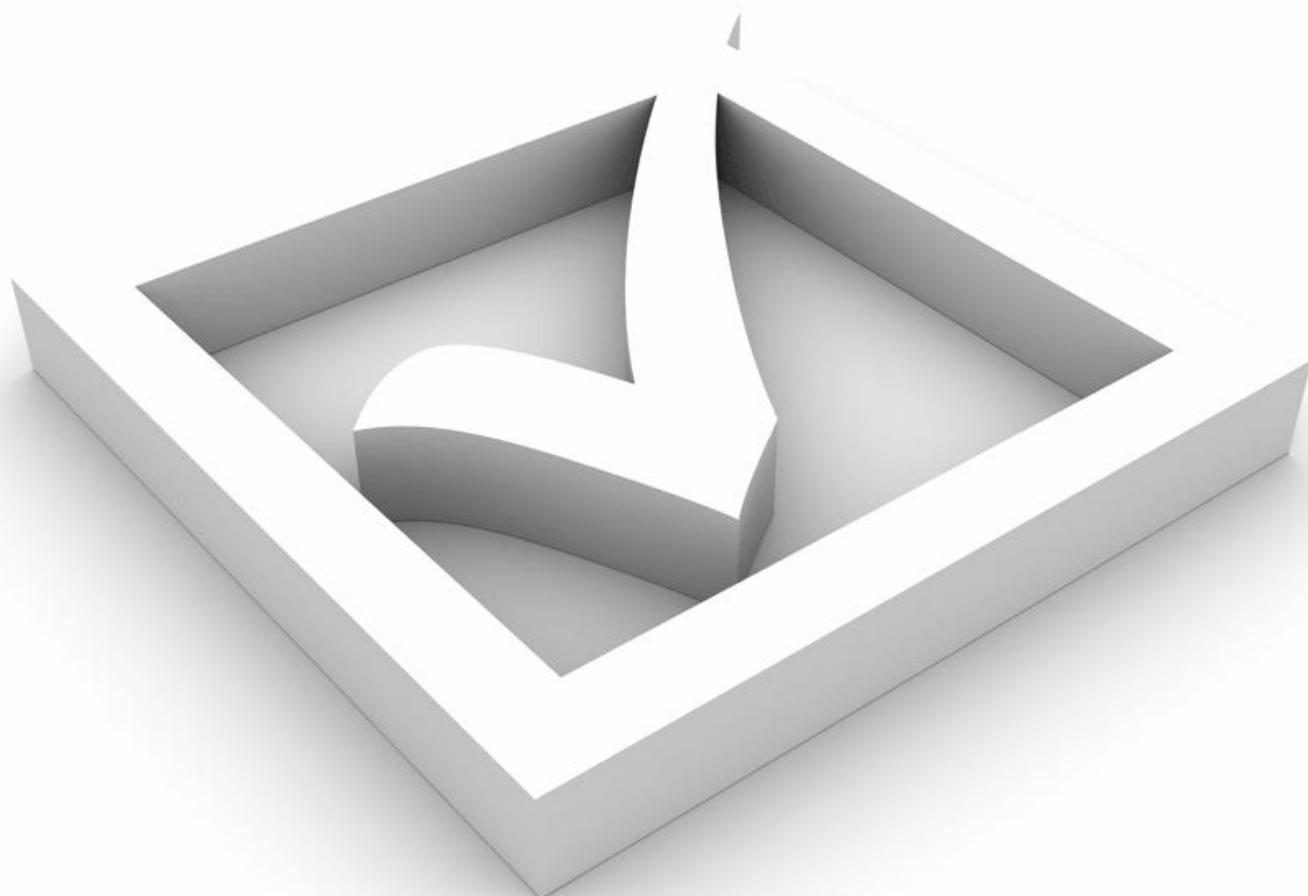


Information Fair Trader Scheme Report

British Geological Survey

May-July 2010



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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.
2. The British Geological Survey (BGS) is not a Crown body and is not, therefore, required to join IFTS. In addition, it is not covered by the Re-Use of Public Sector Information Regulations. BGS first applied to join IFTS as a voluntary member.

First verifications

3. BGS first underwent IFTS verification in October 2004, and was re-verified in September 2006. At its first verification, BGS demonstrated a very high level of compliance with IFTS. At re-verification, although there were some areas found to be in need of further improvement, several areas of best practice were also identified. The recommendations made at the re-verification and the progress BGS 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 the Office of Public Sector Information (OPSI), part of The National Archives 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, how critical the information is and the standard of compliance at the previous re-verification. BGS is assessed as a Medium risk organisation and should be re-verified every 2-3 years.

Licensing Activity at British Geological Survey

5. The BGS is a component organisation of the Natural Environment Research Council (NERC) - the UK's leading body for basic, strategic and applied research and monitoring in the environmental sciences. In BGS the UK Business Development team leads the commercial side of the UK direct licensing and Value Added Reseller (VAR) business. There are presently 11 BGS VARs, including Landmark, Groundsure and The Coal Authority. The Legal and IPR section manages the digital data licences, the VAR agreements, copyright licences, copyright permits, and collects fees and royalties from licensees and VARs. The IPR section also gives advice to BGS staff and external parties about copyright and IPR issues and liaises with NERC about these issues. A new Business Solutions team acts to provide a link between BGS's data outputs and its external data users, and so gives technical support both to BGS's customers and to the UK Business Development team.

6. Income from licensing and copyright for 2009-2010 was £1.4m, a figure down from £2.2m in 2007-2008, and £1.6m in 2008-2009. This reduction was largely due to the impact of the recession on the UK housing market and the consequent impact this has had on BGS's customers supplying information related to property sales. Over the last three years, the bulk of this total has consisted of revenue from VARs, (between 56 and 64% each year), with the other main source being revenue from direct digital data licensing (between 32 and 40%). Copyright licensing produced less than 4% of the total each year. Given the vulnerability of income derived from property sales to the general economic climate, UK Business Development team is putting great effort into developing VAR customers in the insurance sector, and this effort is starting to show positive returns.

Overall Assessment

7. BGS takes its licensing responsibilities very seriously, and the verification team found several examples of best practice. These are detailed below. BGS is particularly strong with regard to the two new IFTS principles of Maximisation and Innovation, since it actively encourages re-use where possible, and has put in place structures in the organisation designed to encourage and simplify maximum use being made of BGS data. It continues to do everything in its power to meet customer requirements. Although BGS allows negotiation of terms, conditions and prices, it restricts this to the first VAR of a particular dataset. It then applies the same terms and prices to all other VAR customers re-using the dataset for the same purpose. It does not allow any negotiation with direct licensees of its data. Where previously charged data has been made available for free with the release of OpenGeoScience data, BGS has made sure that existing contracts were adjusted.
8. BGS also scores very well against the Fairness principle. BGS licences have been reviewed since the last re-verification, and a new Innovation Agreement licence introduced to promote innovative use of BGS data. The organisation's complaints procedure has also been reviewed. There are some areas that need further improvement and recommendations have been made to address these issues, which include the complaints procedure. It remains difficult to accurately assess the effectiveness of the complaints procedure since BGS has received no formal, and next to no informal complaints relating to BGS information trading since the last re-verification. A number of recommendations have been made to improve the performance of BGS against the Transparency principle.
9. The verification team found many examples of best practice during its investigation and BGS is re-accredited to the IFTS.

IFTS Performance Management Framework

10. BGS has been re-accredited to IFTS and has scored as a medium-risk organisation when assessed against the OPSI risk criteria. BGS 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.
11. Below is a summary table rating BGS' current position against the IFTS principles. BGS 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 each principle. The satisfactory rating against the Transparency principle reflects the lack of a BGS statement of its public task and the relatively high number of recommendations made in the report. Even so, the recommendations made in this re-verification report can be characterised for the most part as being minor adjustments rather than fundamental changes.

Maximisation		Good
Simplicity		Good
Transparency		Satisfactory
Fairness		Best practice
Challenge		Good
Innovation		Good

PART TWO: ACTIVITIES CARRIED OUT BY THE VERIFICATION TEAM

Methodology

12. Since BGS was last re-verified in September 2006, OPSI has introduced some changes to the IFTS process. These reflect recent policy developments over this period. An IFTS Strategy¹ and Performance Management Framework² have been produced which add transparency and robustness to the process.

13. 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.

14. 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.

15. 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

16. BGS provided documentation in support of the Executive Director's commitment which was reviewed by the team prior to the onsite verification.

People and Practices

17. 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 BGS staff at all levels who are involved in the policy or practice of providing information.

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>

18. A sample of customer digital data licensing and VAR agreement files was examined. The licence file review provides evidence of adherence to corporate policy and the Regulations in actual transactions.

Website review

19. 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

20. The terms and conditions of the standard Digital Data Licence and the Innovation Agreement were reviewed.

Complaints process

21. 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 BGS Knowledge Exchange and other teams

22. The team appreciates the co-operation and assistance of BGS staff. Interviewees showed a deep 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

23. Since the previous re-verification, the BGS has introduced a number of Teams within each department. The department handling licensing business is now known as the Knowledge Exchange Department, and within it both the Business Solutions team and the Legal and IPR team form part of the Information Services Team, presently headed by the Head of Legal and IPR. Heading this team is a part-time role and takes an estimated 40 working days per year. The Business Solutions team is new and serves to assist existing and prospective VARs to properly understand and exploit the data they use.
24. A number of BGS committees and panels with roles in licensing decisions have been set up. The most significant for IFTS are the Pricing and the Information Products and Delivery Advisory Panels.
25. **The Pricing Panel** meets annually to review current prices and assess planned data products; and it holds price setting meetings whenever enough datasets have been cleared through intellectual property rights checks. The Panel's terms of reference state that "the majority of BGS datasets will be considered 'value-added' products and will be supplied on a charged basis to users." The Pricing Panel reports to the Information Products and Delivery Advisory Panel.
26. **The Information Products and Delivery Advisory Panel** meets approximately quarterly, and is an internal BGS liaison body designed to exchange information from the external client base and BGS's heads of science to steer development and delivery of national datasets. The Advisory Panel has IFTS as a standing agenda item.
27. In December 2009, BGS released its OpenGeoscience data free for non-commercial uses via the BGS website. This data includes low resolution geological maps, photographs and other information. OpenGeoscience could form an umbrella under which to release other free BGS data. BGS's Delivery Plan for 2010-2011 states (page 11): "The policy of relaxation of intellectual property rights and copyright will continue through enhancements to OpenGeoscience, making more resources available free of charge for non-commercial use while protecting the value of our information assets." Following the release of the OpenGeoScience data, BGS has adopted the notion of "freemium" data – open data that can act as a type of loss leader to generate interest in business data leading to future licensing arrangements.
28. BGS also now offers an **Innovation Agreement** licence for temporary access to business data for a small fee for the purposes of evaluation and development of new services. Customers are able to access data that would normally be charged for, to assess whether they can produce a new commercial product from it before committing to purchase a re-use licence. 46 Innovation Agreements were issued in 2009-2010, including 5 renewal agreements where a longer assessment period was required.

29. The number of licensees and VARs has grown since the last verification and a broader variety of VARs now use BGS data. In particular efforts have been made to widen the market for VAR use of BGS data to reduce the dependence on the UK housing market. Declining BGS income from licensed data related to the housing market in recent years is generally accepted to be directly linked to the recession in the UK economy. Some success has been achieved in growing the use of BGS data by the insurance sector, following a considerable BGS investment in developing new products.
30. At the previous re-verification, it seemed possible that BGS licensing activities might become part of the Research Councils' shared service provision which was then being developed. This has not happened and it now seems unlikely that licensing will become a shared service in the future. OPSI welcomes this since it would be difficult for a shared service provision to re-create the specialist understanding of this licensing work possessed by the experienced BGS teams.

PART FOUR: HIGHLIGHTS AND AREAS FOR IMPROVEMENT

Maximisation

‘An obligation to allow others to re-use material.’

31. Staff in BGS are performing at a good level against the maximisation principle, with some areas of Best Practice. The re-verification team saw evidence from across the organisation of steps that have been taken to allow others to re-use the BGS data to maximum effect. BGS encourages re-use and its organisation is structured to promote this. An inventory of BGS data available for re-use is published on-line. BGS works actively with other public sector information holders, such as The Coal Authority, to produce data for re-use. A number of initiatives are worthy of particular mention.

32. BGS’s release of its “OpenGeoScience” data free of charge for non-commercial purposes made substantial amounts of data freely available on-line for research, educational and private uses. Data released included not just low-resolution geological data but visual imagery and textual reports. This was a significant step in open-ness and BGS worked hard to develop a model to allow the release of this data without compromising their core business charged data. Staff are rightly proud of the positive reception this release received, and **this represents performance at best practice level against the maximisation principle.**

Recommendation BGS should where possible add further data to the OpenGeoScience on-line resources to further promote maximisation and innovation. During verification, the team heard of un-used or hardly-used BGS datasets which are not currently being exploited commercially. Consideration should be given to adding this data (even if only partial, or out-of-date) to that available under OpenGeoScience where this would not under-mine BGS commercial data. This would support the policy set out in BGS’s Delivery Plan, quoted at paragraph 27 above.

33. The adoption of Innovation Agreement licences allows full advantage to be taken to maximise the use of BGS data by allowing prospective users to experiment with the available data, and refine their requests for the data they need, before committing to a full licence. Further, BGS staff have encouraged consortia in developing innovative uses of data (such as the Ground Stability data for use by the insurance sector) or new data (such as 3D Geoscience data) to spread the costs and risks. **This is a further example of BGS Best Practice performance.**

34. Licensing and marketing teams’ staff have embraced the concept of “Freemium Data” to best exploit the sizeable interest in BGS’s release of free OpenGeoScience data. The openly available low-resolution data is viewed as being a type of ‘loss-leader’ for the charged, higher resolution data, and thereby is being used to develop BGS’s licensed

customer base. While this represents a pragmatic approach to the question of public data, rather than one based on first principles, it is a viable basis for widening the take-up of BGS data.

35. A change noted above since the last verification has been the introduction of a Business Solutions team, which helps to maximise use of BGS data by liaising closely with existing VARs and potential new users of the data to help them to best frame their requests for data and exploit the information effectively. This move really addresses the principle of maximisation by providing BGS customers with access to professional staff who have experience of geology, GIS and the available data. It helps the customers to properly frame their requests for data and exploit them effectively. This advice is not a charged service, and so does not act as a barrier to maximised use of the data.

Simplicity

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

36. BGS is operating at a good level against the simplicity principle of the IFTS, with one notable example of best practice. Though BGS operates three different licenses for re-use of its information, this is not excessive as they serve three different needs, and they are explained clearly and simply on the BGS website. Detailed comments on the Digital Data Licence and the Innovation Agreement can be found at Appendix 3.
37. BGS' pricing policy is straightforward and uncomplicated, and follows the Treasury rules and NERC's cost recovery policy. Pricing of datasets is simple for customers, set at the cost of maintaining and updating the data, plus a standard rate of return. It is not possible for BGS to price on the basis of the cost of compiling its data because of the historic nature of much of the baseline data involved. This approach makes the costs predictable for customers, even where the returns for BGS are not predictable as the amount of revenue is dependent on volumes traded. For digital datasets an automated tool is used to calculate data costs, ensuring that the pricing is uniform even for complex combinations of data. BGS licensing and pricing policies and terms and conditions are available on-line and are clearly drafted.
38. The standard digital data licences are simple to set up. We heard evidence that for new customers, the digital licence is drawn up usually within 24 working hours of the request being made. It is instead the compilation of the data which is time-consuming.
39. BGS has created a Business Solutions section. Its role is to liaise with customers to assist them to understand and interpret technical data, and to ensure that they can make best use of the supplied data. Business Solutions works with the scientific and UK Business Development areas of BGS to deliver more easily usable and better understood data for customers. The provision of this expert knowledge

resource for users (which is not charged-for per use, but is a part of the calculated costs for provision of all data) significantly simplifies accessing the data for customers and helps build strong relationships between BGS and its customers, and **is an example of best practice against the simplicity principle.**

Transparency

‘Being clear and up-front about the terms of re-use and the policy around it’

40. BGS is not subject to the Re-use of Public Sector Information Regulations and has not so far developed a statement of public task. However, BGS and OPSI have been in discussion about such a statement prior to this re-verification, and we believe it would be an aid to transparency at BGS if it were to agree and publish such a statement. The statement would probably be based upon the activities covered by NERC National Capability funding. This will be particularly beneficial now that the OpenGeoScience product has been made available for free, as prospective customers will need to understand the boundaries between free and charged data.

Recommendation BGS should develop with OPSI and publish a statement of its ‘public task’.

41. Despite this lack of a public task statement, BGS in many other respects operates at good level against the transparency principle of IFTS. Terms, conditions and standard licences are all published on the website, as is the charging and pricing policy. There is clear organisational separation between the scientific production areas of BGS and the downstream marketing, IPR and business solutions and development areas. The existence of the Business Solutions team is evidence of a commitment to a customer focused approach in the organisation. Overall, BGS is rated as operating at a satisfactory level against the transparency principle.

42. BGS is particularly effective at securing the engagement and involvement of its stakeholders in its information advisory committee structure, which works to enhance transparency greatly. Customers and external scientists are represented on the Information Knowledge and Exchange Advisory Group. Scientists are also represented on the Information Products and Delivery Advisory Panel. **This inclusive approach, and particularly the representation of customer representatives on IKEAG, is an example of transparency best practice.**

43. A number of recommendations are now made to further improve BGS transparency, following on from observations made during re-verification. It should be noted however that these are of low priority and are enhancements to existing transparency, rather than fundamental issues.

Recommendation BGS should investigate the possibility of establishing a feedback network mechanism for its licensees, as there is none at present. Feedback now is obtained either through direct contact between BGS staff and licensees, or through Advisory Groups. Provision of an on-line forum or similar solution to allow social-networking type feedback from customers would significantly enhance BGS transparency, and should further improve BGS understanding of its customer requirements.

Recommendation BGS should establish a system to ensure that new VAR licences are routinely passed to OPSI for information and comment when they are being developed. As a member of IFTS, BGS is required to be transparent not just with its customers, but also with OPSI, its regulator. It became apparent during re-verification that a number of new VAR licences had been developed by BGS that had not been shared with OPSI. While there is no suggestion that these licences are not compliant with IFTS, it is best practice for such new licences to be shared with OPSI when they are being introduced.

Recommendation We recommend that where it is not presently given, BGS should consider adding information on the currency and frequency of update to datasets listed on the on-line Digital Data Catalogue. We heard evidence during re-verification that BGS data, though typically updated annually, might in some circumstances be updated more frequently, or at irregular intervals. It would be of benefit to customers to have easy access to this information. Where datasets are historical and not being updated, this should also be clearly indicated, along with the date of last update.

Recommendation We recommend that the Head of Finance at BGS should be invited to investigate the working of the Pricing Board to check that it is operating as intended. OPSI would wish to be informed of the results of this investigation. Internal transparency is also important to ensure the effective operation of BGS licensing activities. During re-verification we heard that BGS Head of Finance had been consulted about the operation of the Pricing Board when it was established, but had not been involved since.

44. The review of the BGS website found that the website passed the IFTS website review criteria. 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 BGS website.

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

45. The review of the standard licences and agreements published on the BGS 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 BGS should consider changes to the standard licences published on its website to address the recommendations made in the licence review at Appendix 3, particularly terms and conditions for commercial re-use of data.

46. The benefit of BGS encouraging collaboration by consortia for the purposes of maximising re-use and innovation has been noted above (paragraph 33). However, the ability of such consortia to secure discounted access to data for their projects is not clear, and would not be fair if applied outside of the field of innovation. This could be addressed were BGS to formalise these consortia arrangements and publish the terms and conditions for consortia.

Recommendation BGS should publish standard terms applying to the use of Innovation Agreements by consortia.

Fairness

‘Applying terms without any discrimination’

47. We found plentiful evidence that BGS was following best practice in ensuring the fairness of its licensing operations, and conclude that BGS is working at best practice level against the IFTS fairness principle.
48. All staff interviewed were keenly aware of the need not to discriminate between customers and the need to avoid negotiating terms and conditions for re-using the information. The only occasion where negotiations take place is when the IPR team is dealing with a new use of the data and the new situation requires new terms and conditions. Once agreed these are then rolled out to all customers, so maintaining fairness. The marketing account managers in the UK Business Development team do not undertake any negotiations – and they refer to IFTS as the reason for not negotiating when challenged by prospective customers. We saw evidence of this in the review of licensing files.
49. When OpenGeoScience was launched, and some data that had previously been charged for was made available for free, all existing licensees were offered the appropriate re-fund in recognition of this new situation. **Such action to ensure existing and new customers are treated fairly is a typical example of BGS best practice.** All changes to existing digital licences, terms and conditions are rolled out to all customers, and such changes are always notified to all customers with at least one month’s notice of the change.
50. For VAR licences, though each licence is tailored to the circumstances, the core agreement is always the standard agreement, with variations kept to schedules to the agreement and to the royalty schemes. There are no exclusive agreements, so identical terms would be available to

other customers wishing to take out VAR licences for the identical re-use of the same data. The review of VAR licensing files produced evidence of customer requests for variations to terms being refused because of the application of IFTS principles. Similarly, there are standard basic terms for Innovation Agreements.

51. There is a standard process for issuing new digital licences. Pricing is determined by the Digital Pricing system which ensures that it is fair and consistent. All costings are done to a standard methodology for all users, with no variations, so BGS staff have no discretion when applying the pricing policy. **Use of an automated tool to calculate pricing and so ensure consistent and fair pricing is best practice against the fairness principle of IFTS.**
52. When new datasets are developed at the request of a customer, they are offered on identical terms to existing and to other new customers. In practice, the evidence found suggests that it is common BGS practice to encourage consortia of customers working in the same area to collaborate in the development of new data and applications. The terms under which this is done should be published for the sake of transparency (see recommendation 46).

Challenge

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

53. BGS receives very few formal complaints. The complaints handling policy, which is published on the website, encourages complainants to first take any issue up with the member of staff who originally dealt with them or another responsible officer. In the case of IPR matters, for instance, the website firstly directs complainants to the Head of Legal and IPR. Only once this has been done are complainants advised (if they wish to take the matter further) to submit a formal complaint, which would be handled by the Enquiry Service.
54. In the last 10 months, BGS has only received four formal complaints, and of those none related to licensing matters. The Head of Legal and IPR confirmed in interview that he had not received any complaints.
55. From this it seems that BGS' careful handling of licensing matters and its good and open understanding of its customer's requests has effectively removed licensing customer complaints from the picture. So while there is a complaints process in place, and it has been recently reviewed, it remains difficult to assess how robust the process would be when faced with a serious licensing complaint. On the evidence available, it appears that BGS staff operate at a good level against the Challenge principle. When the BGS complaints policy and procedure was reviewed recently, **it was bench-marked against other complaints policies and processes, which is an example of best practice.**

56. BGS's Enquiries team has an effective complaints logging and handling system in place – but there is the danger that complaints directed not to the enquiry service but to named case officers may not be being recorded effectively or consistently.
57. BGS's website includes references to the possibility of licensing complaints being taken forward to OPSI if the complainant is not satisfied with the results of the internal response. However, the BGS corporate procedure document, which describes the policy and processes to be followed by BGS staff receiving complaints, makes no mention of the requirement on BGS to notify OPSI of any licensing complaints received, or of the possibility of licensing complaints being appealed to OPSI.

Recommendation The impact of BGS membership of IFTS on complaints handling should be covered by the Corporate Procedure, which should mention the requirement to inform OPSI of any complaints relating to licensing matters, and the possibility of complainants appealing their complaint to OPSI.

Recommendation BGS should consider introducing a way to record complaints received by staff rather than the Enquiry Service, since it currently has no reliable record for the whole organisation of the number and nature of such informal complaints as are received.

58. Given the extremely low level of complaints relating to licensing activities, it would be a beneficial check for BGS internal audit to examine the effectiveness of the IPR work of BGS. Such an audit is planned, and OPSI would welcome this, and would be willing to speak to BGS auditors if required as significant external stakeholders. OPSI would value seeing the outcome of such an internal audit, for information.

Recommendation The proposed BGS internal audit of the IPR activities should be carried out as planned, and the results of that audit shared with OPSI.

Innovation

'Supporting the development of new and innovative forms of re-use'

59. Innovation is a new IFTS principle that BGS has embraced. The verification team saw much evidence of steps taken to encourage and promote innovative use of BGS data. Staff and systems in BGS are operating at a good level against the innovation principle with some elements of best practice.
60. There is an extent to which BGS is constrained in the innovation activity that it can engage in. Priority areas for BGS are set by NERC, and this could restrict BGS's freedom to develop innovative datasets, or datasets that customers could use innovatively. NERC identifies BGS activities that are necessary for the National Capability and funds them accordingly. Following on from this, the work of the IPR team is

part funded from licensing income, and part from NERC National capability funding. While it is impressive that BGS has not allowed itself to be restricted by this, the commitment to innovation needs to be formalised in BGS policy and practice.

Recommendation BGS should seek to embed formal commitments to innovation (which is detailed in Challenge 6 of BGS's published Strategy 2009-2014) in its other corporate documents, plans, objectives and policies. For example, innovation is not an identified theme of the BGS Delivery Plan 2010-2011, and the words 'innovative' and 'innovation' appear only three times in that document, none in relation to information re-use.

61. BGS Innovation Agreements are used to allow prospective users of BGS data to access, analyse and develop the data at a minimal cost before paying the full licence fee to exploit the data commercially. **This arrangement is an example of best practice**, which allows customers to explore potential data products thoroughly before committing themselves to taking out a licence. 46 innovation agreements were taken out in 2009-2010, including 5 renewed agreements where further development and testing was required. The total income from these agreements was £5,000, which emphasises how a low entry level is set for use of the innovation agreements.
62. Further, BGS encourages and enables consortia to work together to develop new information products and test new data models. We found evidence that consortia were working in this way to innovate both with 3D Geospatial data and with the Ground Stability dataset, which is being developed with and for the UK insurance sector.
63. We heard from staff working in the UK Business Development area of BGS that "our job is to take scientific information and realise its business potential". This approach really does encourage existing and new users of the data to innovate, and can be seen in the Ground Stability dataset and similar work to provide data on heat flow measurements to support business in the alternative energy market. **Working with consortia and actively seeking out new business uses for data are examples of best practice against the innovation principle of IFTS.**
64. The establishment of the OpenGeoScience service on line has already been mentioned, but it should be noted that this too is an example of innovation, as it provides easy and free access to high level data, and so encourages potential customers to explore the potential of BGS data for their business and experiment with different possible applications. The availability of such free data is a particularly good fit with the innovation agreements – together they provide a simple pathway in to eventual innovative re-use of BGS data.
65. BGS can be characterised as having an open and welcoming approach to innovative uses of its data. The presence of scientists on the Information Products and Delivery Advisory Panel allows them to

influence the development of new information products and to incorporate the latest scientific and technical developments. Similarly the presence of a representative of BGS customers on the Information Knowledge and Exchange Advisory Group ensures that customer requirements are properly considered there. This means that the key BGS committee bodies are open to innovative use of data.

66. Similarly, the UK Business Development team is focused on exploring and encouraging innovative new use of BGS data with both existing and new customers. While it seems from the evidence that we heard that this move to diversify BGS' customer base came about in response to the recent weakening of the UK housing market, nevertheless this team has served to encourage innovation, and looks set to continue to do so. We would encourage this practice to continue once recovery in the housing market results in a growth in income from BGS' traditional customer base.
67. A further example of good practice against the innovation principle is in the creation of the Business Solutions team, which works directly with customers to help them to understand and make more effective use of the data they license. This very directly helps users to innovate in the services they provide using BGS data.
68. While the release of the OpenGeoScience data has been an important first step, we would urge BGS not to consider this as a finished piece of work, but to continually seek to improve and expand the material offered so as to encourage more and more innovative use of BGS data. In particular, we heard evidence about the existence of BGS data which is not, or is hardly ever licensed. We feel that there should be scope for such data to be made freely available via OpenGeoScience – as to do so would maximise the potential for innovative use to be made of such data. This would be the case even where the data has to be issued with 'health warnings', about for instance coverage, age or reliability of the data. See the recommendation at paragraph 32.

PART FIVE: PROGRESS

Principle	Ref	Recommendation	Priority	Action Taken	Status
Openness	14	The Memorandum of Understanding should be published on the BGS website.	M	The memorandum allowing customers to test BGS data has been replaced with a letter of understanding, which has been published on the website, and the development of the Innovation Agreement.	Complete
Transparency	20	The BGS should continue to keep negotiation with VARs to a minimum and ensure that discounts continue to be applied fairly.	H	The possibility of negotiation with VARs has been removed. New customers are quoted IFTS membership as the reason why negotiation on set prices is not possible.	Complete
	21	The BGS extends cost plus modelling when setting prices across its range of information products.	M	A standard cost plus pricing model is now applied to all datasets. Pricing aims to reflect the annual cost of incrementally updating the datasets to the suitable standard, with separate standard administration and data supply charges.	Complete
	22	The BGS should review its standard licences in line with the suggestions in the licence review.	H	All BGS licenses reviewed and updated including attention paid to plain English.	Complete

Compliance	23	The BGS should update its intranet site in line with the comments in the report.	M	BGS now has detailed and regularly updated "IPR and Copyright" pages on its intranet available to all staff. These were viewed at re-verification. The automated pricing tool is available on line to BGS staff involved with pricing work.	Complete
Challenge	26	The BGS should ensure there is a clear distinction between a complaint and a frustration/grumble in addition to raising awareness of how to deal with each.	M	BGS' Customer Complaints and Feedback procedure was updated in February 2010 and is available to all staff via the Intranet. Relevant public pages on the BGS website have been updated to reflect the new procedure. An office notice was issued to all BGS staff to inform them of the revised procedure in March 2010. Appendix A of the new procedure clearly sets out the different approaches to be taken with serious complaints as against minor concerns.	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	32	BGS should where possible add further data to the OpenGeoScience on-line resources to further promote maximisation and innovation.	H
	40	BGS should develop and publish a statement of its public task	M
Transparency	43	BGS should investigate the possibility of establishing a feedback network mechanism for its licensees	L
		BGS should establish a system to ensure that new VAR licences are routinely passed to OPSI for information and comment when they are being developed.	L
	Where not presently given, BGS should add information on the currency and frequency of updates to datasets listed on the on-line Digital Data Catalogue.	L	
	Head of Finance at BGS should be invited to investigate the working of the Pricing Board to check that it is operating as intended.	L	
	44	BGS should consider improving the informational content of its website to address the additional comments made in the website review at Appendix 2.	L
	45	BGS should consider changes to the standard licences published on its website to address the recommendations made in the licence review at Appendix 3, particularly terms and conditions for commercial re-use of data.	M
	46	BGS should publish standard terms applying to the use of Innovation Agreements by consortia.	H

Challenge	56	The impact of BGS membership of IFTS on complaints handling should be covered by the Corporate Procedure, which should mention the requirement to inform OPSI of any complaints relating to licensing matters, and the possibility of complainants appealing their complaint to OPSI.	M
		BGS should consider introducing a way to record complaints received by case officers	M
	57	The proposed BGS internal audit of the IPR activities should be carried out as planned, and the results of that audit shared with OPSI.	M
Innovation	59	BGS should seek to embed formal commitments to innovation in its other corporate documents, plans, objectives and policies.	M

APPENDIX 2: WEBSITE REVIEW

IFTS Website Assessment

Organisation: British Geological Survey

Site available at: www.bgs.ac.uk

Date assessed: 2 June 2010

Score: 207

<160 – Poor

160-180 – Adequate

>180 – Good

1.1 Does the website have an Information Asset Register? (Yes)

1.2 If yes, how many clicks is it from the homepage? (3)

1.3 How long did it take to find? (2-4 minutes)

1.4 If there is no IAR, is there other guidance on what information is available? (N/A)

<http://www.bgs.ac.uk/data/digitaldata/catalogue.html>

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? (4+)

2.4 How long does it take to find? (4+ minutes)

2.5 How many standard licences are there? (3-5)

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

http://www.bgs.ac.uk/about/copyright/licensing_pricing.html

Navigation to the templates could be improved. The licences are not intuitively accessible via left-hand side navigation, but instead located at the end of an FAQ page accessed via right-hand side navigation. The explanation and commentary could be filled out further.

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)

http://www.bgs.ac.uk/about/copyright/digital_cost.html

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

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

4.3 How long does it take to find? (1-2 minutes)

<http://www.bgs.ac.uk/about/ifts.html>

- 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)? (N/A)

- 6.1 Does the PSB have a procedure for complaints regarding licensing decisions? (Yes)
- 6.2 How many clicks is it from the homepage? (3)
- 6.3 How long does it take to find? (4+ mins)
- 6.4 Does it mention that if the complainant is unhappy they can refer to OPSI or APPSI? (Yes)

<http://www.bgs.ac.uk/about/custfeed.html>

- 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)

- 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? (4+)

- 9.1 Does the website have a Crown Copyright notice? (N/A)
- 9.2 Is it linked to from every page? (N/A)
- 9.3 How many clicks is it from the homepage? (N/A)
- 9.4 How long does it take to find? (N/A)
- 9.5 Is OPSI/HMSO mentioned, with contact details? (N/A)

- 10.1 Does the website have an electronic search facility? (Yes)
- 10.2 If yes, how many clicks is it from the homepage? (0-1)
- 10.3 How long did it take to find? (<1 minute)

- 11.1 Is the material available by electronic means? (No)
- 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? (Yes)
- 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)

It is not entirely clear whether there is any content available directly from the website, or what alternative access methods are available.

- 12.1 Does the PSB outline its responsibilities under IFTS on their website? (Yes – some)
- 12.2 Does the website explain what IFTS is aiming to achieve? (Partial)
- 12.3 Are the benefits of IFTS explained? (Partial)

12.4 Is the PSB using IFTS logos on their website and actively mentioning they are a member of the scheme? (Partial)

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? (N/A)

13.5 Does the website explain why licences are sometimes needed to re-use information? (Partial)

13.6 Does the website explain the difference between FOI and re-use? (No)

13.7 Does the website explain what a trading fund and delegated authority is? (N/A)

The following additional comments were made concerning the BGS website licensing pages:

- Navigation and information could be improved by bringing together explanations of the various licenses with the standard terms. Several pages currently deal with different aspects, and these pages are not necessarily easy to navigate intuitively to;
- Feedback process might be linked into the other information pages more directly;
- Timescales and methods for data delivery could be made more clear;
- It is not entirely clear whether there is any material available for download, e.g. sample/taster data;
- Charging information is present. Could perhaps be improved with a description of an example use and how much that would cost.

APPENDIX 3: LICENCE REVIEW

REVIEW OF Digital Data Licence

Evaluation Criteria

1. Clarity of licence terms

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

The language of the licence is generally clear and precise.

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 Digital Data Licence published by BGS does not cover the commercial re-use of the data. It is instead an arrangement permitting internal business use. There may be complimentary commercial licences which remain unpublished. It is recommended that, if this is the case, the terms and conditions of such licences for commercial re-use of data are published.

3. Fairness

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

Aside from the above comments on commercial re-use, the licence does not appear to unfairly discriminate between user groups.

4. Consistency

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

In the Schedule it is not clear whether clause v) and vi) are separate or relate to a single right to reproduce material. It is recommended that these clauses are reviewed to ensure it is clear what may be reproduced by a licensee.

5. Practical Arrangements

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

It is possible that the licence might benefit from contact details, e.g. a licensing inbox address.

6. Restrictiveness of terms

Are any of the terms unnecessarily restrictive?

Clause vi) of the Schedule permits the production of up to 20 hardcopy extract to be made from the data. This appears to be to accommodate the need, e.g. of consulting firms, to produce reports for their clients which incorporate BGS data. The basis for a cap of 20 copies is not entirely clear, and could potentially be unnecessarily restrictive. This restriction might appear different within a context where the terms and conditions for commercial re-use of data were available.

REVIEW OF INNOVATION AGREEMENT

Evaluation Criteria

1. Clarity of licence terms

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

The licence is generally well drafted, with occasional examples of legalistic language, e.g. clause 8.1, “procure that its employees.” It is possible that clauses 5 and 6, relating to warranties and liability respectively, could be reviewed with a view to removing duplications.

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 primary grant of rights, ‘the Purpose’, is not contained within the standard terms and conditions, but in the Schedule. Given this arrangement it is difficult to ascertain how generous grants of rights are, or whether they vary unfairly between individual licences/usage types.

3. Fairness

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

See comments above.

4. Consistency

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

Subject to comments in section 6, the licence does not appear to contain inconsistent terms and conditions.

5. Practical Arrangements

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

The licence would perhaps flow more clearly if all variable/blank fields, costs, duration, dates etc. were confined to the Schedule with appropriate references, in order that the main body of the document was self contained.

6. Restrictiveness of terms

Are any of the terms unnecessarily restrictive?

Subject to comments above in section 2, it may be the case that the clauses relating to Confidential Information are unnecessarily restrictive. If the Innovation Agreement is intended to cover, say, non-commercial research, it may be the case that publication of research results is impeded by the need to maintain the confidentiality of information relating to the usage of BGS datasets.