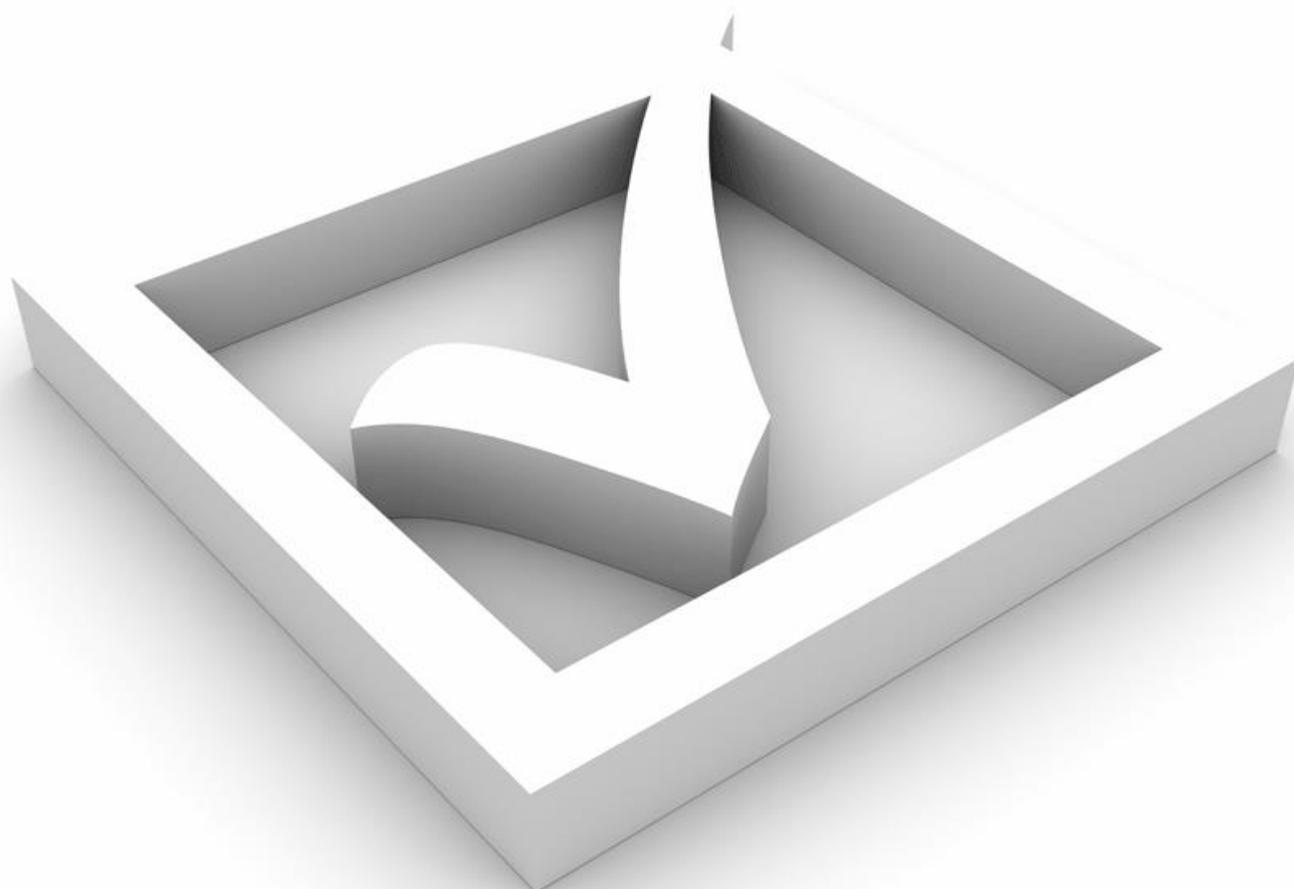


Information Fair Trader Scheme Report

Environment Agency

June 2013



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PART ONE: INTRODUCTION

Information Fair Trader Scheme

1. The Information Fair Trader Scheme (IFTS) is the best practice model for the public sector to demonstrate compliance with the Re-use of Public Sector Information Regulations 2005 (the PSI Regulations). 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 Environment Agency is a major licensor of public sector information. It is not a Crown body, but it voluntarily adheres to the IFTS principles and has a commitment to follow them.

First verification

3. The Environment Agency was first verified in November 2004, being re-accredited in May 2006 and November 2009.

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), to ensure that the recommendations from the last verification have been given due consideration. The recommendations made after the November 2009 visit and the Environment Agency's progress in meeting them can be found in part five of this report.
5. The frequency of re-verification is based on several risk factors. These include the complexity of the system that is in place to license public sector information, how critical information trading is to the body in question, the standard of compliance with recommendations from the previous verification, and the degree of policy change that is envisaged. The Environment Agency is assessed as being medium risk against these criteria.

Licensing Activity at the Environment Agency

6. The Environment Agency has an overall budget of around £1.2bn, split between grant-in-aid, income from "polluter pays" and ring-fenced flood defence funding. Set against this, its income from commercial information licensing - largely aimed at the property search and insurance markets - is about £4m a year.
7. The Environment Agency licenses a wide variety of environmental information, from flood risk to air pollution, using a range of notices and contracts.
8. Given the large volumes of data collected and processed by the Environment Agency, it deals with requests for information on a risk-assessed basis, so that individual requests for information can be

handled locally, while requests for the ongoing re-use of large volumes of data are handled centrally.

9. Responsibility for policy on information access, data sharing and re-use, the setting of standards for data management and the licensing of bulk data sits within the Evidence Directorate. Advice on compliance with the relevant legislation, and the provision of drafting expertise for the standard licences and notices is provided by the legal department.

Overall Assessment

10. In this report we:

- Note the transitional arrangements that have been put in place to reflect the coming into being of a separate environmental body for Wales and ask to be notified when the licensing function transfers.
- Commend the Environment Agency's policy decision to service all requests for non-commercial re-use free of charge, thus increasing the range of data available on straightforward terms. However, we recommend that, as part of its next licence review, the Environment Agency considers adopting the non-transactional Non Commercial Government Licence and that it shares the draft outputs of its licence review project with OPSI.
- Are enthusiastic about the setting up of a data portal for national datasets which now ensures that bulk datasets can be supplied online for a variety of re-users.
- Are supportive of the adoption of the Open Government Licence for unrestricted free-to-use datasets.
- Flag up the Approved for Access programme and the Information for Re-use register as instances of good practice.
- Observe that the amount of free data has increased and that the Environment Agency frequently provides data at below the cost of copying and dissemination. While it considers its overall revenue from licensing information to be far less than its costs, there are some instances where it charges for commercial re-use above full cost recovery. This is within HMT guidelines and consistent with the charging provisions of the PSI Regulations.
- Contend that the Environment Agency should review the basis for its unit price for data which has not changed for some years. This is a high priority recommendation.
- Request that OPSI be updated on the statistics for the turnaround time for providing commercial re-use licences.

- Stress the importance of the Environment Agency restarting the initial scoping work that it had carried out to develop and publish a public task statement, taking account of the public task statement guidance issued by The National Archives. This is a high priority recommendation.
- Propose that the Environment Agency publishes more pricing information and licensing documentation following the conclusion of the reviews that it is undertaking.
- Indicate that it would aid transparency if the criteria for servicing information requests either on a national or local basis were published, as would the publication of standard re-use charges that are levied locally.
- Ask that the Environment Agency's IFTS commitment be reinstated on its website and that its customer commitment document be updated to notify prospective re-use complainants of their ability to refer complaints to OPSI under the PSI Regulations.
- Are pleased to see that number of Environment Agency datasets available in machine-readable, as opposed to static, formats has significantly increased.

11. Based on the team's assessment, the Environment Agency is re-accredited to IFTS. It will be re-verified within the next 3 years, but should formally report to OPSI on progress against recommendations in 1 year's time.

12. Below is a summary table rating the Environment Agency's current position against the IFTS principles.

Maximisation		Good
Simplicity		Satisfactory
Fairness		Good
Transparency		Satisfactory

Challenge		Satisfactory
Innovation		Good

PART TWO: ACTIVITIES CARRIED OUT BY THE VERIFICATION TEAM

Methodology

13. The IFTS methodology consists of two elements, an IFTS Strategy¹ and a Performance Management Framework².

14. There are six IFTS principles:

- **Maximisation** – an obligation to allow others to re-use information.
- **Simplicity** – facilitating re-use through simple processes, policies and licence terms.
- **Fairness** – applying terms without any discrimination.
- **Transparency** – being clear and up front about the terms of re-use, and the policies around it.
- **Challenge** – ensuring that re-use is underpinned by a robust complaints process.
- **Innovation** – supporting the development of new and innovative forms of re-use.

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. The Environment Agency provided documentation and associated correspondence in support of the fair trading commitment of the organisation which was reviewed by the team prior to and following the onsite re-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 staff from the Environment Agency at a number of levels who have an involvement in the policy or practice of information re-use.

Licence File Review

18. A sample of licensing files was examined. The licence file review provides evidence of adherence to corporate policy and the principles of IFTS in actual transactions.

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

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

Website review

19. A review of the organisation's website has been carried out from the viewpoint of a potential re-user of information and is appended to this report.

Licence review

20. The Environment Agency is about to embark on a review of its licences. OPSI will provide comment on draft licensing outputs.

Complaints process

21. The customer complaints process has been considered by the team. An organisation's complaints process, both policy and practice, indicates how committed an organisation is to meeting customer needs.

Assistance provided by the Environment Agency

22. The team appreciates the co-operation and assistance of staff from the Environment Agency prior to our visit and while we were on site.

Re-verification Dates

23. The re-verification took place on the following dates:

11-13 June 2013

The re-verification team consisted of two OPSI Standards Managers and the Head of Standards.

PART THREE: KEY CHANGES

24. The intention of an IFTS re-verification is to focus on changes since the previous verification.
25. Since our last report in November 2009, the Environment Agency has changed its policy on charges for information access requests. Having previously charged to recover some of its costs, it now makes no charge providing the request is for non-commercial purposes.
26. The Environment Agency has been active in conforming with the INSPIRE Regulations, ensuring that the environmental data portal that it is responsible for is INSPIRE-compliant and participating in the metadata harvesting process for data.gov.uk.
27. In September 2010, The National Archives produced the Open Government Licence, which has since been widely adopted and the Environment Agency now publishes a number of datasets under this licence.
28. In April 2013, a separate environment body for Wales, Natural Resources Wales (NRW), came into being. The Environment Agency is working with NRW on transitional arrangements for managing datasets and administrative functions. It is currently carrying out the licensing of information for both bodies, but is working on knowledge transfer to NRW.

Recommendation: OPSI asks to be kept informed of progress in handing over the licensing function to NRW.
29. In June 2013, the amended PSI Directive was adopted and will be transposed in the UK within two years. The basis under which public sector bodies can charge above marginal cost will need to be considered.

PART FOUR: HIGHLIGHTS/AREAS FOR IMPROVEMENT

Maximisation

30. It is important that IFTS member organisations provide a variety of use and re-use channels and minimise the barriers to re-use. This will typically involve making some data available for free in the interest of promoting wider social and economic benefits.
31. The Environment Agency has made good progress in the above regard, having taken action on two key fronts.
32. First, it has updated the means by which users and re-users can obtain bulk data and established a portal whereby data is provided automatically as opposed to being copied onto disk. The portal not only benefits re-users of Environment Agency data, but a number of other environmental bodies have also signed up to use the system.
33. Second, the Environment Agency has reviewed its charges for information requests. It no longer charges for such requests provided they are for non-commercial use.
34. The Environment Agency has also adopted the Open Government Licence for those datasets that are re-usable without charge and without restriction and these are now available to download from its data portal, an instance of **good practice**.
35. Another example of **good practice** which supports Maximisation is the Environment Agency Approved for Access programme. This is a systematic process which evaluates data holdings, clearing rights ownership and information legislation issues in advance so that the dataset can be properly considered prior to being added to its published Information for Re-use Register. In this way, the Environment Agency is expanding the range of data available for re-use and ensuring that data management, licensing and legal matters have been fully assessed prior to release.

Simplicity

36. The Environment Agency's removal of charges for non-commercial use has simplified its overall approach to licensing. It has also consolidated the number of commercial re-use categories which again is an aid to simplification.
37. The Environment Agency is about to embark on a project to review its licensing process and documentation. There is potential for further simplification in increasing the number of licensing approvals that are non-transactional. The Environment Agency currently has its own version of non-commercial licence and the review project represents an opportunity to consider adopting the national standard Non Commercial Government Licence. It is also welcome that the customer base is being consulted as part of the review process.

38. **Recommendation** The Environment Agency to consider adopting the Non Commercial Government Licence as part of its licensing review project and to share draft project outputs with OPSI at an appropriate point in the project cycle.

Fairness

39. A review of the value added reseller files demonstrated an equitable approach in drawing up licence agreements according to dataset lists and geographic area, together with the usage of a pricing spreadsheet which calculates according to standard units and multipliers.
40. The above-mentioned spreadsheet was a cause for concern at our last visit in that the guidance notes within it were not particularly clear and it was not immediately apparent as to the rationale for the variety of multiples that attached to particular categories of re-use. However, the spreadsheet has now been thoroughly revamped with clearer guidance notes and fewer multiples on the basic unit price. Furthermore, it was confirmed at this visit that references to product approval are in place so that the correct datasets are supplied to meet the product specification. The Environment Agency can therefore satisfy itself that the product will operate to an acceptable level of accuracy.
41. The fact that the Environment Agency is now servicing non-commercial requests for information free of charge means that it is forgoing the right to recover its costs in these cases. On the other hand, it recovers a rate of return over and above cost recovery on some of its bulk datasets and refers to the Wider Markets Initiative as the basis for market orientated pricing, particularly in fully competed areas like height data and in the use of surplus productive capacity such as that offered by its laboratory service.
42. The Environment Agency's approach is within HMT guidelines and consistent with the charging provisions of the PSI Regulations. However, the Wider Markets Initiative is not referenced in the current edition of Managing Public Money.
43. It has been some years since the Environment Agency changed the unit price for its data. Over this period, prices for re-users have been holding steady, have been reduced, or have been scrapped completely. However, while it may well be the case that the costs of retrieval and dissemination of data have dropped in balance to rising costs in other areas, the Environment Agency should review the unit price for its data to satisfy itself that it continues to reflect the costs it aims to recover and that the multipliers it uses continue to represent what it considers to be reasonable rate of return.
44. **Recommendation** The Environment Agency to review the basis of the unit price for its data.
45. The Environment Agency will carefully study the text of Article 6 of the revised PSI Directive, with particular regard to the interpretation of the

terms “required” and “substantial” in the context of continuing to charge above marginal cost.

46. **Recommendation** The Environment Agency to revisit justification for charging above marginal cost in the light of the revised PSI Directive and that, when setting market orientated prices going forward, the Environment Agency ensures that this is permitted when the revised Directive is transposed into UK legislation.
47. Another means of promoting fairness is consistency of guidance. In this respect, the Environment Agency has developed a library of guidance documents which are readily available on its intranet site. This ensures that those seeking use and re-use of information are dealt with on a standardised basis, whether they are approaching the customer service centre, an area office, or the central data team and is an instance of **good practice**. The central data and licensing team reinforces this consistency of approach by logging all requests received and tracking their progress.
48. The number of commercial licensees has remained broadly stable, but there can be some variation in the time taken to turn new or amended licence agreements around as headcount numbers fluctuate and special projects reach their peak.
49. **Recommendation** The Environment Agency to report the recorded turnaround times for new and amended commercial licence agreements to OPSI by the end of the financial year and subsequently consider publishing them.

Transparency

50. One element of transparency is for an organisation to be clear on where its public task responsibilities lie in relation to the information it collects and disseminates.
51. The Environment Agency has carried out some preliminary internal drafting work which placed the majority of its activities within its public task. However, this work is currently paused and it should be reactivated.
52. **Recommendation** By reference to the guidance issued by The National Archives, the Environment Agency should reactivate the work it had begun on drafting a public task statement and subsequently publish the statement on its website.
53. As noted in the appended website review, the Environment Agency’s published Information for Re-use register is a **good practice** example of transparency as is its published explanation of the re-use categories for which it levies charges. All pricing categories are set out against each dataset in the register, including where the dataset is classified as open data and is therefore free.

54. Publication of unit prices and multipliers would further promote transparency.
55. **Recommendation** The Environment Agency to consider publishing unit pricing information in the Information for Re-use register subsequent to its review of the unit price for data.
56. The process by which information requests are dealt with according to scale and coverage either locally or by a national team appears to be working well. However, re-users could benefit from being able to see the criteria for handling such requests set out on the Environment Agency website, together with a list of standard prices for locally processed information requests.
57. **Recommendation** The Environment Agency to set out the criteria for channelling information requests either nationally or locally on its website and publish a list of standard prices for locally processed information requests.
58. As stated in a previous report, publication of template licences would also be an aid to transparency.
59. **Recommendation** The Environment Agency to consider publishing template licences following completion of its licence review project.

Challenge

60. The Environment Agency has sound generic procedures in place for complaint handling. We also saw evidence of how requests for information are correctly channelled within the organisation and hence the likelihood of complaints being correctly allocated is high.
61. OPSI has received no complaints about the Environment Agency since our last visit. However, the organisation's published commitment to fair trading has recently gone off line and should be reinstated. It is also important that re-users are aware of OPSI's role as a second stage complaint handler under the PSI Regulations and this should be referenced in corporate documentation.
62. **Recommendation** The Environment Agency to reinstate its IFTS commitment on its website.
63. **Recommendation** The Environment Agency to update its customer commitment document with a reference to OPSI's complaint handling role under the PSI Regulations.

Innovation

64. The Environment Agency has been supportive of innovation by publishing a number of datasets under the Open Government Licence for free and unrestricted re-use. It has also introduced a developer licence which allows evaluation use of full datasets for a three month period.

65. The Environment Agency has gone further in that it has also moved away from providing datasets for non-commercial consumption in static formats to supplying them as machine-readable data. In seeking a high standard of machine readability – judged against the Tim Berners Lee star system – it has supported a project to make bathing water quality data available as linked data, a **good practice** example. This data is available on environment.data.gov.uk and there is also a blog which explains the thinking behind the project.
66. The Environment Agency has engaged effectively with the open data agenda and is well placed to do so as a body which has a track record of effective data management. While it understands the argument that the priority should be data release at an early stage of development for others to add analysis to, it continues to take its public safety duties seriously and endeavours to correct mapping analyses which misrepresent the degree to which flood risk can be predicted.
67. The Environment Agency is also supportive of innovation programmes like GeoVation and works with bodies such as the Technology Strategy Board.

PART FIVE: PROGRESS

Recommendations from previous verification and if they have been met.

Principle	Ref	Recommendation	Priority	Action Taken	Status
Simplicity	35	The Environment Agency should consider the scope for simplifying its pricing components.	M	The Environment Agency has simplified its pricing components as documented in its updated pricing spreadsheet.	Complete
Fairness	39	The Approved Products criteria should be clarified so as to demonstrate that the Environment Agency is not seeking to limit unreasonably the development of potentially competing products or products that may require intensive data management support from Environment Agency staff.	M	It was confirmed at this visit that the references to product approval are intended to ensure that the correct datasets are supplied and that the product will operate to an acceptable level of accuracy.	Complete
Transparency	40	We recommend that the Environment Agency reviews its definition of its public task as it relates to re-use and consults its stakeholders on the issue.	M	Some drafting work was begun on this recommendation, but was then paused.	Carried Forward
	42	The Environment Agency, as indicated in the website review appended to this report, should publish its template licences and more detailed pricing information online.	M	Recommendation carried forward and to be carried out following the reviews of licensing documentation and the unit price for data.	Carried Forward

	43	The Environment Agency should provide explanatory notes within its pricing spreadsheet so that both licensing practitioners and re-users are aware of the rationale for applying these factors to the pricing of its information.	H	The explanatory notes for the pricing spreadsheet have now been fully updated.	Complete
Challenge	44	The key players involved in information re-use within the organisation are well aware of the statutory complaint handling processes should a complaint not be resolved by the Environment Agency itself, but this should be documented in the organisation's complaints procedure.	L	While the IFTS commitment references co-operation with OPSI in the event of a complaint, corporate complaint documentation has yet to be updated.	Carried Forward
Innovation	45	The Environment Agency should explore the possibility of creating an online sample data facility with developer-friendly licensing terms.	H	The Environment Agency now offers a developer licence with the ability to evaluate full datasets and not just sample data. There is also a collection of free data available under the OGL.	Complete
	46	The Environment Agency should consider whether there are further datasets which it could provide to data.gov.uk so that some of the information that is currently only consumable by the citizen in static formats can be offered dynamically, with the potential for the innovative analysis and presentation of key environmental data.	H	There are now more datasets on data.gov.uk and there has been a general shift from supply in static formats to machine-readable provision.	Complete

APPENDIX 1: SUMMARY OF RECOMMENDED ACTIONS

This is a summary of the recommended actions to:

- remedy the weaknesses identified; and
- strengthen the commitment to information fair trading.

Principle	Ref	Recommendation	Priority
N/A	28	OPSI asks to be kept informed of progress in handing over the licensing function to NRW.	M
Simplicity	38	The Environment Agency to consider adopting the Non Commercial Government Licence as part of its licensing review project and to share draft project outputs with OPSI at an appropriate point in the project cycle.	M
Fairness	44	The Environment Agency to review the basis of the unit price for its data.	H
	46	The Environment Agency to revisit justification for charging above marginal cost in the light of the revised PSI Directive and that, when setting market orientated prices going forward, the Environment Agency ensures that this is permitted when the revised Directive is transposed into UK legislation.	M
	49	The Environment Agency to report the recorded turnaround times for new and amended commercial licence agreements to OPSI by the end of the financial year and subsequently consider publishing them.	M
Transparency	52	By reference to the guidance issued by The National Archives, the Environment Agency should reactivate the work it had begun on drafting a public task statement and subsequently publish the statement on its website.	H
	55	The Environment Agency to consider publishing more pricing information subsequent to its review of the unit price for data.	M
	57	The Environment Agency to set out the criteria for channelling information requests either nationally or locally on its website and publish a list of standard prices for locally processed information requests.	M
	59	The Environment Agency to consider publishing template licences following completion of its licence review project.	M

Challenge	62	The Environment Agency to reinstate its IFTS commitment on its website.	M
	63	The Environment Agency to update its customer commitment document with a reference to OPSI's complaint handling role.	M

APPENDIX 2: IFTS WEBSITE ASSESSMENT

Organisation: Environment Agency

Questionnaire Part 1: Transparent Processes

This section considers the transparency of the processes and terms under which a Public Sector Body (PSB) licenses information.

Licences

1. Are the PSB's licences available online?

No, the Agency's "Standard Notice" is referred to on the website, but not published.

2. How standardised are the PSB's licences?

It is clear that information is licensed according to specific criteria, but the range of licences that the Agency offers is not itemised.

3. Are the purposes of different licences and their intended audiences explained?

Yes

<http://www.environment-agency.gov.uk/business/regulation/38815.aspx>

4. Are any exceptions given? Are they explained/justified?

All information is made available without charge except where:

1. we have already made the information available by other means without charge
2. the costs will be more than £450
3. it is for commercial usage involving copying or altering rights that need copyright permission
4. the request is repeated or vexatious."

5. Would the licences harmonise with those offered by other relevant PSI providers?

Yes, in those instances where material is licensed under the Open Government Licence which is the case for some material made available through the Agency's DataShare portal

<http://www.geostore.com/environment->

[agency/WebStore?xml=environment-agency/xml/application.xml](http://environment-agency.gov.uk/agency/WebStore?xml=environment-agency/xml/application.xml) and also through <http://environment.data.gov.uk/>.

Other policy issues

6. Is there a complaints process? Is it explained? Is it online?

There is a generic complaints process:

<http://www.environment-agency.gov.uk/contactus/36316.aspx>

However, it does not make specific reference to complaints under IFTS or the PSI Regulations.

7. Is there a charging policy? Is it online?

Yes, the rationale for charging is outlined:

<http://www.environment-agency.gov.uk/business/regulation/38815.aspx>

8. Does the PSB flag its membership of IFTS?

No. A previous iteration of the website signposted the commitment to IFTS, but this seems to have been lost in the process of some pages being restructured.

9. Does it explain its IFTS obligations?

See above.

10. Does the PSB have other feedback mechanisms?

Yes, the National Customer Contact Centre is listed along with the various means of getting in touch with it:

<http://www.environment-agency.gov.uk/contactus/default.aspx>

There is also an email address for the central data licensing team.

Questionnaire Part 2: Information Availability

This section focuses on the online availability of public sector information held by the IFTS member.

11. Does the PSB make any of its information assets accessible by the web?

Yes, through two main routes – the DataShare portal
<http://www.geostore.com/environment-agency/WebStore?xml=environment-agency/xml/application.xml> and
<http://environment.data.gov.uk/>.

12. How significant a portion of the PSB's information assets are available via the web?

A very significant proportion given that DataShare is now the principal delivery system for all types of data.

13. Do methods used to implement web access represent good practice, taking into account the nature of the assets in question?

Based on a demonstration of the DataShare system when we were on site at the Environment Agency, yes. Also, the bathing water quality project data available via environment.data.gov conforms to "4 star" and "5 star" standards..

14. How does the PSB make discovery of its offline assets possible? Does it have an Information Asset Register or other catalogue?

Yes, an extremely comprehensive Information for Re-use Register:

<http://www.environment-agency.gov.uk/aboutus/149569.aspx>

15. Does the PSB supply provenance information for the datasets it offers, that is information about the quality, collection methods, publication frequency etc?

Yes, both through the data sharing and open data portals, but also via the Information for Re-use Register.