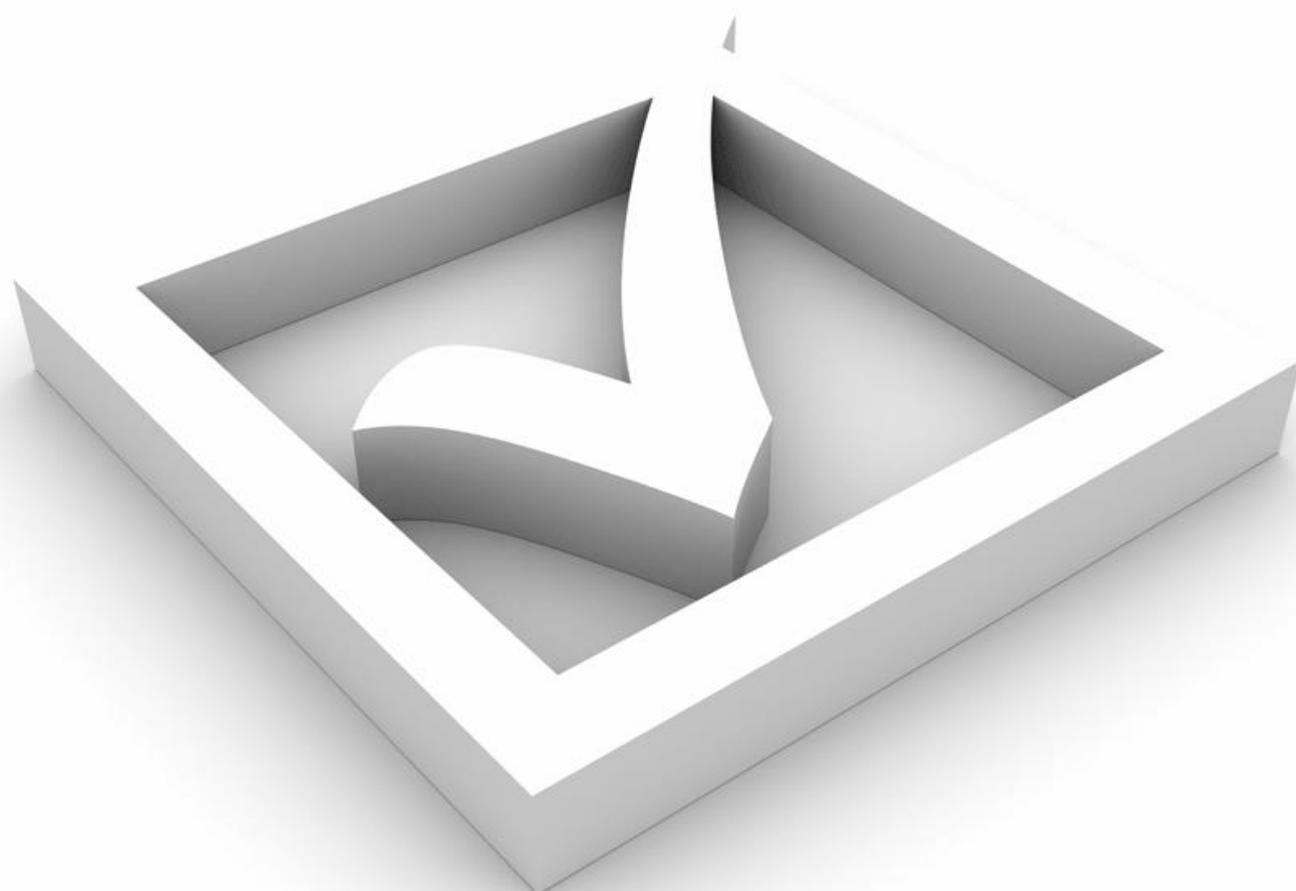


# Information Fair Trader Scheme Report

Registers of Scotland

February 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. Registers of Scotland is a Crown body with a delegation of authority to license Crown copyright material. A condition of the delegation is adherence to the IFTS principles and a commitment to follow them on the part of the head of the organisation.

### **First verification**

3. Registers of Scotland was first verified in September 2004.

### **Re-verification**

4. Re-verification is important as organisations change and staff move on. It is also an opportunity for OPSI to ensure that the recommendations from the last verification have been given due consideration. The recommendations made after the February 2008 visit and Registers of Scotland'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. Registers of Scotland continues to be assessed as being low risk against these criteria, albeit OPSI will work closely with Registers of Scotland when new powers which offer the potential for more flexibility of charging come into effect.

### **Licensing Activity at Registers of Scotland**

6. Licensing continues to be a minor activity for Registers of Scotland by comparison with its primary function, and it derives the majority of its revenue from the collection of fees for registration of deeds relating to property and other legal documents in the public registers which the Keeper of the Registers of Scotland is required by statute to compile and maintain. This is a function which has been central to its role since 1617, and which constitutes approximately 90% of overall income.
7. The majority of fees levied are subject to a Scottish Statutory Instrument (The Fees in the Registers of Scotland Amendment Order 2010), and these charges are not subject to change except by further legislation.

8. Registers of Scotland maintains a range of public registers. Although the original information provided for the registers is not Crown copyright, the creation, composition and maintenance of these registers results in material which is subject to Crown copyright.
9. The Business Development team of Registers of Scotland licenses a number of land and property data reports, both standard and bespoke. This area of activity was a particular focus of interest for the team on this visit.
10. Registers of Scotland's role is equivalent to that of a Trading Fund, although the former status could not be maintained after devolution. As a result, special provisions were made in section 9 of the Public Finance and Accountability (Scotland) Act 2000 which ensured continuity, and require it to recover its costs and to generate a return on capital employed.
11. The Land Registration etc. (Scotland) Act 2012, which will fully come into effect by November 2014, will allow for the possibility of more commercial flexibility than the previous legislation under which Registers of Scotland operated.

### **Overall Assessment**

12. In this report we:

- Refer to Registers of Scotland's engagement with officials that are working on information re-use policy across government.
- Recognise Registers of Scotland's longstanding historical commitment to easy access to its information, but advocate the development of a policy position on open data.
- Recommend that Registers of Scotland uses the Open Government Licence for the free data outputs that it makes available.
- Observe that Registers of Scotland's licensing model is relatively simple and easy for customers to understand.
- Ask to be involved as Registers of Scotland develops its licensing portfolio in response to the new Land Registration Act coming into full effect.
- Commend the highly standardised nature of the charges that Registers of Scotland levies for re-use.
- Request that we be kept informed of any plans to develop a more commercially segmented charging scheme.
- Argue that Registers of Scotland's sample and statistical data should be published in a re-usable format.

13. Based on the team's assessment, Registers of Scotland is re-accredited to IFTS and should be re-verified within the next 3-4 years.

14. Below is a summary table rating Registers of Scotland's current position against the IFTS principles.

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

## PART TWO: ACTIVITIES CARRIED OUT BY THE VERIFICATION TEAM

### Methodology

15. The IFTS methodology consists of two elements, an IFTS Strategy<sup>1</sup> and a Performance Management Framework<sup>2</sup>.

16. 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.

17. 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

18. Registers of Scotland provided documentation and associated correspondence in support of the fair trading commitment of the Keeper of the Registers of Scotland which was reviewed by the team prior to and following the onsite re-verification.

### People and Practices

19. 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 Registers of Scotland at all levels who are involved in the policy or practice of information re-use. This included speaking to Keeper of the Registers of Scotland towards the beginning and at the end of our visit.

### Licence File Review

20. A sample of licensing files was examined. On this visit, we focused on files held by Business Development as the licensing of forms has not changed since our last visit. The licence file review provides evidence

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

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

of adherence to corporate policy and the principles of IFTS in actual transactions.

### **Website review**

21. 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**

22. OPSI has been in dialogue with Registers of Scotland about possible changes to the licences issued by Business Development and have made a recommendation in this respect in this report.

### **Complaints process**

23. 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 Registers of Scotland**

24. The team appreciates the co-operation and assistance of staff from Registers of Scotland prior to our visit and while we were on site.

### **Re-verification Dates**

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

26-27 February 2013

The re-verification team consisted of an OPSI Standards Manager and a Standards Assessor.

## PART THREE: KEY CHANGES

26. The intention of an IFTS re-verification is to focus on changes since the previous verification.
27. Since our last report in February 2008, the licensing of forms has remained unchanged and licensing of land and property data has remained relatively static, albeit the latter activity is under active review and may expand going forward.
28. Sheenagh Adams became the Keeper of the Registers of Scotland on 1 July 2009.
29. In September 2010, The National Archives produced the Open Government Licence, which has since been widely adopted.
30. The 2010 Fee Order for Registers of Scotland came into force in 2011.
31. In December 2011, the European Commission released a proposal for amendments to the PSI Directive. This could have implications for public sector bodies, notably those that currently charge for their information above marginal cost like Registers of Scotland.
32. The Land Registration etc. (Scotland) Act 2012, which will fully come into effect by November 2014, will allow for the possibility of more commercial flexibility than the previous legislation under which Registers of Scotland operated. The particular section relating to commercial flexibility came into force on 1 April 2013.
33. In March 2013, Registers of Scotland announced that, after a review of its Fee Order, fees would remain unchanged at 2010 fee order levels.
34. Looking further ahead, a Bill is currently under consideration that, if passed, would mean that a Land and Buildings Transaction Tax (LBTT) would replace the current UK Stamp Duty Land Tax (SDLT) in April 2015 and Registers of Scotland would collect it on behalf of the Scottish Government.

## PART FOUR: HIGHLIGHTS/AREAS FOR IMPROVEMENT

### Maximisation

35. 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.
36. There are a number of channels for obtaining information that include direct access to its customer service centres (which also deal with enquiries by phone and email), the publication of information through its website, the provision of a Registers Direct Service for property professionals, and the ability to obtain bulk data reports from the Business Development team. A digest of property statistics is published periodically for re-use without charge.
37. Registers of Scotland engages with policy initiatives that seek to expand the range of re-use opportunities. It monitors the development of UK Government data policy via the Scottish Government and is a regular attendee at the UK-wide Licensing Forum. It was involved in correspondence with UK Ministers at the time of the creation of the Public Data Group and the Data Strategy Board, on which there is currently no devolved administration representation.
38. The Public Services Reform (Scotland) Act 2010, which imposes certain duties on the Scottish Government and listed public bodies to publish information as soon as is reasonably practicable, has led to the requirement that spending data over £25K be put online.
39. Registers of Scotland has a longstanding policy of openness. Indeed, from a historical perspective, it is probably unrivalled in terms of how long it has been possible for the public to readily gain access to the information it holds. In the modern era, it has been providing a digest of property statistics for some time for re-use without charge. However, other than observing the requirements relating to spending data, it has no plans to expand the range of data it publishes for free end use. It liaises with the Scottish Government on this developing policy area.
40. **Recommendation** Given Registers of Scotland's key role in providing information for re-use, it should pro-actively develop a policy position on open data.
41. The Scottish Government notes that publicly released data should be published in a form that can be automatically processed and that, as a matter of good practice, licence terms should not restrict commercial and non-commercial re-use, subject to an attribution statement being applied. As such, we recommend that Registers of Scotland adopts the Open Government Licence for the free data that it publishes as this licence does not restrict commercial or non-commercial re-use.

42. **Recommendation** Registers of Scotland should adopt the Open Government Licence for the free for end use data that it publishes.

## **Simplicity**

43. Registers of Scotland operates a relatively simple licensing model for its land and property data. It currently involves a set of standard terms within which it inserts a set of conditions according to the permissible uses of the dataset in question.
44. In the autumn of 2012, OPSI provided some feedback on a set of draft licences that were produced by an external law firm with a view to strengthening Registers of Scotland's position should infringement action be required. At the same time, the draft documents split the templates into a set of standard terms to which a product-specific schedule would be appended.
45. OPSI found that the documents appeared to be excessively complex by comparison with the existing approach. However, given the Business Development team's desire to place itself on a more solid footing with regard to what licensees are not allowed to do, the current licensing documentation will be re-visited at some point. In parallel to this specific objective, the team will be re-examining its licensing policy in the context of Registers of Scotland's new ability to act more flexibly in providing commercial services.
46. **Recommendation** Registers of Scotland should share draft licence documentation with OPSI with a view to maintaining the relative simplicity of its approach.
47. On pricing, Registers of Scotland's approach is highly standardised and primarily based on multiples of the unit pricing set out in its Fee Order. It is therefore very simple.

## **Fairness**

48. A review of the licence files in the Business Development team demonstrated a high degree of fairness in the manner in which licensing and pricing is administered.
49. As far as pricing policy is concerned, Registers of Scotland follows the guidance set out in the Scottish Public Finance Manual. As the equivalent of a Trading Fund, it operates on the basis of recovering its costs plus a rate of return. It is also aware of the documentation issued by HM Treasury and mindful of the charging stipulations set out in the PSI Regulations.
50. Registers of Scotland has received periodic briefings on the proposal to amend the PSI Directive and has responded to requests for information concerning the implications for its charging policies.
51. Registers of Scotland's highly standardised and therefore easily demonstrable equity of approach may be tested as it considers pricing its products according to market requirements of speed of delivery and

quality level. This is something that is under consideration as the contribution of commercial re-use may need to rise in balance to targeted cost savings.

52. **Recommendation** Registers of Scotland should notify OPSI if it plans to implement pricing which is more commercially segmented than that which it currently adopts.

## Transparency

53. 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.
54. Registers of Scotland publishes information about its statutory responsibilities on its website. However, now that it has acquired the potential to adopt a more flexible approach in providing commercially chargeable services, it would be opportune for the organisation to produce a statement of public task.
55. **Recommendation** By reference to the guidance issued by The National Archives, Registers of Scotland should develop a statement of public task and subsequently publish it on its website.
56. By publishing a listing of available data services and prices, together with its licence templates, Registers of Scotland is exhibiting a good standard of transparency.

## Challenge

57. Registers of Scotland has sound generic procedures in place for complaint handling. OPSI has received no complaints about Registers of Scotland.
58. Registers of Scotland has updated the information on its website concerning re-use complaints with the correct contact information for OPSI.

## Innovation

59. Sample data for Registers of Scotland land and property reports is viewable online.
60. A number of statistical reports on house prices are published by Registers of Scotland.
61. In both of the above instances, the data is currently published in pdf. This makes it difficult for prospective licensees, application developers and citizen re-users to extract and analyse the data.
62. **Recommendation** Given that providing data in a re-usable format is now recognised as good practice, Registers of Scotland should publish its sample and statistical data in such a format.

63. The priority should be to convert what it currently offers for free re-use into a re-usable format. However, in developing a policy position on open data, Registers of Scotland should also consider whether it might be possible over time to emulate the Land Registry for England and Wales. It has taken the policy decision to provide the full “price paid” dataset for free re-use as a stimulus to innovative re-use.

## PART FIVE: PROGRESS

Recommendations of previous verification and if they have been met.

Principle	Ref	Recommendation	Priority	Action Taken	Status
Transparency	33	We recommend that Registers of Scotland publishes details of its charging policy for land and property data.	M	The scale of charges for land and property data reports is published.	Complete
Compliance	37	We recommend that Registers of Scotland publishes a short statement on its website stating that it complies with the 2005 Public Sector Information Regulations, setting out their relationship with its licensing activity. This should also include a web link to the Regulations in full.	M	Information on the PSI Regulations is now on the relevant section of the Registers of Scotland website.	Complete
Challenge	44	We recommend that the Registers of Scotland web page concerning general complaints policy features a link to the section discussing OPSI's role as an external investigator in cases where complainants are dissatisfied with the internal complaints procedure.	M	There is now text on the website which correctly refers to OPSI's complaint handling role.	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
Maximisation	40	Given Registers of Scotland's key role in providing information for re-use, it should pro-actively develop a policy position on open data.	M
	42	Registers of Scotland should adopt the Open Government Licence for the free for end use data that it publishes.	H
Simplicity	46	Registers of Scotland should share draft licence documentation with OPSI with a view to maintaining the relative simplicity of its approach.	M
Fairness	52	Registers of Scotland should notify OPSI if it plans to implement pricing which is more commercially segmented than that which it currently adopts.	M
Transparency	55	By reference to the guidance issued by The National Archives, Registers of Scotland should develop a statement of public task and subsequently publish it on its website.	M
Innovation	62	Given that providing data in a re-usable format is now recognised as good practice, Registers of Scotland should publish its sample and statistical data in such a format.	M

## APPENDIX 2: IFTS WEBSITE ASSESSMENT

### Organisation: Registers of Scotland

#### 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, both for land and property data reporting products and for its forms licensing, examples being:

[http://www.ros.gov.uk/professional/eservices/land\\_property\\_data/sfc\\_licence.doc](http://www.ros.gov.uk/professional/eservices/land_property_data/sfc_licence.doc)

and

[http://www.ros.gov.uk/pdfs/forms\\_licence.pdf](http://www.ros.gov.uk/pdfs/forms_licence.pdf)

2. How standardised are the PSB's licences?

The licences are highly standardised, subdivided by reporting product.

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

Yes

[http://www.ros.gov.uk/professional/eservices/land\\_property\\_data/index.html](http://www.ros.gov.uk/professional/eservices/land_property_data/index.html)

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

Exceptions are not explicitly stated other than the requirement to observe data protection considerations.

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

No, as Registers of Scotland is yet to adopt the Open Government Licence.

## Other policy issues

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

Yes, at the foot of this page:

[http://www.ros.gov.uk/public/publications/crown\\_copyright2.html](http://www.ros.gov.uk/public/publications/crown_copyright2.html)

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

Charges are documented for various categories of activity as follows:

[http://www.ros.gov.uk/professional/eservices/land\\_property\\_data/lpd\\_p\\_rices.html](http://www.ros.gov.uk/professional/eservices/land_property_data/lpd_p_rices.html)

[http://www.ros.gov.uk/fees/fee\\_order.html](http://www.ros.gov.uk/fees/fee_order.html)

8. Does the PSB flag its membership of IFTS?

Yes, [http://www.ros.gov.uk/public/publications/crown\\_copyright2.html](http://www.ros.gov.uk/public/publications/crown_copyright2.html)

9. Does the PSB publish its IFTS commitment?

Yes, [http://www.ros.gov.uk/pdfs/fair\\_trader\\_scheme.pdf](http://www.ros.gov.uk/pdfs/fair_trader_scheme.pdf) although it needs to be updated in the name of the current Keeper who mentioned this at the time of our visit.

10. Does it explain its IFTS obligations?

Yes

11. Does the PSB have other feedback mechanisms?

Yes, it provides the email addresses of the relevant personnel on its website.

## 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, through a number of statistical publications concerning house prices, for example:

[http://www.ros.gov.uk/professional/eservices/land\\_property\\_data/lpd\\_stats.html](http://www.ros.gov.uk/professional/eservices/land_property_data/lpd_stats.html)

It also offers sample reporting data, for example:

[http://www.ros.gov.uk/professional/eservices/land\\_property\\_data/sfc\\_sample.pdf](http://www.ros.gov.uk/professional/eservices/land_property_data/sfc_sample.pdf)

However, while there is interactive mapping as part of the presentation of house price statistics, the data itself for both statistical and sample purposes, is supplied via pdfs rather than in a re-usable format.

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

A minor proportion for consumption by the general re-user, although it does offer the Registers Direct service for property professionals.

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

In terms of statistical rigour, the data that is published is approved by Scottish Government statisticians. However, it is published as pdfs and should be available in a re-usable format. No registration is required.

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

It does have a formal Information Asset Register, but publishes a comprehensive list of what is available for re-use through this web page:

[http://www.ros.gov.uk/professional/eservices/land\\_property\\_data/index.html](http://www.ros.gov.uk/professional/eservices/land_property_data/index.html)

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

Yes, it provides accompanying guidance for its statistical data:

<http://www.ros.gov.uk/pdfs/StatisticsGuidanceNotes.pdf>