


THE				
NATIONAL				
ARCHIVES				
Guidance on public task statements				
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## Introduction

This Guidance on creating statements of public task is for all public sector bodies in scope of the [Re-use of Public Sector Information Regulations 2015](#) (the '2015 Regulations'). It will help you:

- understand what the term public task means
- define your public task
- create a public statement of public task
- publish a transparent statement.

Defining your public task will help you understand what information you produce, hold or disseminate is in scope of the 2015 Regulations.

Your statement of public task will help you to meet government and public expectations of transparency and accountability, and to promote the re-use of your public sector information.

## What is 'public task'?

Public task relates to your core role and functions. Your core role and functions may be statutory or established through custom and practice. There are no definitive statements on what is meant by the term in the 2015 Regulations. Whether or not information is held or supplied by a public body as part of its public task engages different statutory provisions. Some examples of published public task statements are available on [The National Archives website](#).

The term 'public task' is also used in the [INSPIRE Regulations](#) (and the [INSPIRE \(Scotland\) Regulations](#)), but is not further defined there or in the INSPIRE guidance produced by DEFRA. While this guidance may be helpful to those considering INSPIRE public task, you should note that an organisation's public task may be different for the purposes of the two sets of Regulations, as INSPIRE only relates to spatial data sets and services. Any information that is part of an authority's public task for the purposes of INSPIRE will certainly form part of its public task for the Re-use Regulations – but the reverse will not necessarily be true.

'Public task' is also related to the term 'a task carried out in the public interest' found in Data Protection legislation. There, the term only applies to the processing of personal data necessary for the performance of such a task. Again, any personal data that is processed by a data controller to perform a task carried out in the public interest will certainly form part of that public sector body's public task, but other public task information will not necessarily be processed for a task carried out in the public interest, even where the information is personal data. The terms

are not synonymous. The Information Commissioner's Office has provided [guidance on public task](#) as a lawful basis for processing personal data under the Data Protection legislation.

The Data Protection Act defines four categories of data processing that shall be lawful where necessary for the performance of a task carried out in the public interest:

- the administration of justice;
- the exercise of a function of either House of Parliament;
- the exercise of a function conferred on a person by an enactment;
- the exercise of a function of the Crown, a Minister of the Crown or a government department.

These activities should be considered to be part of a public sector body's public task.

## **What information falls within my public task?**

Any information you produce, hold, collect or disseminate to fulfil your core role and functions is within your public task. This information is a key component of your statement of public task. Generally, information produced as part of your public task:

- is essential to your public service
- is produced as part of a statutory requirement
- is produced by established custom and practice
- enjoys authoritative status by virtue of being issued by you as a public sector body
- you are the only source for the information
- its creation and maintenance is funded through taxation rather than revenues or private investment.

Your statement may also include tasks where the information that you produce, hold or disseminate is not part of your public task, if that will make the definition of your public task clearer. This might be the case where there are two public sector bodies that carry out complementary or related functions, such as NHS trusts and other health authorities – the public task statement of one may clarify that a particular activity is the public task of the other.

## Why you need to create a statement of public task

Your statement of public task will help to make clear what information you produce, hold or disseminate falls within the scope of the 2015 Regulations. Other important benefits include:

- quickly determining if a request to re-use public sector information is in scope of the 2015 Regulations and its provisions (e.g., on fairness, charging and complaints)
- providing clearer distinction between activities that fall within a public sector body's core responsibilities and those of a more optional (and often commercial) nature
- affecting how you use and re-use your own information and the terms of that re-use. If you use information for one of your own public task activities, that is not re-use. If you re-use your own public task information for activities outside your public task, you must do so on the same terms and conditions as other re-users for the same type of re-use (e.g., commercial)
- informing re-users what information is available for re-use. Permitting re-use is mandatory for most public sector information (unless it is otherwise restricted or excluded)
- clarifying what licence terms should be applied to information being made available for re-use (e.g., the Open Government Licence, non-commercial or other licence)
- demonstrating your transparency and accountability
- advising re-users if a complaint about re-use can be made under the 2015 Regulations.

## Who has to create a statement of public task?

Public sector bodies should have a statement of public task:

- if their information is not readily re-usable under the [Open Government Licence](#) or another open licence
- if one or more of the following occur:

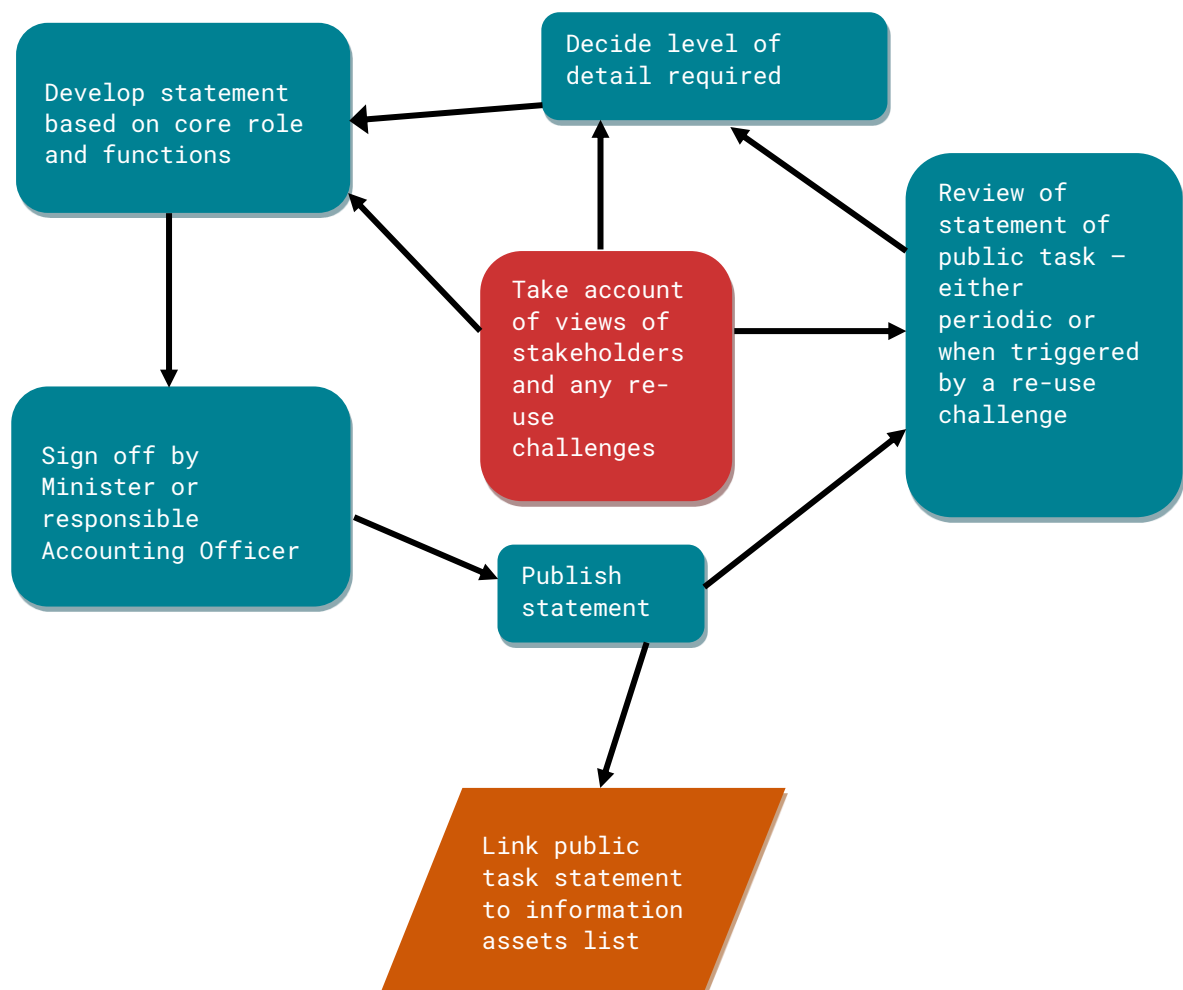
- they have received a request for re-use of their information under the 2015 Regulations
- they are considering charging for re-use of their information
- they have received a complaint under the 2015 Regulations.

Regulation 5(1)(a) sets out that the Regulations do not apply to documents falling outside the public task of the public sector body, but only provided that the scope of the public task is transparent and subject to review. This means that if any public sector body seeks to refuse requests for re-use on the grounds that the requested document sits outside of its public task, it MUST have a transparent (e.g., published) statement setting out the scope of that public task, and that statement MUST be subject to review.

Crown bodies that charge for their information, or want to restrict the re-use of their information MUST have a statement of public task – this is a requirement for the body to have authority to licence Crown copyright material. Any body wishing to license Crown copyright information on terms other than those in the [Open Government Licence](#) should contact The National Archives.

Even if these conditions do not apply to you, it is best practice to develop and publish a transparent public task statement.

## Life cycle of a statement of public task



# **Creating a statement of public task**

## **Public task principles**

### **1. Clarify your functions in relation to information you produce, collect, hold and disseminate**

The statement's primary purpose is to help potential re-users understand whether your information falls within the scope of the 2015 Regulations and is potentially re-usable, as well as to satisfy the specific requirement in Regulation 5(1)(a).

Any information you produce, collect, hold or disseminate to fulfil your core role and functions is within your public task. Your core role and functions may be statutory or established through custom and practice.

### **2. Be open to challenge**

Re-users of your information (or an independent body representing them) will be free to challenge your statement of public task and its scope. You should publish your public task and your complaints process up front, in particular on your website.

You will need to take proper account of legitimate challenges and concerns, including to your definition of your public task. Re-users must be able to access your internal complaints process if they are not satisfied with the way you have dealt with their challenge or complaint. If the re-user is still not satisfied, then they may escalate it to the Information Commissioner's Office and potentially to the Information Rights Tribunal.

### **3. Be current**

You should regularly review your public task statement to ensure that it remains up-to-date and reflects any new or changed responsibilities or functions (for example after a machinery of government change). You should consult stakeholders and re-users on proposed changes to statements and enable them to challenge changes.

### **4. Be written in Plain English**

Avoid legalese and jargon. You should set out your public task information clearly and concisely.



## Creating a short statement of public task

If you produce, hold or disseminate only minimal information, a short statement of public task may be appropriate.

Typically, a short public task statement should refer to legislation governing your core activities and published statements of your aims, functions and responsibilities. These might be found in:

- legislation (statutes, orders and regulations)
- annual reports
- statements of aims and purposes on official websites
- official directories or works of reference where these set out functions generally undertaken by local or regional bodies or bodies
- directories or lists of functions carried out by local or subsidiary bodies published by a central co-ordinating or oversight body, such as the list of duties required of local authorities.

Consider the following when creating a basic statement of public task:

- If you share information with another public sector body as part of either your or the other body's public task, include this in your statement. Sharing information with another public sector body for a public task activity of either body is not re-use.
- Include activities where you produce, collect, hold, use or disseminate public sector information.
- A statement of public task **must** be open to challenge, and challenges must be properly considered. You can select the method of enabling such challenges, for example by providing online consultation with specific contact information, or by referring challenges to an appropriate stakeholder representative body or other mechanism.

## ***Sample short statement***

### **Statement of public task by Anyplace NHS Trust**

This statement sets out the functions carried out by Anyplace NHS Trust that are within our public task under the Re-use of Public Sector Information Regulations 2015 (the '2015 Regulations').

We operate under the terms of [refer to any statutes, orders and regulations under which you have functions or responsibilities].

Our public task comprises all the functions, duties and responsibilities set out in the statement of purpose [add link] published on our website, together with any statutory responsibilities laid down for NHS Trusts generally that apply to this Trust.

Our public task information is available for free re-use under the Open Government Licence [add link].

This statement is regularly reviewed and is due to be considered again in [month and year].

If you have any queries on this public task statement, you can submit them using the contact us [add link] form. If you have a complaint about the Trust under the 2015 Regulations, you can submit it using our general complaints [add link] handling process.

[month and year statement created or last updated]

# Creating a detailed statement of public task

## Public task criteria

The following criteria will help you decide whether information is within your public task:

- it is essential to the public service for which you are responsible
- it explains your policy
- it sets out how the law must be complied with
- citizens consider it to be key to their relationship with you
- you have a statutory requirement to produce, collect, hold or disseminate it
- it is established custom and practice that you produce, collect, hold or disseminate it
- it enjoys authoritative status by virtue of being issued by you
- you are the only source for it
- its creation and maintenance is funded through taxation rather than revenues or private investment.

You should analyse your information assets and apply these criteria to decide which of your assets fall within your public task. It may be helpful to consider spending on activities for which Parliament votes funds, or which are monitored by HM Treasury – these are likely to be public task activities. *Managing Public Money*<sup>1</sup> contains guidance on charging for information, which may also be of assistance in determining your public task.

The National Archives recommends restricting this analysis only to information assets that are already available or can be made available for re-use.

In the case of sensitive personal information, remember that some personal information can be aggregated and anonymised as part of your public task, and therefore could be made available for re-use.

Remember for clarity you may also want to describe what activities you engage in and information you produce, collect, hold or disseminate that are **not** within your public task.

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<sup>1</sup> [Managing Public Money](#), Annex 6.2. Or, for public sector bodies in the devolved administrations, [Managing Public Money NI](#), [Managing Welsh Public Money](#) or [Scottish Public Finance Manual](#).

## Explaining the criteria

- It is essential to the public service for which you are responsible

If you cannot meet your public service goals and objectives if the information was not produced, collected, held or disseminated, then it is within your public task. For example, you may have a statutory obligation to compile a register of certain information, which you keep in database form available on your website.

- It explains your policy

All the various types of documents you regularly publish which explain your business and core activities are information within your public task. These include annual reports (which may also be required by statute), mission and value statements, business plans, your planned work, consultation papers, and so forth.

- It sets out how the law must be complied with

An example of this type of public task information is guidance on the Building Regulations maintained by the Ministry of Housing, Communities and Local Government (MHCLG). Anyone wanting to construct or commission a building covered by the Building Regulations has to comply with the guidance, which is produced as part of the Ministry's public task.

- Citizens consider the information to be key to their relationship with you

This is likely to include information about the services you provide, and information concerned with governance and accountability, for example, your spending patterns. It might also include any hazard warnings for which you are responsible for alerting the public, or similar public duties.

- There is a statutory requirement to produce, collect, hold or disseminate the information

When you have a legal obligation to produce, collect, hold or disseminate the information, it is within your public task. You should identify every statutory requirement relating to your core functions.

- It is established custom or practice that you produce, collect, hold or disseminate the information

Information you produce, collect, hold or disseminate through established custom and practice, where there is no statutory requirement to do so, is within your public task.

- It enjoys authoritative status by virtue of being issued by you

Information which gains special status due to its being issued by you as a public sector body is within your public task. This includes situations where a regulator or other public sector body provides additional guidance to assist other organisations in meeting their obligations.

- You are the only source for the information

If you are the sole holder of information (often by statute), it is within your public task. For example, where you have the authority or power to compel the provision of certain information or there is a requirement to register certain information with you, then that information is clearly within your public task.

- Its creation and maintenance is funded through taxation

Most information that a public sector body produces, holds or disseminates is funded with public funds.

An example of information falling outside your public task would be privately commissioned research on information you hold as part of your public task. The commissioned research may involve applying your expertise to source information, which may or may not be openly available for public re-use, in order to produce additional analysis. The commissioned work in this case is funded by outside revenues and is outside your public task even though you assisted and it is based on your information.

### ***Sample detailed statement – basic***

If you have one discrete function that produces information being made available for re-use, you may be able to create a statement of public task that deals with that one set of information. This might be the case where particular work is carried out under a memorandum of understanding or a contract, or by some other formal arrangement on behalf of the government or another authority.

#### **Anyplace Development Authority statement of public task**

This statement sets out the functions carried out by Anyplace Development Authority that are within our public task under the Re-use of Public Sector Information Regulations 2015 (the '2015 Regulations').

We operate under the terms of [refer to any statutes, orders and regulations under which you have functions or responsibilities].

It is Anyplace Development Authority's public task to promote and encourage the economic and social development of Anyplace under the powers set out in the Anyplace Development Act and according to the Anyplace Council's published Town Development Plan. Other development activities in the region but outside the scope of the plan are connected to the Authority's commercial estate management activities and are outside the Authority's public task.

All information held as part of the Authority's public task is available for re-use under the 2015 Regulations. The Authority will also consider any requests to re-use information falling outside our public task. See our [licensing page](#) [add link] for applicable terms and conditions.

This statement is regularly reviewed and is due to be considered again in [month and year].

If you have any queries on this public task statement you can submit them using the [contact us](#) [add link] form. If you have a complaint about the Authority under the 2015 Regulations, you can submit it using our general [complaints](#) [add link] handling process.

[month and year statement created or last updated]

### ***Sample detailed statement – custom and practice***

If you are a public sector body with a long history of varied activities that have changed repeatedly over time, you may find yourself responsible for carrying out activities for which you have no direct statutory remit but which you have traditionally carried out.

#### **Any Department of State's statement of public task**

The public task of this Department of State under the Re-use of Public Sector Information Regulations 2015 (the '2015 Regulations') consists in those information activities for which it is responsible under primary legislation in the United Kingdom and in England and Wales, along with relevant secondary legislation, orders and statutory instruments. A full list of the statutes, orders and regulations under which this Department of State has functions and responsibilities can be found in the [About Us](#) [add link] section of the Department's website.

The Department's public task also includes some customary practices for which we are responsible but for which there is no specific statutory or regulatory provision, which include:

- List of any customary practice responsibilities

This statement is regularly reviewed and is due to be considered again in [month and year].

If you have any queries on this public task statement you can submit them using the [contact us](#) [add link] form. If you have a complaint about the Department under the 2015 Regulations, you can submit it using our general [complaints](#) [add link] handling process.

[month and year statement created or last updated]

### ***Sample detailed statement – mixed commercial and non-commercial***

If your information is developed or held for the purpose of making profit, that is commercial re-use.

An example is the [Safety Climate Tool](#) developed by the Health and Safety Laboratory building on its existing public task activities. Those activities remain in the public task, but providing and selling the Safety Climate Tool are outside that task.

#### **Anyplace Laboratory statement of public task**

This statement sets out the functions carried out by Anyplace Laboratory that are within our public task under the Re-use of Public Sector Information Regulations 2015.

We operate under the terms of [refer to any statutes, orders and regulations under which you have functions or responsibilities].

The public task of the Anyplace Laboratory comprises that part of its work carried out under memorandum of agreement on a non-commercial basis for public sector bodies and international organisations.

Other work we carry out under contract for commercial private sector firms, charities and other organisations paying for the hire of the Laboratory's accumulated staff expertise and information is outside our public task. Information relating to products derived from public task activities for re-sale in the commercial market are outside our public task. Therefore the following information products are outside our public task:

- List of products

This statement is regularly reviewed and is due to be considered again in [month and year].

If you have any queries on this public task statement you can submit them using the [contact us](#) [add link] form. If you have a complaint about the Laboratory under the 2015 Regulations, you can submit it using our general [complaints](#) [add link] handling process.

[month and year statement created or last updated]



***Sample detailed statement – cultural sector: libraries (including university libraries), museums and archives***

For cultural public sector bodies who build, curate and preserve a collection of published, unpublished, physical and digital information.

## Everybody's Library/Museum/Archives

This statement sets out the functions carried out by Everybody's Library/Museum/Archive that are within our public task under the Re-use of Public Sector Information Regulations 2015 (the '2015 Regulations').

We operate under the terms of [refer to any statutes, orders and regulations under which you have functions or responsibilities]. This includes our:

- Content/acquisition strategy
- Accessibility and digital strategy
- Public engagement policy

We also consider part of our public task our work carried out at the direction of our [name of external management board, authority, including local authority if applicable, etc.], for example:

- List any examples

The Library/Museum/Archive holds and uses documents for the following purposes within its public task:

- List of documents such as those related to the collection, the physical operation of the Library/Museum/Archive, access and acquisition, etc.

Other work we carry out under contract (e.g., for research purposes) through organisations paying for the hire of the Library/Museum/Archive's accumulated staff expertise and information is outside our public task. Information relating to products derived from public task activities for re-sale in the commercial market are outside our public task. Therefore the following information products are outside our public task:

- List of products

This statement is regularly reviewed and is due to be considered again in [month and year].

- If you have any queries on this public task statement you can submit them using the [contact us](#) [add link] form. If you have a complaint about the Library/Museum/Archive under the 2015 Regulations, you can submit it using our general [complaints](#) [add link] handling process.

[month and year statement created or last updated]

## **Review of your statement of public task**

- The team responsible for creating/updating the statement may want to obtain legal review for reassurance that it appropriately covers your core responsibilities and functions.
- The National Archives cannot approve or assess public task statements – this would be a matter for the Information Commissioner's Office in the event of a complaint being made under the Re-use of Public Sector Information Regulations.
- The responsible team should secure internal sign-off from your Board, Accounting Officer, shareholders or other appropriate authority.
- Once signed off, you should make the statement available for public scrutiny or comment and challenge. You might post the statement on your website and invite comment, or submit it as a formal paper to any oversight body that includes representatives of your customers and/or stakeholders.

Remember that one of the public task principles is that it should be open to challenge. Anyone may challenge the statement at any time and you must take account of and respond appropriately to such challenges.

As a result of these steps, it may be necessary to revise your statement before publication.

## **Publication**

Make your statement of public task available online, with links to web pages with licensing terms and conditions, charges, lists of information available for re-use, and any other relevant content.

Ideally you should link the statement from your homepage (as you may do with 'about us' and 'contact' links) to promote clarity for re-use of your information.

## **After publication**

You should keep your statement of public task up-to-date in accordance with your review schedule, or to reflect any changes to your core functions and responsibilities. Changes might occur following new legislation or machinery of government changes.

## Resources

From The National Archives:

- [Public Task](#)
- [Re-using Public Sector Information \(PSI\)](#)
- [UK Government Licensing Framework](#)
- [Open Government Licence](#)

Regulatory:

- [The Re-use of Public Sector Information Regulations 2015](#)
- [Directive 2013/37/EU of the European Parliament and of the Council](#) of 26 June 2013 amending Directive 2003/98/EC on the re-use of public sector information
- Prior Regulations: [Re-use of Public Sector Information Regulations 2005](#)
- Prior Directive: [Directive 2003/98/EC on the re-use of public sector information](#)