am dubious that VOA can build such a case, unless there is something under Reg 5(5) – so that use is allowed by anybody who has an interest, but commercial re-use goes beyond that and so falls outside the Regulations – but I can’t see it, as Reg 5(5) is about access and VOA wants to publish. There may be something in VOA’s legislation that says this information cannot be re-used commercially (but even if there is once it is published and available for all to
see I don't know that there's a way to enforce this in our Regulations, if no exclusion applies. It may be that the get out is third party data exclusion, maybe in the form of Royal Mail address data? - but seemed clear the data is Crown ©).

My action from the call was to send a copy of the non-OGL exception application template and some other information about delegations, re-use and IFTS. So far she has not come back to me, but I suspect before Friday she will. Will keep you posted.

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First World War 100
nationalarchives.gov.uk/firstworldwar
As promised the draft guidance. Call or email me if you have further questions.

As for timing, without knowing more about the data that VOA is proposing to publish, it’s difficult to know how quickly we will be able to turn this around. Do you have anything like some sample data or a description of the information that you could share with me?

Thanks

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First World War 100
nationalarchives.gov.uk/firstworldwar
From:  
Sent: 27 September 2016 16:24  
To: @voa.gsi.gov.uk'  
Cc:  
Subject: RE: Delegation of Authority  
Attachments: Documentation - application template DRAFT.doc

We spoke about proposed licensing of VOA data under non-commercial terms.

As this is Crown copyright information, you will need a delegation of authority. That you can access by completing the form attached, which is the pilot exception to Open Government Licence application process that I mentioned to you on the phone. The process is to assess the validity of the proposed non-commercial licence and involves the applicant answering a number of questions, which we will then assess against our criteria to determine whether or not a delegation can be granted. Please complete the form and return it to me, with as much detail as you can, particularly on the point of compliance in the event of a request to re-use the information being made under the Re-use of Public Sector Information Regulations. This will be one key (though not the only one) in ensuring the delegation, we will not be able to agree to a delegation if there are doubts as to compliance with the Regulations. But the test is not as stringent as would be the case if you were seeking to charge for the information.

For sight of the live charged licensing exceptions process, see our website here: http://www.nationalarchives.gov.uk/information-management/re-using-public-sector-information/ifts-and-regulation/exceptions-marginal-cost-pricing/. This will give you an idea about the process and also, in the guidance notes, gives a suggestion of the sort of level of detail required in answers. This is not a full-scale cost-benefit type business case, rather a clear explanation of the rationale behind the decision not to use OGL terms. But remember, the guidance notes are for the charged licence process, not the non-commercial one, they won’t work exactly for some of the questions you’ll need to answer – so please don’t hesitate to get in touch if you have questions. And feel free to send me a draft version of your response ahead of the submission if you feel you want a steer on the level of detail you’re giving in response to the questions.

Finally, here’s a link to the IFTS members page on our website, which is the follow-up action we talked about. I feel sure, assuming the application for a delegation is approved, that VOA will end up in the IFTS on-line rather than the full accredited member scheme, so have a look at the IFTS online pages for more info. http://www.nationalarchives.gov.uk/information-management/re-using-public-sector-information/ifts-and-regulation/ifts-members/.

No doubt we’ll need to speak again before Friday – happy to do that.

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From: 
Sent: 26 September 2016 17:06 
To:  
Cc:  
Subject: Delegation of Authority

Further to our telephone conversation just now, my colleagues,  and  will be able to guide you through the Delegation process and answer any questions you may have about IFTS.

Regards

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