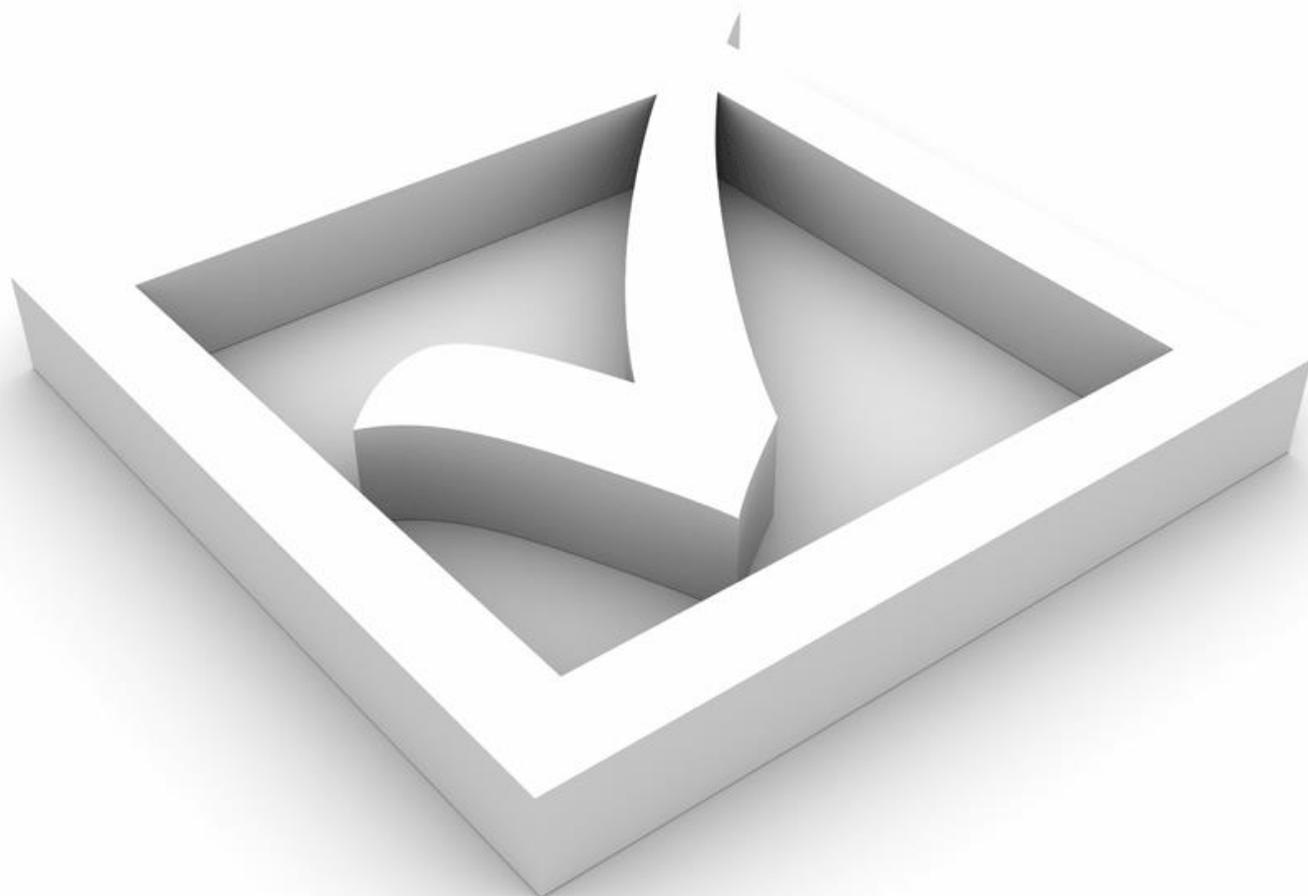


Information Fair Trader Scheme Report

Health and Safety Laboratory

January 2014



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PART ONE: IFTS ASSESSMENT

Overall Assessment

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 (the 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. The Health and Safety Laboratory (HSL) has been operating as an on-line member of IFTS since 2008 but has now been verified as a full accredited member of IFTS, due to its increased levels of information trading.
2. HSL was assessed against the IFTS principles by the Office of Public Sector Information (OPSI), in October 2013. HSL has been accredited to IFTS based on this assessment, according to the ratings shown in the table below at paragraph 5.
3. This is the first time that HSL has been verified since it commenced licensing its Safety Climate Tool, which saw HSL increase its information trading activity. HSL has been assessed as Good against the new Maximisation principle, as well as against the Fairness principle. There is room for HSL to improve its assessment for Transparency, which is a Development Area.

IFTS Performance Management Framework

4. HSL has scored as a medium-risk organisation when assessed against the OPSI risk criteria. HSL can therefore expect to be re-verified in 2-3 years. Re-verification will focus on implementation of recommendations and key changes to the organisation.
5. Below is a table rating HSL's position against the IFTS principles. HSL has shown a creditable level of commitment to the IFTS principles, even though it is presently in transition from a low to a high annual level of information trading. We are confident that HSL will take its responsibilities as a verified member of IFTS seriously and will continue to improve its rating against the IFTS principles. We consider that the recommendations made in this report will help HSL to improve its rating under the Transparency principle and further improve its rating against the Simplicity, Challenge and Innovation principles, already at a Satisfactory level, to a rating of Good.

Maximisation		Good
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Simplicity		Satisfactory
Transparency		Development area
Fairness		Good
Challenge		Satisfactory
Innovation		Satisfactory

IFTTS Verifications

6. HSL originally completed an on-line IFTTS self-assessment in June 2008. This is its first full IFTTS verification.

PART TWO: HIGHLIGHTS AND AREAS FOR IMPROVEMENT

Maximisation

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

7. HSL is performing at a **Good** level against the maximisation principle of IFTTS. For instance, HSL mandatory guidance is made available free of charge under the Open Government Licence. During the verification, we found evidence that HSL is proactively seeking to extend its reach outside the English speaking world, and that it has a planned programme to make more materials available under license. We were told of the work undertaken to reach out to expert prospective re-users during the development of new products, and HSL is performing at **best practice** level in this respect. Further work remains, in particular to assess HSL's information holdings and identify further potential to release material under the Open Government Licence.
8. During our verification we investigated the targets set for HSL's licensing income. The organisation is now charged with increasing its income from various sources, including its intellectual property, and this has encouraged the introduction of new licensed products. We were told that the next planned product will be HSL's first mobile phone app

(to be named STRapp, aimed at drivers of freight lorries, giving them a tool to calculate the safe number of straps for their load). This app supports HSL's core aims of promoting health and safety. STRapp was developed in-house by an HSL team.

9. External developers also need to be given the opportunity to produce useful apps re-using HSL material. HSL should consider whether it has other pieces of guidance which could be made available to be re-used in the same way as STRapp.
10. To support such developments, HSL should undertake a survey of its information holdings to produce an asset list. From that list, HSL may identify some materials that it wishes to develop and license itself, forming part of its future plans for new products. Other material from the asset list could be identified as suitable for external re-users to take and develop new products under Open Government Licence terms.

Recommendation 1: HSL should draw up and publish an asset list detailing its undeveloped information holdings, and from that list should identify items to be made available for re-use and development under Open Government Licence terms

11. In our interviews we were told of the steps taken by HSL scientists to meet and hold seminars with prospective customers of a new HSL product (Quadvent). The seminars produced helpful customer input to the development process. Such direct contacts with customers are an example of **best practice** in Maximisation as they drive improvements to the product and inform HSL of the requirements of its customers, as well as supporting Innovation. HSL should, wherever possible, undertake similar exercises to develop contacts with its customers, particularly when developing new products, as such contact can be beneficial to the process.

Recommendation 2: HSL should, when developing new products, engage in further seminars with customers such as those held during the development of the Quadvent product.

12. Seminars will not always be the most productive means of maintaining contact with its customers, and HSL should investigate the options open to it to build customer relationships – such as on-line forums, surveys or other methods.

Recommendation 3: HSL should consider developing a strategy to engage with and secure input from its customers, and should publish that strategy to inform customers of the options available to them.

13. The Safety Climate Tool has been the great success story of HSL's licensing to date, being a popular and useful product that has been developed over a number of iterations and platforms, while continuing to grow its customer base. HSL is a part of the Health and Safety Executive, an organisation that exists and functions in the United Kingdom. Many of HSL's products, however, are not specific to the UK

and could contribute to improved health and safety outside the UK and the English speaking world. It is a sensible step therefore to develop translations of the Safety Climate Tool so that it can be used beyond the UK. We were told of work in progress at the time of verification to produce foreign language translations of the Safety Climate Tool, and we feel that this represents good practice where translation of a product is appropriate. For these translations, chiefly into European Union languages, HSL has largely been able to produce the new products in-house, but it should be open for external re-users to take and translate the Safety Climate Tool under licence for languages where HSL is either unable or unwilling to produce its own translations.

Recommendation 4: HSL should consider the production under licence of further translations of the Safety Climate Tool.

Simplicity

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

14. HSL is presently operating at a **satisfactory** level against the Simplicity principle of IFTS. Care should be taken, though, as HSL introduces new products, that its processes and policies do not become steadily more complex.

15. HSL uses a single off-the-shelf licence for each of its products, and has a pricing scheme which is clearly and logically explained on the website for its leading product, the Safety Climate Tool. The use of standard licences is considered **good practice**.

16. However, the standard licence is quite complex and should be reviewed and simplified where possible. We also feel that, with more and more licensed products being developed by HSL, there is a danger that in developing separate licences for each product HSL will complicate its licensing activities. A simpler standard licence covering many or all HSL products would help to simplify its licensing approach.

Recommendation 5: HSL should review and simplify its existing licence terms and conditions, and should consider the development of simplified terms and conditions to be used to license many or all HSL products, perhaps with the use of schedules to cover the particular needs of individual products.

17. The licensing of imagery is burdensome and time-consuming for HSL, yet generates relatively little revenue. This approach may not represent good value for money. We consider there to be two options: either,

- HSL should take the decision to stop charging to license its imagery, and make all available images freely available under Open Government Licence terms; or,
- HSL should take steps to make its licensed imagery more accessible, through resourcing the cataloguing and digitisation

of the collection and publicising it effectively. Charges should be reviewed if this option is taken.

Recommendation 6: HSL should review its present still and moving image licensing policy and consider either making its collection available under Open Government Licence terms, or committing to more effective resourcing of the collection to make it more accessible.

Transparency

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

18. HSL is operating at a **development area** level against the Transparency principle. While there are some good examples of proactive engagement with customers during development of new licensed products (see paragraph 11) further development is needed to ensure that HSL's published information meets the standards required by the Transparency principle. HSL has not yet published all the information required by the increased licensing activity. We are confident that HSL will address this in tackling the recommendations in this report.

19. There are some circumstances where HSL applies exceptions, i.e. cases where HSL is not prepared to license its information, particularly where it feels that the proposed re-use would not support the principal objective of improving health and safety. These exceptions are not presently published, and they should be.

Recommendation 7: HSL should publish on line a list of the exceptional circumstances where HSL is not prepared to license its information.

20. HSL has not published a statement of its public task. A clear, published statement of HSL's public task would improve transparency and provide much needed clarification for staff, licensees and potential licensees. Potential re-users could establish whether the information they are seeking is or is not covered by HSL's public task. Having a published statement of public task is now a requirement of IFTS membership.

Recommendation 8: HSL should draw up and publish a statement of its public task.

21. There is no information currently published as to how HSL prices are calculated and agreed. Regardless of the outcome of the recommendation at paragraph 25 below, HSL should publish a statement setting out how its prices are calculated.

Recommendation 9: HSL should publish information on line to explain how its information prices are calculated and set.

22. In the review of the standard licences and agreements carried out for this re-verification we found that the licences were generally clear, consistent and fair (notwithstanding our comments about the complexity of the standard licence for the Safety Climate Tool at paragraph 16). A number of recommendations have been made to further improve the licences.

Recommendation 10: HSL should consider changes to the standard licences to address the recommendations made in the licence review at Appendix 3.

Fairness

‘Applying terms without any discrimination’

23. HSL is operating at a **good** level under the Fairness principle of IFTS. Our review of licensing files carried out during verification showed fair practice in licensing being applied across the board. In some older files, however, there was a lack of standard agreements and pricing, although over time we saw these arrangements being replaced with standard terms, conditions and charges.

24. The pricing of HSL licensed materials is presently set on a case-by-case basis by the licensing team working with product developers. We feel that Fairness would be enhanced by the presence of an external partner in the pricing approval process, and recommend that HSL Finance Department (or equivalent) should be involved as part of the process to provide this. Finance involvement would give assurance that the appropriate Treasury rules on pricing are being followed. Further, an explanation of how HSL determines its prices should be published to show the fair process in place (and further enhance Transparency).

Recommendation 11: To ensure fair pricing of HSL products, HSL Finance Department (or equivalent) should be involved in the price-setting process, and that process should be published to demonstrate a fair process and enhance Transparency.

25. In our review of licensing files, we became aware of “early bird” 10% discount pricing for new products which was designed to encourage take-up of the enhanced Safety Climate Tool. It is our view that it is not fair practice to use discount pricing for a limited period where the product in question is not in any way time-limited. Licensees who do not take up the product until after the discount period has ended are unfairly disadvantaged. The practice of early bird pricing should be discontinued.

Recommendation 12: HSL should not continue with early bird pricing of its information products.

26. HSL has a proper distinction in its licensing between commercial and non-commercial re-use of HSL information products. It is not clear what HSL considers to be the dividing line between commercial and non-commercial use. This should be clarified on the website. Our review of licensing files revealed some complex and restrictive terms being applied to academic re-use in particular – it would be beneficial for the limits of what HSL allows under non-commercial terms to be clearly set out on the website.

Recommendation 13: HSL should clarify on its website the divide between commercial and non-commercial re-use of its licensed products, and in particular clarify for academic users the restrictions that apply to their re-use, and the route that they can follow to convert non-commercial to commercial re-use.

Challenge

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

27. HSL is presently operating at a **satisfactory** level against the Challenge principle, although there have been no substantive complaints to test the systems in place. HSL’s focus on maintaining its ISO accreditation (which we welcome) means that the organisation is fully aware of the need to respond effectively to challenges to its practices and policies.

28. There are, however, some steps that HSL could take which would quickly help to raise its performance against the Challenge principle.

29. HSL’s website does not presently identify the particular right available to HSL licensees to complain under the IFTS, and it should do so. The present complaint route is through the Licensing Manager, whose contact details are provided on the licensing pages, and it does not make clear that there is a right to complain under IFTS, or set out how HSL will handle such complaints.

Recommendation 14: HSL’s licensing pages should be revised to set out that licensees have the right of complaint under IFTS, to explain how complaints can be made and how HSL will process them.

30. The HSL licensing pages do not presently set out that, in the event of a licensee not being satisfied with HSL’s handling of a complaint, it is open to the complainant to refer the complaint to OPSI. The website should be amended accordingly.

Recommendation 15: HSL’s website should be revised to explain to complainants the possibility of referring a complaint on to OPSI.

31. In the course of our verification, we examined HSL’s quality procedures. As these are the standards used by staff in handling customer contact, they will be important in ensuring that complaints under IFTS are correctly handled. The procedures do not presently

mention HSL's membership of IFTS and the possibility of referring complaints to OPSI, and should be revised accordingly.

Recommendation 16: HSL should revise its quality procedures to ensure they cover HSL's membership of IFTS and the possible referral of complaints to OPSI.

Innovation

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

32. We were encouraged to see signs that HSL is encouraging Innovation in its licensing activities, and find that HSL is operating at a **satisfactory** level against the Innovation principle.

33. We fully recognise that HSL is operating in a difficult environment, in that it must balance its position as an agency of the Health and Safety Executive (which requires it to maintain an unblemished reputation in its field of expertise), against the demands to generate income. The pressures to raise funds, particularly in innovative ways, must always be weighed against the need to fulfil the Laboratory's principal objective. Nevertheless, there remains scope for HSL to embrace innovative re-use of its information without threatening its reputation as the leading health and safety laboratory.

34. HSL has itself started to develop its own applications for mobile use which shows it is not constrained by the pre-existing technologies. We note at paragraph 10 above that HSL should be encouraged to identify more of its information that can be made available to developers, and this should be for all possible platforms. It is our view that while it may sometimes be appropriate for HSL staff to develop their own innovative information applications, there will be other times where HSL assesses it to be more appropriate to open up HSL information for external developers to work with. In general the preference should be to license HSL information to external developers for them to develop innovative new products

Recommendation 17: HSL should ensure that it only develops mobile applications for its information in house where it is assessed to be appropriate.

35. In general, HSL should consider what steps it can take to encourage external developers who will re-use its information in innovative ways. We heard of steps taken to engage with HSL customers for Quadvent – it is our view that similar events, such as HSL hackdays, could be held to encourage external developers to re-use HSL information. Such events could build on the asset list recommended above at paragraph 10.

Recommendation 18: HSL should consider ways to encourage innovative external developer access to HSL information, building on existing academic and commercial contacts to open HSL information up to different uses.

PART THREE: BACKGROUND INFORMATION

Licensing Activity at HSL

36. HSL is, uniquely, an executive agency of another body, the Health and Safety Executive, which is itself in turn an executive agency of a government department (the Department for Work and Pensions). As a body primarily concerned with research activities, information held by HSL is exempted from the Re-use of Public Sector Information Regulations (exclusion under regulation 5(3)(b)), and this will continue under the arrangements for the recent revisions to the European Directive on the Re-use of Public Sector Information. HSL is, however, a Crown body, so its information trading activities licensing Crown copyright information are undertaken under a delegation of Authority from the Controller of HMSO. It is under this delegation that HSL is required to become a member of the IFTS.
37. HSL has been an on-line IFTS member since June 2008. For most of that time its information licensing has been at a relatively low level and did not require full IFTS accreditation. With the launch of electronic versions of the Safety Climate Tool, however, HSL's licensing activity has increased significantly, and it is because of this that HSL has now been verified as an accredited full IFTS member for the first time.
38. HSL's work for the Health and Safety Executive is undertaken under the framework agreement between the two organisations. The current (2011) version of that agreement sets out that HSL's "mission is to support HSE's mission, assist HSE in fulfilling its statutory duties and provide services to other Government departments."
39. Where HSL's work is undertaken directly for the Health and Safety Executive and for other Government customers, that work is typically published either by HSL, by the Health and Safety Executive or by the customer Government department, and is freely available under the Open Government Licence. Work carried out for external non-Government customers is largely covered by commercial confidentiality clauses in the contracts covering those activities, and is not published or otherwise available (though HSL is sometimes able to publish case studies based on that work).
40. HSL's present business plan model requires growth to double external revenues in the period 2012-2017, and licensing activities are a key part of this desired growth. This is so that reduced central funding through the Health and Safety Executive can be covered and HSL's public task activities continue to be carried out on a net-nil cost basis.
41. HSL's major licensed product has been the Safety Climate Tool, first as a paper product but more recently as a CD-Rom and now in an on-line format. Now, HSL is preparing further software tools that will generate income while still supporting HSL's objectives of promoting health and safety. While the Health and Safety Executive's remit extends solely to

the United Kingdom, HSL is actively exploring ways to license its value-added software tools overseas.

42. In the future, HSL hopes also to license its GIS data on populations and population movements.

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	Para	Recommendation	Priority
Maximisation	1	10	HSL should draw up an asset list detailing its undeveloped information holdings, and from that list should identify items to be made available for re-use and development under Open Government Licence terms.	H
	2	11	HSL should, when developing new products, engage in further seminars with customers such as those held during the development of the Quadvent product.	H
	3	12	HSL should consider developing a strategy to engage with and secure input from its customers, and should publish that strategy to inform customers of the options available to them.	M
	4	13	HSL should consider the production under licence of further translations of the Safety Climate Tool.	L
Simplicity	5	16	HSL should review and simplify its existing licence terms and conditions, and should consider the development of simplified terms and conditions to be used to license many or all HSL products, perhaps with the use of schedules to cover the particular needs of individual products.	H
	6	17	HSL should review its present still and moving image licensing policy and consider either making its collection available under Open Government Licence terms, or committing to more effective resourcing of the collection to make it more accessible.	M
Transparency	7	19	HSL should publish on line a list of the exceptional circumstances where HSL is not prepared to license its information.	H
	8	20	HSL should draw up and publish a statement of its public task.	H
	9	21	HSL should publish information on line to explain how its information prices are calculated and set.	H
Fairness	10	22	HSL should consider changes to the standard licences to address the recommendations made in the licence review at Appendix 3.	M

	11	24	To ensure fair pricing of HSL products, HSL Finance Department (or equivalent) should be involved in the price-setting process, and that process should be published to demonstrate a fair process and enhance Transparency.	H
	12	25	HSL should not continue with early bird pricing of its information products.	M
	13	26	HSL should clarify on its website the divide between commercial and non-commercial re-use of its licensed products, and in particular clarify for academic users the restrictions that apply to their re-use, and the route that they can follow to convert non-commercial to commercial re-use.	M
Challenge	14	29	HSL's licensing pages should be revised to set out that licensees have the right of complaint under IFTS, to explain how complaints can be made and how HSL will process them.	M
	15	30	HSL's website should be revised to explain to complainants the possibility of referring a complaint on to OPSI.	M
	16	31	HSL should revise its quality procedures to ensure they cover HSL's membership of IFTS and the possible referral of complaints to OPSI.	M
Innovation	17	34	HSL should ensure that it only develops mobile applications for its information in house where it is assessed to be appropriate.	M
	18	35	HSL should consider ways to encourage innovative external developer access to HSL information, building on existing academic and commercial contacts to open HSL information up to different uses.	M

APPENDIX 2: WEBSITE REVIEW

IFTS Website Assessment

Organisation: Health and Safety Laboratory

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?

Yes, templates are published, separate templates for imagery, film and video material, the Safety Climate Tool and the HAVS survey:

<http://www.hsl.gov.uk/internal/licensing-information/crown-copyright-material/further-information-on-hsl-crown-copyright-materials.aspx#photos>

2. How standardised are the PSB's licences?

The licences are standardised, with those for imagery, film and video and HAVS survey being of a similar length and containing many identical clauses. The licence for the Safety Climate Tool is different, being a joint HSL-Snap Surveys licence, reflecting the staff survey aspect of the Tool.

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

Yes

<http://www.hsl.gov.uk/internal/licensing-information/crown-copyright-material.aspx>

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

No, exceptions are not listed and explained.

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

Material produced by HSL is made available under the Open Government Licence, either having been supplied to the Health and Safety Executive which makes it available as its commissioner, or on HSL's own web pages. There is no clear indication on HSL's website

whether it holds other information, not available on-line, that may also be available under the Open Government Licence.

HSL's licences for imagery and film or video footage are relatively complex, and may be too complex for the material concerned. They do not harmonise with all licences for Crown copyright imagery – see for example Ministry of Defence imagery, now available under the Open Government Licence.

Other policy issues

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

While there is a complaints process in HSL, it is not found on the HSL website. The contact details for the licensing manager are given as the route for a complaint about licensing, but there is no explanation of the process for appeals, and no mention of the possibility of review by OPSI.

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

Yes, charges are explained for each product, e.g.:
<http://www.hsl.gov.uk/internal/licensing-information/crown-copyright-material/further-information-on-hsl-crown-copyright-materials.aspx#photos>

8. Does the PSB flag its membership of IFTS?

Yes, <http://www.hsl.gov.uk/internal/licensing-information.aspx>

9. Does the PSB publish its IFTS commitment?

Yes,
http://www.hsl.gov.uk/media/66542/hsl_ifts%20commitment_signed.pdf

10. Does it explain its IFTS obligations?

HSL's membership of IFTS and commitment to abide by the principles is mentioned, but there is not an explanation of how the obligations apply to HSL.

11. Does the PSB have other feedback mechanisms?

Yes, it provides the email and postal address to contact the Licensing Manager.

Questionnaire Part 2: Information Availability

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

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

Yes, products such as the Safety Climate Tool or DNElator are produced as on-line tools. <http://www.hsl.gov.uk/products.aspx>

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

The majority of HSL's information assets are available on line through its own web pages, as public task material commissioned by Health and Safety Executive, is made available by the Health and Safety Executive rather than by HSL. HSL makes much information available itself, via its own website. All this information is however processed for a particular purpose – its baseline laboratory observations data is not generally available.

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

Yes.

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

HSL does not have a formal Information Asset Register, and there does not appear to be any on-line mechanism to assist discovery of offline information assets.

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

Not applicable.

APPENDIX 3: LICENCE REVIEW

HSL has published a number of standard licences, terms and agreements on its website. In this verification, we examined two of these standard licences: the Value Added Licence, for still and moving images, and the Safety Climate Tool software and services agreement.

REVIEW OF HSL VALUE ADDED LICENCES – still and moving images

The licences for value added re-use of HSL still and moving images are identical except for the schedules, but HSL's website shows them as being separate licences with individual entries on the licensing page, with considerable duplication. If HSL decides to retain its charges for licensing imagery, it should consider merging these two entries on the website and having a single licence with varying schedules depending on whether still or moving images are being licensed. This would be of benefit by shortening and simplifying the web page and removing one licence.

Evaluation Criteria

1. Clarity of licence terms

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

This licence is a model of clarity and is written clearly in plain English, avoiding jargon or legalistic terms.

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 appear to be any significant omissions from the licence. Section 1 of the licence defines in some detail the nature of Crown copyright and Crown database rights, and the administration of those rights. This detail is not necessary for the licence – HSL has these delegated rights, it is not necessary for them to be spelled out, as it adds nothing to the substance of the licence. Paragraphs 1.1-1.3 should be deleted from the licence, though paragraph 1.4 could be retained and perhaps moved to section 3.

3. Fairness

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

No, the licence is fair.

4. Consistency

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

No, the licence is, in general, consistent. The only point of inconsistency is that concerning the period of the licence. At section 4 the licence is granted for an initial term (set out in Schedule A as for 5 years), after

which it will continue unless either party ends the licence. This in effect makes the licence perpetual – it will continue indefinitely unless one or both parties bring it to an end. Given this, it is unclear what the purpose of the 5 year initial term is. HSL should consider if this term is necessary, and if it is still required, its purpose should be explained in the licence.

5. Practical Arrangements

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

Yes, the practical arrangements are clear though it appears as if payments will only be accepted by cheque sent through the post – if other payment methods are acceptable, these should be allowed for in the licence). The arrangements for amending the terms of the licence are clear and set out with minimum effort in a way that is easy to understand.

6. Restrictiveness of terms

Are any of the terms unnecessarily restrictive?

No, the licence is not restrictive.

REVIEW OF HSL SAFETY CLIMATE TOOL (SCT) software and services agreement

The agreement is unusual in that it covers both HSL material and the Snap Surveys software used to enable the SCT. This is helpfully set out in a preamble to the agreement, which details not only the responsibilities of each party but the purpose of the SCT. While these are not strictly necessary for the licence agreement, they are considered helpful here in alerting potential licensees that they are not just licensing HSL Crown copyright material but also 3rd party software.

Evaluation Criteria

1. Clarity of licence terms

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

Though more complex than the value added licence for imagery (not surprising, given that the SCT deals with safety at work and so this licence contains sections dealing with liability), the licence is still, in general, written in clear plain English and avoids jargon and legalistic terms.

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 clauses relating to payments do not set out the position of the 3rd party, Snap Surveys, regarding payments. It is implicit that the single payment made to HSL for the SCT includes or covers any royalty payments resulting to Snap Surveys, but this is not explicitly stated. The licence should be amended so as to explain clearly the position of Snap Surveys. Section 1 on interpretation and definitions includes definitions of

terms that do not appear in the agreement – for instance that relating to gender, where the agreement makes no reference to gender (apart from that to Her Majesty). The definitions should be reviewed to remove any that are not required for the agreement.

Section 4 of the licence defines in some detail the nature of Crown copyright, and the administration of that right. This detail is not necessary for the licence – HSL has these delegated rights, it is not necessary for them to be spelled out, as it adds nothing to the substance of the licence. Paragraphs 4.1 and part of 4.2 should be deleted from the licence.

3. Fairness

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

No, the licence is fair.

4. Consistency

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

No, the licence is, in general, consistent. The pricing of the SCT is dependent on the size of the company licensing the information, so HSL should consider if there is a need to expand paragraph 4.4 to ensure that a licensee informs HSL of a change in circumstance whereby it moves from one pricing level to another.

5. Practical Arrangements

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

The process for making payments is clearly set out.

6. Restrictiveness of terms

Are any of the terms unnecessarily restrictive?

No, the licence is not unnecessarily restrictive – the restrictions that are there are necessary to ensure the correct operation of SCT.

APPENDIX 4: ACTIVITIES CARRIED OUT BY THE VERIFICATION TEAM

Methodology

The IFTS procedure against which HSL has been verified reflects recent information policy developments. An IFTS Strategy¹ and a Performance Management Framework² have been produced which embed transparency and robustness to the IFTS process.

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

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

The IFTS principles are:

- **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;
- **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.

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

HSL provided documentation in support of the Chief Executive's commitment which was reviewed by the team prior to the on-site verification.

People and Practices

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 HSL staff at all levels who are involved in the policy or practice of providing information, including an HSL non-executive director. The interviews took place during the week of 30 September 2013 and the week of 21 October 2013.

Licence File Review

A sample of HSL licensing customer files was examined. The licence file review provides evidence of adherence to corporate policy and the Regulations in actual transactions. The review of licensing files took place using HSL's filed customer records in October 2013.

Website review

A review of the HSL website was made from the viewpoint of a potential re-user of information – to assess how easy it was to use. The review of these web pages was carried out on 19 November 2013. The results of the website review are at Appendix 2 to this report.

Licence review

The terms and conditions of HSL's standard licences were reviewed.

Complaints process

HSL's customer complaints process was examined by the team and the *quality manager* was interviewed. Consideration of the organisation's complaints process, both policy and practice, indicates how committed an organisation is to meeting customer needs.

Assistance provided by HSL's licensing team and senior managers

The team appreciates the co-operation and assistance of HSL staff. Interviewees showed a good understanding of their roles in HSL's licensing business and of how licensing activities contribute to HSL's public task objectives and activities.