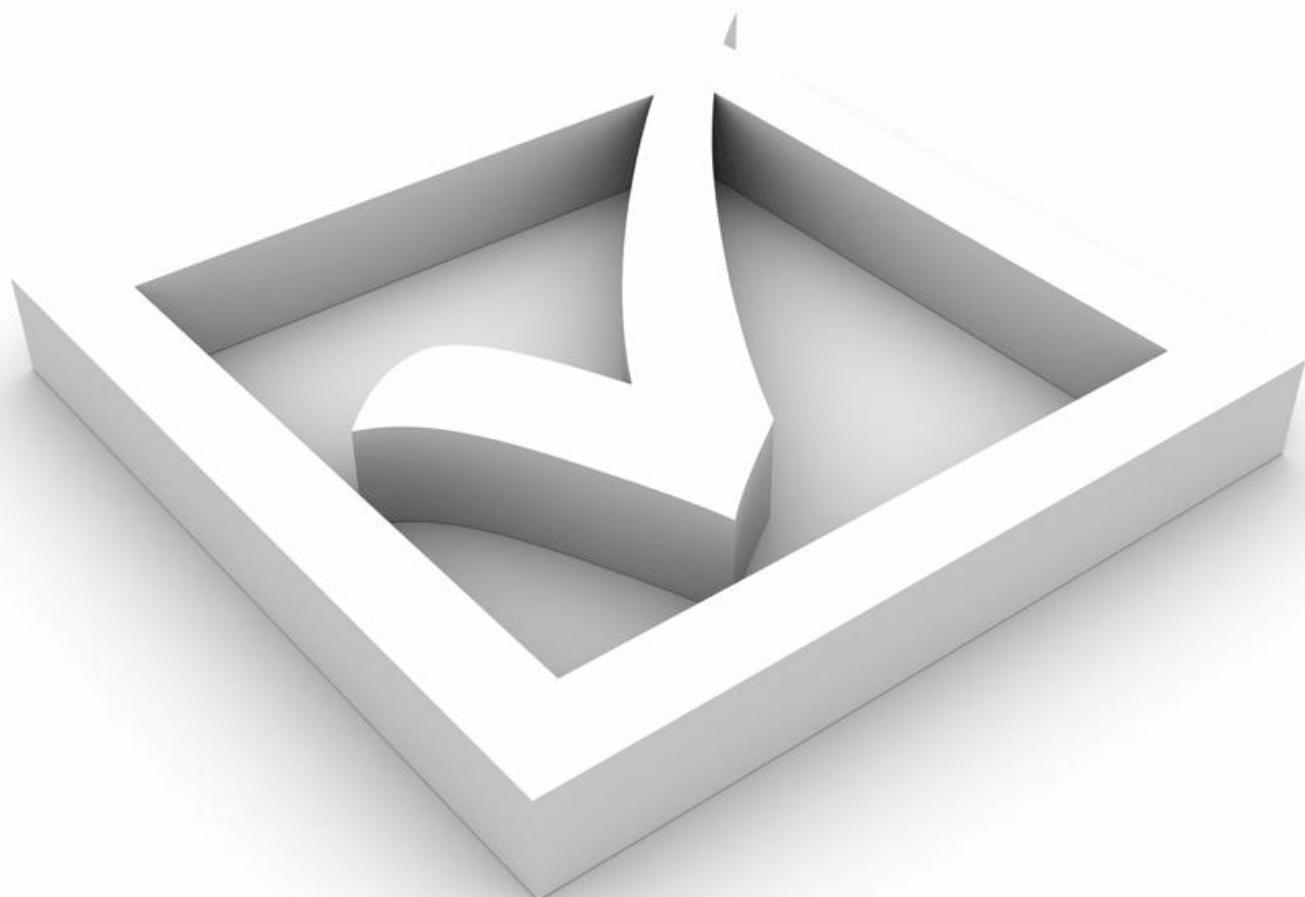


Information Fair Trader Scheme Report

UK Hydrographic Office

April 2011



Contents

PART ONE: INTRODUCTION	3
PART TWO: ACTIVITIES CARRIED OUT BY THE VERIFICATION TEAM	6
PART THREE: KEY CHANGES	8
Maximisation	9
Simplicity	10
Transparency	11
Fairness	12
Challenge	14
Innovation	15
PART FIVE: PROGRESS	17
APPENDIX 1: SUMMARY OF RECOMMENDED ACTIONS	19
APPENDIX 2: WEBSITE REVIEW	21
APPENDIX 3: LICENCE REVIEW	24

Visit: April 2011
Report Published: June 2011
© Crown copyright 2011

PART ONE: INTRODUCTION

Information Fair Trader Scheme

1. The Information Fair Trader Scheme (IFTS) is the best practice model for public sector bodies wishing to demonstrate compliance with the Re-use of Public Sector Information Regulations 2005. IFTS ensures that re-users of public sector information can be confident that they will be treated reasonably and fairly by public sector information providers. Compliance with the standards of IFTS is assessed by the Office of Public Sector Information (OPSI), part of The National Archives.
2. The UK Hydrographic Office (UKHO) is a trading fund that licenses Crown copyright information and is therefore required to join IFTS.

First verifications

3. UKHO was the first trading fund to undergo IFTS verification and was accredited to the scheme in 2003. UKHO was re-verified in 2005 and again in 2007. At all these verifications, UKHO demonstrated a high level of compliance with IFTS with many examples of best practice in evidence. The recommendations made at the most recent verification and the progress UKHO has made in meeting them can be found in Part Five.

Re-verification

4. Re-verification is important as organisations change and staff move on. It is also an opportunity for OPSI to ensure that the recommendations of the last verification have been fully implemented. The frequency of re-verification is based on several risk factors including the complexity of the licensing system, the critical nature of the information and the standard of compliance achieved at the previous re-verification. UKHO is assessed as a Medium risk organisation and should be re-verified every 2-3 years.

Licensing Activity at UKHO

5. UKHO is a trading fund which is part of the Ministry of Defence. Its status as a trading fund was confirmed in 2011 following a review undertaken by the Asset Management Review Group under the UK Government's Operational Efficiency Programme.
6. UKHO's main activity is the provision of navigational products and services to the Royal Navy and to the merchant marine in compliance with the Safety of Life at Sea treaty obligations.
7. UKHO engages in three main types of licensing activity. These are:
 - non-commercial and low value
 - commercial re-use of chart data

- commercial re-use of other data (for example, tidal predictions, wreck data and lights list data)

As a licensee, UKHO acts as a “wholesaler” of its information, rather than as a reseller. In its retail products – paper and digital publications and charts, and maritime safety information - UKHO acts as a Value Added Reseller. This is an inevitable product of its role and declared mission to “meet national, defence and civil requirements for navigational and other hydrographic information.” The separate quality of these two streams of activity are underlined by the structure of UKHO’s on-line presence – the retail products being accessible from UKHO’s main corporate website, while licensing activity is conducted from the separate UKHO copyright website.

8. UKHO also acts as ‘custodian’ for hydrographic data provided by other organisations. It licenses use of material on other organisations’ behalf as if it were Crown copyright. These organisations include overseas hydrographic offices. A list of the custodian organisations can be found on UKHO’s website. Most of UKHO’s licences are now applied for on-line.
9. Income from all commercial sales, including sales of paper charts and publications, digital products and data licensing are grouped in UKHO’s annual reports for reasons of commercial sensitivity. The figures are not publicly available divided between these segments. In 2009-2010 this combined income totalled £116,618,000 (compared to £108,309,000 in 2008-2009). Of this increase, £1,446,000 was attributable to the sale of the subsidiary company SeaZone Ltd. The establishment of SeaZone as a joint venture company in April 2004 was noted at the 2007 re-verification. SeaZone was sold in March 2010 and is not considered as part of this IFTS re-verification.

Overall Assessment

10. This is the first time that UKHO has been assessed against the new IFTS assessment framework and enhanced principles since they were introduced in April 2009. UKHO continues to demonstrate a creditably high level of commitment to the principles of the IFTS scheme, including the new principles of Simplicity, Innovation and Maximisation.
11. Since the last re-verification, UKHO has taken steps to simplify its processes for re-users of its information and to update and clarify its standard licences. There remain elements of complexity arising from UKHO’s position as custodian of other organisations’ data, but nevertheless UKHO scores well against the Simplicity principle. The verification team also saw evidence of strong commitment to the Transparency and Fairness principles and it is clear from the evidence examined that UKHO treats its customers fairly and openly.
12. As UKHO has not been the subject of formal complaints under either the Re-use Regulations or the IFTS, its complaints process has not been tested under pressure. The policies and procedures in place

indicate that UKHO is committed to meeting the Challenge principle, and certainly we heard evidence that the organisation works hard to provide satisfaction to its customers and meet their needs, so avoiding informal complaints escalating to engage the formal complaints process.

13. The verification team found many examples of best practice during its investigation and UKHO is re-accredited to the IFTS.

IFTS Performance Management Framework

14. UKHO has been re-accredited to IFTS and has scored as a medium-risk organisation when assessed against the OPSI risk criteria. UKHO can therefore expect to be re-verified in 2 to 3 years. Re-verification will focus on implementation of recommendations and key changes to the organisation.

15. Below is a summary table rating UKHO's current position against the IFTS principles. UKHO has demonstrated a solid and determined commitment to the principles behind IFTS and is performing at a good or best practice level against nearly all the indicators for most of the principles. The rating against the Simplicity principle reflects the lack of a UKHO statement of its public task and the relative complexity of UKHO's licensing activities involving third party information and the need to safeguard health and safety in the use of its information. These militate against simple licensing.

Maximisation		Good
Simplicity		Good
Transparency		Good
Fairness		Good
Challenge		Good
Innovation		Good

PART TWO: ACTIVITIES CARRIED OUT BY THE VERIFICATION TEAM

Methodology

16. Since UKHO was last re-verified in June 2007, OPSI has introduced some changes to the IFTS process. These reflect recent public sector information policy developments. An IFTS Strategy¹ and Performance Management Framework² have been produced which add transparency and robustness to the process.

17. OPSI has also introduced three new IFTS principles:

- **Maximisation** – an obligation to allow others to re-use information;
- **Simplicity** – facilitating re-use through simple processes, policies and licence terms;
- **Innovation** – supporting the development of new and innovative forms of re-use.

18. These principles sit alongside the three existing IFTS principles of:

- **Transparency** – being clear and up front about the terms of re-use, and the policies around it;
- **Fairness** – applying terms without any discrimination;
- **Challenge** – ensuring that re-use is underpinned by a robust complaints process.

19. Together with the principles and performance management framework, 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

20. UKHO provided documentation in support of the Chief Executive's commitment which was reviewed by the team prior to the onsite verification.

People and Practices

21. 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 UKHO staff at all levels who are involved in the policy or practice of providing information. We also interviewed a non-executive director of UKHO.

Licence File Review

¹ <http://www.nationalarchives.gov.uk/documents/ifts-strategy.pdf>

² <http://www.nationalarchives.gov.uk/documents/ifts-performance-management-framework.pdf>

22. A sample of electronic (and a smaller sample of paper) 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

23. A review of the organisation's website was made from the viewpoint of a potential re-user of information – to assess how easy it was to use.

Licence review

24. The terms and conditions of the various UKHO standard licences were reviewed.

Complaints process

25. The customer complaints process was examined by the team. Consideration of the organisation's complaints process, both policy and practice, indicates how committed an organisation is to meeting customer needs.

Assistance provided by UKHO's Intellectual Property and Licensing and other teams

26. The team appreciates the co-operation and assistance of UKHO staff. Interviewees showed a strong awareness of the principles of IFTS and a comprehensive set of licences and other documentation was provided to us in advance of our visit. Once on site, any supplementary documents and licensing files that were requested were provided promptly.

PART THREE: KEY CHANGES

27. Since the previous re-verification, there have been a number of noteworthy changes relevant to UKHO's licensing activity.
28. As noted above, UKHO's joint venture SeaZone organisation has been sold and is now an external re-user customer of UKHO data.
29. UKHO's continued status as a trading fund has been confirmed following an in-depth review by the Cabinet Office's Operational Efficiency Programme. At the time of verification, current activities to define and create a Public Data Corporation do not seem to include UKHO.
30. The Intellectual Property and Licensing Team has a new head appointed since the last verification. He has implemented the change recommended in the last verification report to involve Assistant Account Managers more in licence application meetings, but the changes to team operations have gone further. The team now has a much flatter structure, with all staff reporting directly to the team leader, and all being involved directly in regular licensing meetings and discussions. We heard evidence that all staff in the team are encouraged to contribute and develop their ideas on how to resolve licensing problems and issues. All staff have access to and use on-line workflow packages to manage individual licence applications which ensures consistent handling of comparable applications.
31. New licences have been introduced and existing ones revised for new data types and applications, such as web applications and re-use in mobile phones. The previous percentage based Royalty Payment charge has been discontinued following a consultation with UKHO's customers, and there has been a re-pricing exercise to ensure consistent returns. The overall impact of these changes is intended to be revenue neutral, though some re-users, depending on their requirements, will be paying less, or more, to receive the same data.
32. Other changes to the licensing structure include the ending of the "flat-fee licence" and the raising of the threshold for the low value commercial re-use from £3,000 to £10,000. The intention of this was to reduce the administrative burden on UKHO of handling payments on large numbers of low-value licences, but this has the additional benefit of removing a barrier to re-use for low-value purposes and so encouraging Maximisation.
33. A final change to note is that UKHO has agreed to become the MEDIN³ data archive centre for bathymetry data, with data to be available from July 2011 under the Open Government Licence. The amount of data

³ MEDIN is the Marine Environment Data and Information Network, an open partnership to promote the sharing of, and improved access to, marine environmental data. Its partners represent government departments, research institutions and private companies. UKHO is one of MEDIN's sponsors.

presently available under this arrangement remains small (data on the UK's various territorial waters limits) as a decision is still awaited on whether complementary data originating from the Maritime and Coastguard Agency will be available free of charge or whether an application will be made for exception to marginal cost pricing for this data.

Maximisation

'An obligation to allow others to re-use material.'

34. Staff in UKHO are performing at a **good** level against the maximisation principle. As noted above, some steps have already been taken to remove barriers to re-use. The re-pricing exercise has raised the level at which fees begin to be charged for some types of low-level re-use considerably. This encourages maximisation of re-use. While this step was taken primarily for UKHO's own purposes, it was done with an awareness of the Maximisation principle and the knowledge that the end result would be to remove barriers to lower level re-use. Conducting such re-pricing exercises including the objective of promoting maximisation of re-use is performance against **best practice** level against the Maximisation principle.
35. We also found evidence that new licences had been introduced for re-use in new web-based or mobile phone applications, and that new datasets had been added to UKHO's data catalogue to make them available for re-use. UKHO's swift action to introduce such licences is commendable. This evidence supports the assessment that UKHO will continue to react positively to the opportunities of new technology by enabling re-use on new platforms swiftly and simply with new or revised licences where this is necessary.
36. Since last verification, more data has been made available to licensees and this is catalogued on the UKHO website. This enables Maximisation by highlighting all UKHO's information that is available for re-use.
37. There remain tensions between UKHO's status as a government trading fund, which places it under an absolute requirement to raise revenue from its licensing activity, and the maximisation principle. Additionally, UKHO is custodian of much third party copyright material and is the body charged with the safe-keeping of the United Kingdom's various maritime navigation treaty obligations. These responsibilities inevitably impact on UKHO's ability to deliver Maximisation. UKHO has declared on its website its adherence to the principle of Maximisation. Despite these constraints, UKHO has worked to encourage maximisation of re-use. Ending royalty payments, raising the threshold for payments for low-level or non-commercial re-use, starting to make data available under the Open Government Licence, developing new licences to meet re-users requirements to licence data for use on new platforms are all examples where UKHO has worked in favour of maximisation, without harming its position as custodian or as guardian

of treaty obligations, or as a trading fund. UKHO should continue to work proactively balancing these constraints to deliver more encouragement to maximised re-use. In particular, we noted internal discussion of the possibility of producing a “Free Navigational Licence” which UKHO might consider in future.

Recommendation UKHO should consider the introduction of a “Free Navigational Licence” so far as this is allowed by the necessary health and safety restrictions on its actions. The decision on whether or not to introduce such a licence should explicitly consider compliance with the Maximisation principle under IFTS.

38. The requirement on UKHO to ensure navigational health and safety in its information re-use, and its trading fund status, militates against making material freely available under the Open Government Licence (OGL). This is because of the danger that information not intended for navigational purposes might be misused for navigational purposes if it were to be made available under the non-transactional OGL. There would be no guarantee that misuse would not cause a risk to health and safety. However, the decision to make territorial water limit data available under the OGL shows that there is some UKHO data that can be safely made available under the OGL. Work should be done to establish whether there is further such data among UKHO’s holdings, and to make it available.

Recommendation UKHO should review its data holdings to identify any further material that can be released under the Open Government Licence.

Simplicity

‘Facilitating re-use through simple processes, policies and licensing terms’

39. UKHO is operating at a **good** level against the simplicity principle of the IFTS. Following recommendations in the last re-verification report, UKHO now issues amendments to licences annually, rather than several times during the year. When this change was introduced, it was combined with the replacement of old with new licences, and so was a complex undertaking. We heard evidence that in future years the changes issued annually will be smaller and simpler, and this is good practice to be commended.

40. During the re-verification we saw evidence of the tools available to UKHO licensing staff to help them process licence applications. These include a series of automated workflow charts which break the process of granting licences down into simple steps with guiding decision points to follow. As well as ensuring that all licence applications are handled fairly, this serves to simplify the process for UKHO staff and is to be encouraged as **best practice**. We heard evidence that these workflow charts, while they cover the most common licence requests, do not yet cover all aspects of the licensing team’s applications processing work. To ensure consistent approaches are followed to all licence

applications, the last remaining processes should be covered by equivalent workflow charts.

Recommendation Workflow charts should be developed for those areas of licensing application processing that are not already covered.

Transparency

'Being clear and direct about the terms of re-use and the policy around it'

41. UKHO has not so far developed a statement of its public task. However, UKHO and OPSI have been in discussion about such a statement prior to this re-verification, and UKHO is participating actively in ongoing work led by The National Archives to develop public task principles and guidance documents. Developing such a public task statement will be mandatory for all IFTS members at verification once the principles and guidance documents are finalised and published. However, we believe it would be an aid to transparency at UKHO if it were to agree and publish a statement of its public task now, using the principles and guidance being developed, rather than wait until next verification.

Recommendation UKHO should develop and publish a statement of its public task that complies with the principles now being developed.

42. In other respects UKHO operates at **good** level against the transparency principle of IFTS. We found evidence of UKHO's commitment to the Transparency principle. For example, information of use or interest to licensees is routinely published on-line, in a simple, plain English and accessible form. UKHO consults with its licensees when considering significant changes to its licensing regime.

43. There is, however, more scope for internal transparency for licensing activities within UKHO. Given the importance of licensing activities to UKHO finances, we were surprised to find evidence that there are no entries covering licensing activity in the UKHO's corporate risk register, and that there is no local licensing team risk register to document and manage risks to this activity. It would be best practice to document the management of these risks.

Recommendation UKHO should review its risk management approach for licensing activities and adopt best practice risk management as business as usual.

44. We heard evidence that the period of time taken to issue a non-commercial licence that has been applied for on-line is now monitored, and that the turn-around time is managed. However, the current performance against target times is not presently published. Publication would aid transparency.

Recommendation UKHO should report on and publish actual performance against target times for issuing licences.

45. The review of the UKHO website found that the website passed the IFTS website review criteria at a good standard. The results of that review are at Appendix 2. The reviewer made a number of additional comments which, if acted upon, would further improve the transparency and usability of the UKHO website.

Recommendation UKHO should consider ways to address the additional comments made in the website review at Appendix 2.

46. The review of the standard licences and agreements published on the UKHO website found that the licences were generally clear, consistent and fair. A number of recommendations have been made to further improve the licences, particularly regarding the terms and conditions applying for commercial re-use.

Recommendation UKHO should consider changes to the standard licences published on its website to address the recommendations made in the licence review at Appendix 3.

Fairness

‘Applying terms without any discrimination’

47. UKHO is acting at a **good** level against the Fairness principle. There have been some important developments in UKHO policy and practice since last verification which serve to promote increased fairness, but there is scope for this to be further improved given the continuing existence of legacy Value Added Reseller (VAR) licences. UKHO’s position under the Fairness principle will be improved further when the existing VAR licenses are terminated and replaced by new standard licences. Completing this work is the one outstanding recommendation from the last re-verification, and its satisfactory conclusion now should be a matter of high priority. We heard evidence that there is an agreed plan in place to ensure that existing VAR licences are replaced by a new single “framework agreement” covering all such re-use within 6 months. Such an arrangement will be both fairer and simpler for re-users and for UKHO to manage, and will ensure that all UKHO’s solution partners operate under the same terms and conditions.

Recommendation UKHO should ensure that the existing plan to abolish VAR licenses and replace them with a single framework agreement is delivered to the present planned timetable.

48. The re-pricing exercise has already been mentioned. This change brought about an end to Royalty pricing, and did cause concern among those re-users whose costs rose as a result. However, the change was implemented with scrupulous fairness and was designed to be revenue neutral. All re-users are now charged on an equal, fair basis, based on the number of data points used. The changes were introduced following consultation with re-users, giving them the opportunity to

comment on and influence the changes, which is an example of **best practice**.

49. Other examples of changes that support the Fairness principle have been the ending of the “flat-fee licence” and the raising of the threshold for the low value commercial re-use from £3,000 to £10,000. These changes aim to reduce the number of low value licences issued by UKHO significantly and to make more low-volume re-use possible without attracting a charge.
50. Where new licences have been introduced, such as the web licence, we found evidence that the licensing team systematically offered the new form of licence to existing licensees.
51. The procedures in place in the licensing team (such as the workflow processes for handling licence applications and the spreadsheet known as the “whiteboard” to document and track licence applications) ensure that all licence applications are handled fairly and equally. The practice of involving the whole licensing team in meetings where innovations or new licensing problems and solutions are discussed and resolved ensures that all members of the team are fully acquainted with the latest developments, can contribute their ideas, and treat all subsequent similar applications in a consistent manner. This is an example of **best practice** against the Fairness principle.
52. We heard evidence that the UKHO marketing teams observe the need for fairness when dealing with solutions partner companies, being particular not to give favour or priority to any one customer, treating innovative ideas equally and being particular to protect innovation by partner companies from their competitors. We also heard that with the period of time taken to issue a licence now being measured, the turn-around from point of application is fair for all licensees.
53. During re-verification we heard evidence on UKHO’s policy on dealing with infringements of copyright. It is clear that this activity, which now has a dedicated member of UKHO staff, supports the Fairness principle, in that it ensures that licensees who pay the correct rate for data used are not disadvantaged by having to compete with unlicensed re-users. The enforcement activity seems in fact to receive most of its reports of unlicensed activity from licensed commercial competitors, about their rivals. The licensed re-users want to ensure that they are not unfairly treated. Once an infringement has been found, UKHO will investigate all the infringer’s products to establish if there are further infringements.
54. Low-level infringements are treated, effectively, as cases for education, and in fact a large number of UKHO’s present licensees are former low-level infringers who have been brought within the relevant licence through such intervention. UKHO has been pursuing more serious infringements through legal action, involving the Controller of HMSO as required. The Controller, who is the Director of OPSI, manages all copyright owned by the Crown, and is a party to any actions taken

against infringers. UKHO is following **best practice** in respect of its enforcement activity.

55. The continued operation of VAR licences has been mentioned above for its impact on Fairness. It is important that equal terms and conditions are available to licensees and solutions partners where they are re-using the same information for equivalent purposes. UKHO should pay close attention to this aspect until the remaining VAR licences are terminated.

Challenge

'Ensuring that re-use is underpinned by a robust complaints procedure'

56. UKHO receives very few formal complaints, and none that have progressed as far as appeal to OPSI. In such circumstances, it is difficult to find evidence that the Challenge procedures and policies in place would be satisfactory when tested by a hard case. Nevertheless, from the policies in existence, and from other evidence found of steps taken to consult UKHO customers, we conclude that UKHO is acting at a **good** standard against the Challenge principle.

57. To measure its own performance against the Challenge principle, UKHO could do more to encourage feedback from its licensees. During verification it was clear that although account managers have an ongoing relationship with their licensees, no attempt is made to ask formally for feedback. UKHO should consider regularly surveying its re-users for feedback on UKHO's performance, so as to inform understanding of steps that could be taken to improve performance.

Recommendation UKHO to consider regularly surveying its licensees for feedback on UKHO performance.

58. We heard evidence that details of issues relating to intellectual property are rarely discussed at Board level. This is partly of course a factor of the lack of any serious complaints about UKHO's activity in this area, but it does mean that there is little opportunity for UKHO policy and practice to be challenged by its non-executive directors.

59. We found evidence that UKHO, when implementing changes to its licensing processes and policies, consults its licensees. An example was the consultation exercise carried out when UKHO ended royalty payments for re-use licences.

60. Reference is made to the UKHO complaints policy on the UKHO Copyright website's licensing page. However, a copy of the complaints policy is not available from this page, so complainants are invited to submit their complaint without having first had the chance to read the policy. This should be remedied.

Recommendation UKHO should make its complaints policy available through the licensing pages of its website.

61. Neither the UKHO Copyright website nor the main UKHO website displays the IFTS accreditation logo. This logo indicates to users and potential re-users that UKHO is meeting the expected standards of IFTS and therefore provides reassurance. The logo should be displayed prominently on the UKHO Copyright website and should also be displayed on the “About Us” page of the main UKHO Corporate website, in the certifications section where logos such as those awarded for Investors in People accreditation are displayed. Failing to display the IFTS accredited logo sends the message that UKHO is not fully committed to the principles of IFTS.

Recommendation UKHO to display the IFTS accredited logo on its websites.

Innovation

‘Supporting the development of new and innovative forms of re-use’

62. During re-verification we found evidence that UKHO is acting at a **good** level against the Innovation principle, given the constraints on possible uses of UKHO data owing to health and safety and international treaty obligations. It is clear that UKHO has an open attitude to innovative use and has amended standard licences, and developed new licences, so as to remove barriers to re-use on new technical platforms.

63. New licence types were developed for licensing UKHO data for use on both smart phones and on websites, and we heard evidence that UKHO would encourage re-use on any new platform so long as it did not compromise maritime safety or treaty commitments. There are statements on UKHO’s websites to this effect, and the licensing team offers advice and guidance to potential re-users seeking to develop innovative products, in addition to the regular ongoing one-to-one relationship between licensees and their account managers. This is not a limitless resource, however, and in the interests of Fairness it is not possible for UKHO to offer open-ended technical support. This should be explained on the UKHO website.

Recommendation UKHO to consider publishing a statement explaining the limits on technical support it can offer to re-users developing innovative applications.

64. We heard evidence of UKHO’s willingness to consider innovative terms of use. This was demonstrated by the “iTunes model” that allows leisure sailors to download hydrographic data covering small geographical areas to smartphones, for a minimal fee. A new licence was developed to support this use.

65. We also heard evidence that existing licences are used to enable research and development (R&D) for innovative re-use. This effectively gives re-users a free development licence to experiment with innovative uses of the data. The commercial licence Schedule B, describing the new product, is only populated once it has been developed, so it is only at that stage that fees become payable. UKHO

could consider giving more publicity to this potential for R&D re-use on its website, or could develop a new licence specifically intended for R&D purposes. These steps would help to create a more structured pathway for innovators wishing to develop new products using UKHO information.

66. We consider that it would support the Innovation principle if licensing staff, particularly those new to the organisation, could receive training in the fundamental technical aspects of UKHO's business, so as to be better able to support innovative requests for re-use. We heard evidence that current training for new starters about the procedural and compliance aspects of licensing work is good and effective, but this should be supplemented by basic technical training.

Recommendation Basic "chart awareness" training should be provided for all new licensing team staff as part of their induction programme where they are not already expert in technical hydrography.

67. UKHO is keenly aware of new technology developments impacting on its markets. We heard evidence that innovative use of hydrographic data in the leisure sailing and diving market may in turn have an impact on the commercial shipping market. By maintaining an open attitude to innovative re-use, UKHO will be best positioned to take advantage of such developments.

PART FIVE: PROGRESS

Principle	Ref	Recommendation	Priority	Action Taken	Status
Openness	13	UKHO to keep OPSI abreast of any significant developments in the policy on re-use of the Almanac.	M	The Almanac is now licensed using a standard UKHO licence and previous legacy arrangements were terminated in 2010. OPSI was informed of developments.	Complete
	14	UKHO ensures that authorising re-use of information created by other Hydrographic Offices does not impinge on licensing re-use of Crown copyright information. Sufficient resources should be allocated to the Copyright and Licensing team if additional countries participate in the arrangement.	M	Procedures have been simplified and staffing levels increased, with arrangements in place so that where licensing services are provided to further hydrographic offices, this generates income to fund additional staff as required.	Complete
	15	The UKHO considers how to improve the decision-making process to ensure that licences can be issued without delay and ensure that its resources are sufficient to licence all information.	H	Changes made to streamline the processes and action to take on additional staff and report on performance have addressed this recommendation.	Complete

Fairness	19	UKHO should consider the possibility of issuing amendments to licences less frequently unless they are significant changes in policy or where delay would result in unfairness.	M	Annual amendments, except in exceptional circumstances, have been introduced.	Complete
	20	UKHO ensures that any outstanding legacy agreements are terminated and these Value Added Resellers (VARs) are issued with current licence terms.	M	Legacy licences have been terminated, but VAR licences remain. See recommendation at reference 39.	Not complete
Transparency	22	UKHO amends its licences in line with recommendations in Appendix 2	M	Standard licences have been re-written.	Complete
	23	UKHO amends its website in line with recommendations in Appendix 3.	M	UKHO website and in particular the copyright section have been completely re-written.	Complete
Compliance	25	UKHO considers whether it would be useful for Assistant Account Managers to take part in some application meetings to maximise knowledge transfer and improve personal development.	L	This has been implemented, and evidence found during re-verification shows the system to be working effectively and to be appreciated by staff.	Complete

APPENDIX 1: SUMMARY OF RECOMMENDED ACTIONS

This is a summary of the recommended action to:

remedy the weakness identified; and,
strengthen the commitment to Information Fair Trading.

Principle	Ref	Recommendation	Priority
Maximisation	37	UKHO should consider the introduction of a “Free Navigational Licence” so far as this is allowed by the necessary health and safety restrictions on its actions. The decision on whether or not to introduce such a licence should explicitly consider compliance with the Maximisation principle under IFTS.	M
	38	UKHO should review its data holdings to identify any further material that can be released under the Open Government Licence.	M
Simplicity	40	Workflow charts should be developed for those areas of licensing application processing that are not already covered.	L
Transparency	41	UKHO should develop and publish a statement of its public task that complies with the principles now being developed.	H
	43	UKHO should review its risk management approach for licensing activities and adopt best practice risk management as business as usual.	M
	44	UKHO should report on and publish actual performance against target times for issuing licences.	L
	45	UKHO should consider ways to address the additional comments made in the website review at Appendix 2.	M
	46	UKHO should consider changes to the standard licences published on its website to address the recommendations made in the licence review at Appendix 3.	M
Fairness	47	UKHO should ensure that the existing plan to abolish VAR licenses and replace them with a single framework agreement is delivered to the present planned timetable.	H

Challenge	57	UKHO to consider regularly surveying its licensees for feedback on UKHO performance.	M
	60	UKHO should make its complaints policy available through the licensing pages of its website.	M
	61	UKHO to display the IFTS accredited logo on its websites.	M
Innovation	63	UKHO to consider publishing a statement explaining the limits on technical support it can offer to re-users developing innovative applications.	M
	66	Basic “chart awareness” training should be provided for all new licensing team staff as part of their induction programme where they are not already expert in technical hydrography.	L

APPENDIX 2: WEBSITE REVIEW

IFTS Website Assessment

Organisation: UK Hydrographic Office

Site available at: <http://copyright.ukho.gov.uk/>. It is this site, rather than the UKHO main website, that has been assessed.

Date assessed: 28 April 2011

Score: 200

<160 – Poor

160-180 – Adequate

>180 – Good

1.1 Does the website have an Information Asset Register? (**No**)

1.2 If yes, how many clicks is it from the homepage? (**N/A**)

1.3 How long did it take to find? (**N/A**)

1.4 If there is no IAR, is there other guidance on what information is available? (**Yes**)

The Information tab on the home page of the copyright-UKHO website gives a link to a spreadsheet listing all information available for licensing – but this is not a complete Information Asset Register.

2.1 Does the PSB use standard licences? (**Yes**)

2.2 Are these published in full on the website? (**Yes**)

2.3 If yes, how many clicks are they from the homepage? (**2**)

2.4 How long does it take to find? (**<1 minute**)

2.5 How many standard licences are there? (**5**, plus other licences for information from other national hydrographic offices for which UKHO is the custodian)

2.6 Is there an explanation of what different licences are for and is it clearly understood? (**Yes**)

3.1 Is there any charge made for licences? (**Yes**)

3.2 Is there an explanation of the charges? (**Yes**)

3.3 Is there an explanation of how charges are drawn up? (**Yes**)

4.1 Is there an IFTS commitment on the website? (**Yes**)

4.2 How many clicks is it from the homepage? (**3**)

4.3 How long does it take to find? (**<1 minute**)

5.1 Is there clear and precise information on how to apply for a re-use licence? (**Yes**)

5.2 Are there a variety of methods for applying for licences? (**No**)

5.3 Is it possible to apply online for a licence? (**Yes**)

5.4 Does it specify a timescale to grant licences? (**Yes**)

5.5 If yes, what is that timescale (in working days)? (up to 5 days for non-commercial licences, up to 20 days for commercial licences)

6.1 Does the PSB have a procedure for complaints regarding licensing decisions? **(Yes)**

6.2 How many clicks is it from the homepage? **(1)**

6.3 How long does it take to find? **(<1 minute)**

6.4 Does it mention that if the complainant is unhappy they can refer to OPSI or APPSI? **(Yes)**

The contact details for OPSI are incorrect and need updating. There is no OPSI post of "Head of Regulation". For postal communications the title "Head of Standards Department" should be used instead. OPSI has relocated from Petty France to Kew, so the Kew postal address should be given. Also, we are content to take complaints in e-mail form, they do not have to be hard copy. Therefore the e-mail contact address should be given – standards@nationalarchives.gsi.gov.uk.

7.1 Does the website explain what information is not available? **(No)**

7.2 If Yes, does it explain why? **(N/A)**

7.3 How many items are listed? **(N/A)**

Unavailable items are explained in general terms only – e.g. exempt under the Freedom of Information Act, or copyright not owned by UKHO. There is no listing of particular items that are unavailable.

8.1 Does the website outline any exceptions to normal licensing policy? **(Yes)**

8.2 If Yes, does it explain why that exception has been made? **(Yes)**

8.3 How many exceptions are there? **(6 item bulleted list)**

9.1 Does the website have a Crown Copyright notice? **(Yes)**

9.2 Is it linked to from every page? **(Yes)**

9.3 How many clicks is it from the homepage? **(2)**

9.4 How long does it take to find? **(<1 minute)**

9.5 Is OPSI/HMSO mentioned, with contact details? **(No)**

10.1 Does the website have an electronic search facility? **(No)**

10.2 If yes, how many clicks is it from the homepage? **(N/A)**

10.3 How long did it take to find? **(N/A)**

There is a standard search box on every page of the main UKHO website, but no search facility on the copyright-UKHO website. As the site is small and very clearly set out, this is not a fatal omission – but clearly the site would be more usable if there was a means to search it clearly and easily accessible.

11.1 Is the material available by electronic means? **(Yes)**

11.2 Is it possible to download direct from the website? **(No)**

11.3 If data is not available electronically, is there an explanation of how to obtain it? **(N/A)**

11.4 If data is sent via email, is there a specified timescale for delivery? **(N/A)**

11.5 If yes, what is the timescale (In working days)? **(N/A)**

12.1 Does the PSB outline its responsibilities under IFTS on their website? **(Yes)**

12.2 Does the website explain what IFTS is aiming to achieve? **(Yes)**

12.3 Are the benefits of IFTS explained? **(Yes)**

12.4 Is the PSB using IFTS logos on their website and actively mentioning they are a member of the scheme? **(No use of logo on either site, but the copyright-UKHO site mentions that UKHO is a member of IFTS)**

The IFTS logo should be displayed on the Copyright UKHO website and on the appropriate accreditations page of the main UKHO website

13.1 Does the PSB outline its policy towards its trading of PSI? **(Yes)**

13.2 Does the PSB explain how it arrives at decisions? **(Yes)**

13.3 Does the website have an explanation of what re-use is? **(No)**

13.4 Does the website explain what Crown Copyright is? **(Yes)**

13.5 Does the website explain why licences are sometimes needed to re-use information? **(No – as a trading fund this question is not relevant to UKHO)**

13.6 Does the website explain the difference between FOI and re-use? **(No – though this is explained on the main UKHO website)**

13.7 Does the website explain what a trading fund and delegated authority is? **(Yes – though the word delegated is not used)**

The following additional comments were made concerning the UKHO website and UKHO Copyright Licensing website pages:

- UKHO Copyright web site is a separate stand-alone website apart from the UKHO main website. There is no immediately obvious way to navigate from the UKHO home page to the UKHO Copyright home page, so it would be difficult for a potential re-user who was not aware of the existence of the UKHO Copyright to reach it. There is not even a link to the UKHO Copyright site from the “Useful links” page of the UKHO website home page. UKHO should consider ways to increase the visibility of the UKHO Copyright site from the home page of the UKHO main website.
- On the UKHO Copyright website, there is no prominent link to the list of available information from the home page. Though you can get to the spreadsheet in 3 clicks, it would take you a while to find it if you did not know where to look, particularly given the lack of any search facility. The separate, clearly identified page listing products for sale on the main UKHO website shows a more helpful approach that could be followed by the UKHO Copyright website.
- As there is no FOI page on the UKHO Copyright website, this site would benefit from a link to the UKHO FOI page on the main website.

APPENDIX 3: LICENCE REVIEW

Given the complex nature of UKHO's licence arrangements, (which have to cover information provided by the various national hydrographic offices for which UKHO acts as custodian), there are a large number of different licences available on the UKHO website. We have not reviewed each of these in detail. Instead, this licence review takes the form of some general comments applying to the majority of UKHO's licences, and a detailed review of two licences, those for non-commercial or low value products licence and the new commercial web products licence.

REVIEW OF UKHO Licences - general

Having reviewed the commercial web products licence, it is clear that many of its clauses are identical to those found in other UKHO licences. In the interest of long term maintenance it may be advisable for UKHO to draw together the common elements into a framework agreement (covering such aspects as UKHO data products, auditing, payment arrangements, confidentiality etc.), with schedules to reflect the unique elements of each particular licence (covering aspects such as product type or fees). For example, UKHO would currently have to revise most of its agreements in the event that it needed to add a new data type or amend one. Therefore there may be significant opportunities to streamline and standardise the licences.

REVIEW OF UKHO Commercial web products licence

Evaluation Criteria

1. Clarity of licence terms

Check for clarity of language, jargon, legalistic language, plain English

Redrafting of certain clauses could enable UKHO to reduce their size without corresponding loss of clarity. Section 4.2.3 contains a typographical error "who's copyright."

2. Comprehensiveness of licence terms

Are there any significant omissions? Does the licence contain terms that you would not expect to find in a licence?

The licence is generally well drafted and comprehensive. Additional clarity would be welcome on the term or duration of the licence. UKHO may wish to consider how best to reduce the length of clauses connected with auditing accounts as these may be unnecessarily complex.

3. Fairness

Does the licence contain terms that are unfair or unnecessarily discriminates between different user groups?

No, between users of the web commercial products licence there does not appear to be discrimination.

4. Consistency

Does the licence contain any terms which are inconsistent and contradictory?

In the definitions 'Handheld Device' is seen to include only non-programmable devices not designed as a navigational product. UKHO should keep this definition under review. Rapid development of the mobile phone market means that users of new phones can install custom software for any purpose. Combined with ubiquitous GPS, the distinction between phone / navigation device may not be sustainable.

5. Practical Arrangements

Is it clear what the process is for making payments, amending terms for example?

Yes, although the contact options available would be improved through inclusion of telephone and email details.

6. Restrictiveness of terms

Are any of the terms unnecessarily restrictive?

UKHO could reconsider the 'contractor licensing' arrangements, whereby licensees must seek permission from UKHO to appoint contractors to their products. As UKHO's consent is presumed after five days, it is worth revisiting whether it is needed before then. Instead there could be a simple requirement to notify UKHO of the appointment.

REVIEW OF **Non-commercial or low value licence**

Evaluation Criteria

1. Clarity of licence terms

Check for clarity of language, jargon, legalistic language, plain English

The licence template is very clearly written in plain English. One exception is the repeated use of the phrase “try hard to” in clauses relating to the licensee’s responsibilities (for instance at clause 9.a, “You will try hard to tell anyone...”). It is doubtful that the phrase “try hard to” has any real meaning in such a clause, and it could therefore be removed (so that the clause now reads “You will tell anyone that uses the reproduced material...”)

The version presented on-line includes the optional text to be used as appropriate in the particular circumstances applying in each case by the licensing account manager drawing up the agreement. This is not immediately clear upon opening the document, which could be rectified by the inclusion of a note to this effect at the start of the template. Terms that appear to be repeated or repeated with variations in the template are in fact options, and would not both be used in a single issued licence (for example, clauses 4.c and 4.d.i) – but presently this would not be clear to a potential licensee looking at the licence on-line.

There is a typographical error in the list of port authorities for the Republic of Ireland in Annex 1, which refers to the “Commissioner or Irish Lights”.

2. Comprehensiveness of licence terms

Are there any significant omissions? Does the licence contain terms that you would not expect to find in a licence?

There do not seem to be any significant omissions from the template. The terms are appropriate to this form of licence.

3. Fairness

Does the licence contain terms that are unfair or unnecessarily discriminates between different user groups?

The template licence does discriminate between user groups – for instance there are parts which apply only to broadcasters, or to newspapers. However they are appropriate to the differing form of use which the different user groups will make of the information, and are fair in that they do not discriminate between similar uses.

4. Consistency

Does the licence contain any terms which are inconsistent and contradictory?

No – allowing for the repetition of optional clauses noted above which appear in the template but would be dealt with in production of the final licence.

5. Practical Arrangements

Is it clear what the process is for making payments, amending terms for example?

Yes.

6. Restrictiveness of terms

Are any of the terms unnecessarily restrictive?

Clause 4a (licensees responsibilities for internet reproduction of images for promotional purposes) seems to be restrictive. This would mean that a website having >1,000 hits per day could not display an image of the material for promotional purposes, even if it was leading by hyperlink to another website containing the licensed information and having <1,000 page views per day.