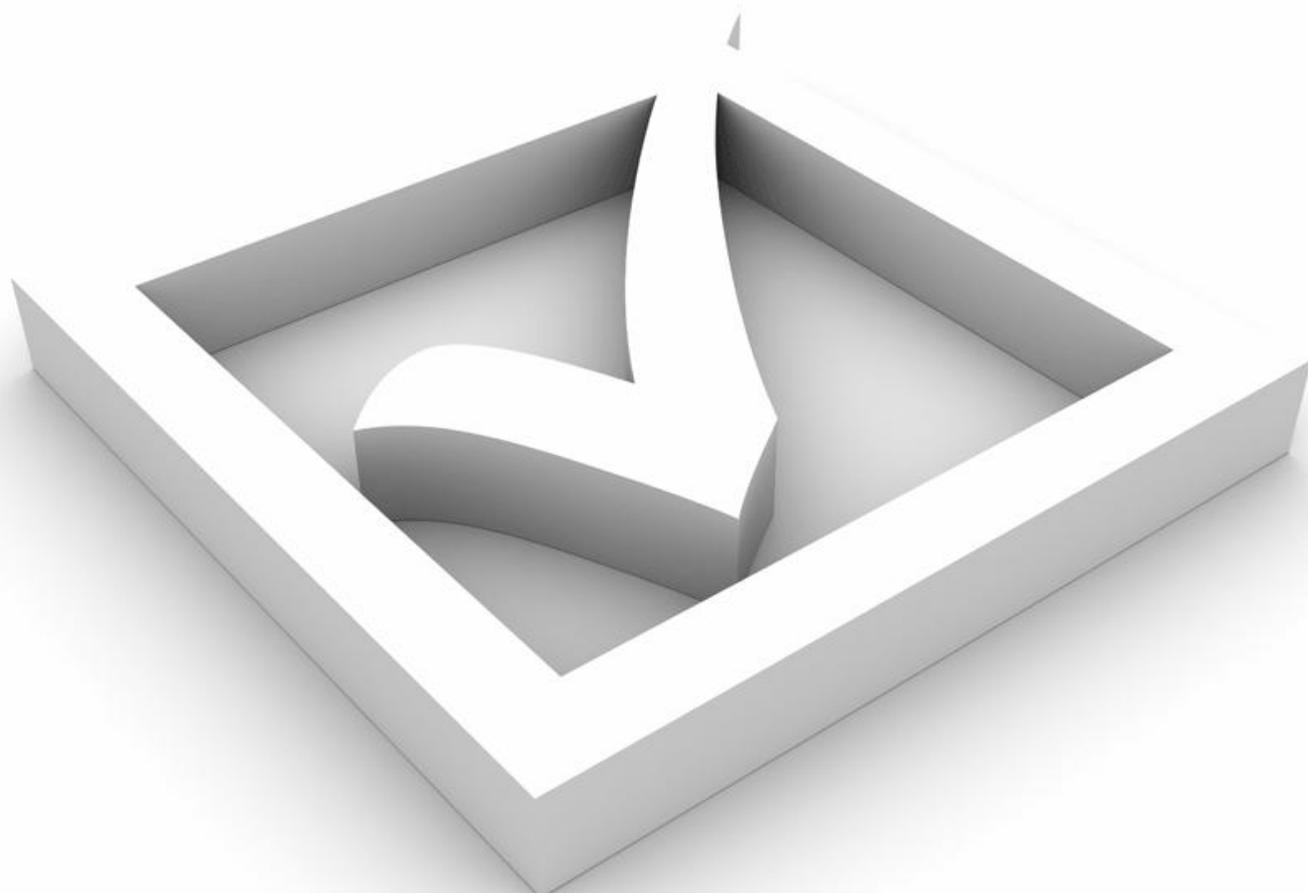


Information Fair Trader Scheme Report

The National Archives

August 2012



<u>PART ONE: IFTS ASSESSMENT</u>	<u>3</u>
<u>PART TWO: HIGHLIGHTS AND AREAS FOR IMPROVEMENT</u>	<u>5</u>
MAXIMISATION	5
SIMPLICITY	6
TRANSPARENCY	8
FAIRNESS	10
CHALLENGE	12
INNOVATION	15
<u>PART THREE: BACKGROUND INFORMATION</u>	<u>17</u>
<u>APPENDIX 1: SUMMARY OF RECOMMENDED ACTIONS</u>	<u>20</u>
<u>APPENDIX 2: PROGRESS</u>	<u>22</u>
<u>APPENDIX 3: WEBSITE REVIEW</u>	<u>24</u>
<u>APPENDIX 4: LICENCE REVIEW</u>	<u>28</u>
<u>APPENDIX 5: ACTIVITIES CARRIED OUT BY THE VERIFICATION TEAM</u>	<u>33</u>

Visit: May 2012

Report Published: March 2013

© Crown copyright 2013

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 National Archives is presently exempt from the Regulations but is a voluntary member of IFTS.
2. The National Archives was assessed against the IFTS principles by the Office of Public Sector Information (OPSI), supported by the Office of Fair Trading to ensure impartiality, since OPSI is a part of The National Archives, in May 2012. **The National Archives has been re-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 The National Archives has been verified against the new principles of Maximisation and Innovation, and we are pleased to report that The National Archives has been assessed as **Good** against both these principles, as well as against the Fairness principle. There is room for The National Archives to improve its assessment for Transparency, which we find to be a **Development Area**.

IFTS Performance Management Framework

4. The National Archives has scored as a medium-risk organisation when assessed against the OPSI risk criteria. The National Archives 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 The National Archives' position against the IFTS principles. The National Archives has demonstrated its commitment to the principles behind IFTS, despite having a complex pattern of licensing practices and activities across the organisation. The National Archives is presently a voluntary member of IFTS and does not consider itself to be covered by the Re-use of Public Sector Information Regulations, (its archival holdings are exempt under Regulation 5). Under proposals currently being considered by the European Union to amend the PSI Directive, The National Archives will in future be covered by the Regulations. Preparing to come within the scope of the Regulations should help The National Archives to improve its assessment against the IFTS principles. We consider that other recommendations made in this report will help The National Archives to improve its rating under the Transparency principle and further improve

its rating against the Simplicity and Fairness principles, already at a Satisfactory level, to a rating of Good.

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

IFTS Verifications

6. The National Archives was originally verified in December 2007, and this is its first re-verification.

Re-verification

7. 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 December 2007 visit and The National Archives' progress in meeting them can be found in Appendix 2 of this report.
8. 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 the 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 National Archives is assessed as being medium risk against these criteria.

PART TWO: HIGHLIGHTS AND AREAS FOR IMPROVEMENT

Maximisation

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

9. Staff in The National Archives are performing at a **Good** level against the maximisation principle of IFTS, in that positive steps have been taken to proactively make information available for re-use, and there are no artificial barriers to re-use of National Archives' corporate information. However, we note that there are some constraints on the availability of new images.
10. We heard some evidence that there are physical constraints on the ability of The National Archives to make its holdings of archive material available to be digitised for licensed re-use by commercial partners. The constraints identified relate mainly to the document security restrictions on The National Archives that prevent its archive holdings leaving the site to be digitised - the space available on site to digitise material places a limit on the volume that can be digitised.
11. This has led to a perception held by some (but not all) National Archives staff of there being a narrow "pipeline" through which digitisation work has to flow, where the narrowness of the pipeline acts to reduce the throughput.
12. However, one recent change has seen the addition of two extra members of staff to the licensing team, which should help to address some aspects of this constricted pipeline. We also heard evidence that the restriction on digitising due to space constraints is apparent only at peak times and that for much of the year the space available is underused. Indeed this available resource is being used to trial the provision of an archive digitisation paid service to external customers.
13. This suggests a possible future need to balance the needs of these external paying customers against the requirements for the continued supply of newly digitised archival material which The National Archives' key external customers require. We heard that existing commercial partners may be acting at or near their capacity to process National Archives' digitised material, but it may be that were more material to be made available, other partners would enter the market. There is a risk that The National Archives settles on digitising only the amount that present market leaders are able to process.
14. Regarding academic licensing, we were told that the market is now strong, with significant new players in the field. Academic licensing is identified as a growth area in The National Archives' strategic income generation plan. However, we were told that large commercial

digitisation projects take priority over academic licensing in discussions at Board level.

15. With a larger licensing team now in place, The National Archives should review the capacity and the balance of its existing academic, LIA and pilot paid external digitising activity. It should decide whether it is content to work within existing capacity limits or wishes to expand that capacity.

Recommendation 1: The National Archives should undertake a strategic review of the capacity and balance of its archival material digitisation work to determine if greater volumes of material can and should in future be considered.

16. We were encouraged to hear in many interviews of the benefit to The National Archives (and to other archives) generated by The National Archives' insistence on not agreeing to exclusive licences to access digitised material. The insistence on non-exclusive licences is an example of **best practice**.
17. Within the present structures, we also saw evidence of good maximisation practice. The National Archives' website hosts a [current licensing opportunities](#) page where future digitisation programmes under the Licensed Internet Associateship programme are posted. This opens up future digitisation projects to commercial partners on standard terms and conditions, and is an example of **good practice** under the maximisation, transparency and fairness IFTS principles. While the reality of the market at present is that it is dominated by a small number of commercial partners, this website page should offer a way into the market for new entrants (see paragraph 31 below).
18. The National Archives has made legislation information, and supporting source code, freely available in machine-readable and re-useable format under the Open Government Licence. Legislation.gov.uk sets a standard that could well be followed elsewhere in Government. In this The National Archives has shown commitment to the Maximisation principle and this is an example of **best practice**.

Simplicity

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

19. We find that The National Archives is presently operating at a **satisfactory** level against the Simplicity principle of IFTS.
20. The National Archives has no officer with overall responsibility for licensing matters across the organisation, and it would demonstrate The National Archives' commitment to the IFTS principles if a member of the Executive Team or another senior officer was clearly identified as The National Archives' lead. Furthermore, The National Archives has a variety of different approaches to licensing. For instance, while

the pathway to the image library or to a Licensing Internet Associateship is well marked and relatively straightforward to follow, there is no obvious and simple route whereby a developer wanting to re-use other National Archives information could access that information if it is not already published and covered by the Open Government Licence. Although The National Archives held a hack-day to encourage developers to re-use catalogue information, there is no clearly established and readily available route to allow developers to re-use corporate (i.e. non-archival) information.

21. We found evidence that National Archives staff themselves are unsure where or who to turn to for advice when they encounter a licensing issue, and this indicates that responsibility for licensing in The National Archives is not obvious or simple for National Archives staff. We recommend under Transparency (paragraph 27 below) that an integrated single point of contact be identified as the lead for licensing matters, but this should also serve to simplify matters for staff and for external stakeholders.
22. One recommendation made in the 2007 verification related to the need to provide a price list calculation tool and an on-line ordering provision for Image Library services. This recommendation was not carried out. We were told that this was because The National Archives had withdrawn from membership of the British Association of Picture Libraries and Agencies (BAPLA), and so could no longer draw on the BAPLA list of commercial fees as a basis for building such a tool. Despite withdrawal from BAPLA, however, we were told that the Image Library still uses the BAPLA fees guidance to set Image Library charges (where they fall outside of the Statutory Instrument that sets the charge for colour photographs). We were shown copies of the BAPLA charges guidance, and agree with the Image Library opinion that they are complex and would be hard for customers to follow. It is disappointing to find that, having withdrawn from BAPLA, The National Archives has not made more progress to develop its own simple structure for charging outside the existing Fees Order – especially as this was a recommendation of the last verification.
23. We were told that it is The National Archives' wish for the Image Library to find and use a simple fees model, but that this had so far proved elusive. It is our strong recommendation that The National Archives makes progress to implement a simple Image Library charging model and that that model should be published to enhance Transparency. Such a model might quote examples of sample services and the fees they attract to give users an indication of the way the model works.

Recommendation 2: The National Archives should develop and publish a simple and transparent charging model for Image Library services.

24. We were told that it is hoped that the new Discovery system being introduced to make catalogue and related information available on-line will in time include an end-to-end on line service for Image Library customers to complete for orders for imagery. This would have the benefit of being a simpler process, but will not in itself address the complexity of the pricing and licensing of images by the Image Library.

Transparency

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

25. The National Archives is working at **development** level against the Transparency principle of IFTS.
26. The National Archives has two clear areas of responsibility for licensing. One of these is the lead on government and Crown copyright licensing, as set out in the UK Government Licensing Framework. The other is for licensing material created or held by The National Archives itself – the Commercial licensing activities are well organised and understood but there is also the separate matter of non-commercial licensing. There is some confusion within The National Archives about these separate roles and responsibilities which needs to be clarified.
27. Under IFTS, OPSI's lead contact in The National Archives has been the Head of Licensing, whose focus is, rightly, on commercial and academic licensing. We are aware of a number of occasions in the months prior to this IFTS verification of staff in other areas of The National Archives approaching Information Policy Department staff (i.e. those concerned with policy for all UK Government licensing) for advice and guidance relating to the non-commercial licensing of National Archives-held material rather than taking advice from a National Archives internal lead. These included licensing of user contributions included in the new Discovery service, and the use of information provided by local and regional archives. It would be beneficial for a senior officer to have supervision of all National Archives licensing activity to ensure that the organisation can maintain a strategic view of its approach to licensing, and to provide a focal point for those involved in licensing matters across The National Archives to approach for guidance. This will be a role for a member of National Archives staff with responsibility for The National Archives' own licensing activities, and not for one with responsibility for The National Archives' broader, whole of government policy lead on Crown copyright and licensing matters – it is important that these two roles remain clearly separated.

Recommendation 3: The National Archives should identify a senior officer as The National Archives' lead to have strategic control of all National Archives licensing activities.

28. A clear, published statement of The National Archives' public task would improve transparency and provide much needed clarification for both staff and customers. Potential re-users could establish whether the information they are seeking is or is not covered by The National Archives' public task. Having a published statement of public task is now a requirement of IFTS membership and is being introduced as verifications are carried out.

Recommendation 4: The National Archives should draw up and publish a statement showing what information is produced as part of its public task.

29. We were told that the cost per image to Licensed Internet Associates (LIAs) is calculated on a standard charge, based on factors drawn from a report for The National Archives produced by external consultants. Though the royalty rates charged to LIAs are published, the cost per image standard price is not published. It would contribute to The National Archives' compliance with the Transparency principle if the standard price, and an explanation of how it was calculated, was published. The National Archives should also consider publishing the consultants report.

Recommendation 5: The National Archives should publish its standard charges per image for LIAs and consider publishing the evidence base for those charges.

30. The National Archives' website is mature and contains much useful information for licensees and re-users. The information is, however, sometimes hard to locate, partly reflecting the various responsibilities within The National Archives for licensing activities. The website scored as "poor" measured against the IFTS scoring framework – though an improvement of only a few marks would lift the score up into the next category. Simple steps such as explaining the benefits of The National Archives' membership of IFTS and using the IFTS member logo on appropriate pages would be enough to move the assessment of the website up a grade. A rethink of the structure of the information held on the website to present a more coherent picture of The National Archives' licensing activities would be beneficial, and The National Archives should in particular take account of the comments made in the website review at Appendix 2 of this report.

Recommendation 6: The National Archives should take account of the comments in this paragraph and those made in the website review at Appendix 2 to this report to improve its licensing web pages.

31. Potentially the most valuable page on The National Archives' website for licensees is that highlighting current licensing opportunities. At the time of this verification we noted that the page featured only one open opportunity, which is unlikely to encourage new entrants to compete

against established players. The page also displayed a number of licensing opportunities that were not open – being already awarded or at preferred bidder stage. We have been assured that the page is kept up-to-date. We consider that the value of the page to potential suppliers could be improved if it explained how and when new opportunities would be added, promoted supplier days and encouraged suppliers with their own ideas for digitisation projects to approach the Licensing Team. Awarded bids could be removed or at least presented separately (they are no longer licensing opportunities).

Recommendation 7: The National Archives should ensure that the Licensing Opportunities web page is kept up to date and informative to encourage competition for LIA opportunities.

32. We were told during the verification that periodic reviews of the licensing business model in The National Archives are carried out to ensure that the model continues to be effective, and that pricing policies are fair and transparent. While we welcome these reviews, we note that OPSI as The National Archives' regulator has not been routinely informed of these reviews. The IFTS expects members to be transparent not just with external customers but also with OPSI as regulator, and developments such as internal reviews of licensing models should be routinely reported. It is our view that the senior manager recommended at paragraph 27 above should report routinely on The National Archives policy and business reviews to OPSI to support Transparency.

Recommendation 8: The senior officer clearly identified as The National Archives' lead should routinely report on significant licensing and re-use policy matters such as business model reviews to OPSI.

33. 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. A number of recommendations have been made to further improve the licences, and we consider that it would aid The National Archives' Transparency to publish all its template licences. We mention elsewhere (paragraph 37) that the templates used for assessing LIA bids are a model of **good practice**. The National Archives should also consider publishing its LIA assessment templates to assist Transparency and to inform potential entrants to the market.

Recommendation 9: The National Archives should consider changes to the standard licences to address the recommendations made in the licence review at Appendix 4. The National Archives should publish template licences, and should consider publishing its LIA assessment templates.

Fairness

‘Applying terms without any discrimination’

34. From the evidence seen during verification, The National Archives is operating generally at a **Good** level against the Fairness principle under IFTS, though there was one significant area of concern discussed below at paragraph 39.
35. We took evidence about the process followed by The National Archives to award digitisation projects to Licensing Internet Associates and it is clear that this is done on a non-discriminatory basis. There are robust processes to assess and determine bids that are supervised by National Archives staff external to the Licensing Team (from Finance Department). These processes guard against inadvertent bias in favour of existing partners known to the Licensing Team when new bids are considered. Bids are assessed against standard evaluation criteria which for this sort of repeated bid process is **good** practice and ensures fairness both for each competed assessment, and between one competed assessment and the next. There is scope within each digitisation project to accommodate variations to the standard contracts to account for the varying nature of the records.
36. The open advertisement of forthcoming digitisation projects on the Current Licensing Opportunities web page shows active commitment to the Fairness principle as it enables all prospective LIAs to engage with the bid process and plan their future activities. It helps guard against effective monopolisation of The National Archives’ content by dominant market leaders. We were also told that the Licensing Team gives feedback to failed bidders on the reasons why they were not selected, which is valuable in encouraging continued competition in the market.
37. We heard about The National Archives’ processes for reviewing the criteria for evaluating LIA bids, and these showed good commitment to the Fairness principle. LIA bid evaluation is kept under regular review to ensure the fairness of the criteria used and we were told that Finance Department staff take a key part in evaluating the bids so ensuring that existing Licensing Team knowledge of and working relations with bidders who have won previous partnerships does not affect the result of the evaluation.
38. Pricing for licensing projects is done on a standard basis drawn from a report produced by external consultants. Under this standard charge scheme, LIAs pay a standard price per digitised image, though this varies according to the volume of images to be digitised under a given agreement and the cost to digitise each image.
39. The one area of significant concern that we found relating to the Fairness principle was a practice described to us in the Image Library, whereby one-off arrangements are sometimes done to secure business. We were told that Image Library staff have some flexibility to settle on a price for a service, so that payment of £175 might be taken for services priced at £200 to ensure that the business was secured. It is not clear that the same one-off arrangements are offered to all

customers so it is very likely that this practice constitutes a breach of the Fairness principle, and should be stopped. Either one-off arrangements should be routinely offered to all customers on the same basis, if it is felt that a discount for bulk (for instance) can be offered, or they should not be offered at all.

Recommendation 10: the practice of offering one-off arrangements to secure Image Library business must either be put on a fair and published basis according to known criteria, or must be discontinued.

40. Finally, we heard evidence that Fairness in the Licensing Team activities is supported by input from The National Archives' Finance Department, which we were told acts as a "critical partner" in the licensing process. There is a dedicated member of Finance Department who liaises with the licensing team and sits in on team meetings to advise on business development and opportunities. Input from Finance Department during assessment of bids from prospective commercial partners ensures fairness in assessing those bids, countering Licensing Team familiarity with the established market leaders in the assessment. This is considered to be a valuable contribution by the Licensing Team. We agree and think that it should continue.

41. The recommendation made at paragraph 60 of the last verification report was to "incorporate IFTS principles into the licensing team business plan highlighting that meeting the IFTS commitment is a strategic objective." It was explained that The National Archives now sees compliance with the IFTS principles as being "business as usual". The National Archives should consider how this ongoing commitment can be embedded in The National Archives' practice and in its key planning documents. The CBD Strategy and Income Plan 2012-17, for example, makes no reference to The National Archives' IFTS membership. We also noted that the present National Archives statement of commitment on its website appears over the name of the previous Chief Executive. The commitment should be re-issued by the present Keeper and Chief Executive to affirm continuing National Archives commitment to the IFTS principles.

Recommendation 11: The National Archives should consider how its commitment to IFTS can be embedded in business as usual and recognised in key planning documents. The commitment to IFTS should be re-issued by the present Keeper and Chief Executive.

Challenge

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

42. The National Archives is operating at a **satisfactory** level against the Challenge principle under IFTS. Overall it is our view that The National Archives operates an effective and robust complaints process, with a

designated complaints manager who leads on dealing with customer complaints across the organisation. The procedures and policies in place are effective and kept under review – the current policy is dated February 2012. The National Archives has in place a procedure to allow complainants who are not satisfied with the handling of their complaint to refer the matter to The Independent Complaints Reviewer (ICR). The complaints process is designed to meet the needs of users of the archive, (its main customer group), and were it being judged on this basis alone would merit a higher score, many of its features being examples of Best Practice. However, the evidence we found showed that IFTS is not fully integrated into The National Archives' complaints process – a few simple adjustments can be made to rectify this.

43. We found evidence that, proportionately, very few complaints made to The National Archives have any relevance to licensing or to re-use. There are occasional complaints about the fees being charged to access digitised archive material; some complaints made about the way in which digitised archive material is presented or indexed by commercial partners. There have never been any complaints about refusal of access to re-use National Archives information, or about policy or practice in the Licensing, Image Library and Legislation teams. We take this as an indicator of The National Archives' commitment to customer service and being responsive to customer requirements. No complaints have been received about other areas of The National Archives' licensing activity
44. We were told at interview that The National Archives' Complaints Manager liaises closely with the Licensing Team when there is a customer complaint about a licensing matter, and it is clear that the teams work well to provide a balanced and considered response to such complaints.
45. The [Complaint Procedure](#) page of The National Archives' website provides routes for complainants to follow to make their first complaint, and alternatives if they are not satisfied with the outcome (the ICR, the Information Commissioner, the Parliamentary Ombudsman). It does not provide details on the complaints process in place under IFTS. This can easily be rectified and we recommend that it be done.
46. It is particularly important that this recommendation is addressed because of the potential confusion arising from OPSI being a constituent part of The National Archives. We therefore recommend that, as well as including reference to IFTS on the complaints procedure page, The National Archives should publish there some explanatory text to set out that while OPSI is also a part of The National Archives it runs IFTS and is therefore The National Archives' regulator, and will act independently of The National Archives reporting to the Controller of HMSO in the event of a complaint being referred to OPSI.
47. We found evidence of this potential for confusion immediately following evidence gathering for this IFTS verification when in June 2012 an

external body contacting The National Archives to enquire about making a complaint about another IFTS member was referred to The National Archives' internal complaints manager rather than to OPSI. This suggests that the role of OPSI in handling complaints under IFTS and the Re-use of Public Sector Information Regulations is also not prominent enough on The National Archives' website. While we recognise the constraints existing on the structure of The National Archives' website, we recommend that at least a link to OPSI complaints procedure web page be added to The National Archives' complaints procedure page so that IFTS complainants can be redirected as required. Longer term, The National Archives should consider ways that it can raise the profile of OPSI's complaints handling work on The National Archives website.

48. At present the only reference to the IFTS complaints process on The National Archives' website (excluding those in the OPSI area of the website) are in the [Your Rights](#) page of the Commercial Opportunities section of the website. The reference is in our view hard to find there, as references to IFTS in this area of the website are lost in any search by the more numerous references in the OPSI area. Our view is that if the previous recommendations to link IFTS firmly into the complaints procedure page are implemented, then the reference to IFTS on the Your Rights page can be removed and replaced with a simple link to The National Archives complaints procedure page.

Recommendation 12: The National Archives should:

- amend its complaints procedure website page to include a reference to complaints under IFTS and to the possibility that complainants who remain dissatisfied with the outcome of any internal review of their complaint can refer the matter to OPSI;
- amend the complaints procedure website page to include text explaining the role of OPSI as regulator of The National Archives under IFTS and giving assurances of OPSI's independence in the event of any complaint being referred;
- insert a link from its own complaints procedure page to that of OPSI with appropriate text, and consider ways to raise the profile of OPSI's complaints handling work;
- replace the existing reference to IFTS on the Your Rights web page with a link to the internal complaints procedure page.

49. We found the close involvement of The National Archives' Finance Department in the work of the Licensing Team to be a strength that supports The National Archives' performance by providing internal challenge validation of the team's work. We heard evidence that the Finance lead on licensing matters assists in identifying risks in building

business cases and the Finance input is useful to help identify opportunities.

50. We enquired about The National Archives' response to copyright infringements, and were told that these are at a low level and only really emerge in the Image Library field. The question of The National Archives' attitude towards copyright infringers is one that could be considered by the senior officer clearly identified as The National Archives' lead recommended at paragraph 27.

Innovation

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

51. We found plentiful evidence of The National Archives' willingness to innovate and to encourage innovation during our verification, and find that The National Archives is working at a **good** level against the Innovation principle.
52. The National Archives is an exemplar of good practice in Innovation in the approach it has taken to making legislation information and the supporting source code freely available under the Open Government Licence.
53. The National Archives has also shown Innovation in its use of its [National Archives Labs](#) website. This showcases new ideas originated in-house to present and make available National Archives published information in innovative forms or views. The website contains the following statement:

We'd also like to extend this area to allow developers, or those of you who are technically minded, to have a go at designing your own applications using some of our data. The National Archives has an incredible amount of data that we simply don't have the time and resources to do everything we'd like with: we'd like to open this data up so that you can.

However, we note that The National Archives does not presently have a developer licence to enable external developers to work on National Archives data to create and further develop innovative products and services. The National Archives Labs site could be used as stated above to provide that route into The National Archives' open information and we therefore recommend that the aspiration set out on the website should be followed through.

Recommendation 13: The National Archives should make open data available to developers through its National Archives Labs to encourage the development of innovative re-use of National Archives open data, and consider the introduction of developer licences for other data.

54. We were told that the templates used to assess LIA bids are regularly reviewed, and that the opportunity is taken to ensure that the templates recognise the changing uses of technology – for instance, to enable the use of digitised content via mobile apps. This shows a willingness to be open to innovative platforms and that The National Archives is not wedded to the traditional ways of delivering information.

PART THREE: BACKGROUND INFORMATION

Licensing Activity at The National Archives

55. The National Archives is an Executive Agency of the Ministry of Justice and a government department in its own right. Though presently exempt from the Re-use of Public Sector Information Regulations it is a voluntary member of IFTS, and a Crown body (though much of the archive content in its holdings either is, or contains, third party copyright material). The National Archives waives Crown copyright in re-use of information in archive material, but licenses re-use of imagery from archive material.
56. The National Archives' Finance Department confirmed that there were no targets for income to be generated by each licensing activity detailed below – rather there is a target for required income from all commercial activity.
57. The review of licensing files conducted as part of this re-verification focused on a selection of files relating to the academic and non-exclusive licences. The selection of files reviewed included one of The National Archives' major licensees and a number of smaller academic and non-exclusive licensees to provide a view of the application of IFTS principles to a variety of licensees and prospective licensees.
58. The review showed **good practice** in maintaining records and provided a clear view of the licensing activity for each customer. Proper National Archives procedures were followed – for instance we saw clear evidence that when a licensee enquired about co-promotion of non-exclusive licensed material on the same basis as LIA material, this was firmly refused and the reasons for refusal clearly explained.
59. The review found good practice against the Maximisation principle – there was no evidence of artificial barriers to licensing. We found evidence that Innovation is encouraged (for instance in the assistance given to an academic licensee to convert a previous hard copy publication into an on-line version, or in the steps to enable the development of phone apps for mobile use of The National Archives' historic currency converter). Transparency was followed where possible given the constraints imposed by licensees' commercial considerations, but we were encouraged to see clear evidence of The National Archives' refusal to depart from standard terms. As noted elsewhere, there are a range of licensing activities undertaken in The National Archives, and while these are mostly kept separate, we saw some evidence of a lack of Simplicity in the system with potential licensees confused as to who to approach to take a proposal forward (for example confusion between the roles of the Licensing Team, the Image Library and Record Copying relating to one proposal).
60. Given the lack of complaints against The National Archives licensing noted above, it was satisfying to see an effective response to a

complaint reflected in the licensing files (the case of negotiating remote access to slave register records where The National Archives worked to secure agreement with the licensee).

Customer and Business Development Directorate

61. **Commercial licensing:** This work is managed by The National Archives' Licensing Team. The first IFTS assessment of The National Archives focused mainly on the licensing of images of archive information to be re-used for remote research, and the recommendations from the first IFTS assessment therefore principally concern this aspect of The National Archives' licensing operations. These operations are typified by the scanning of large runs of records of interest to genealogical researchers, by partner organisations who then index the scanned images and make them available on a subscription or pay-per-view basis. The cost of digitising and indexing the information is borne by The National Archives' partners, who then pay The National Archives a royalty for each view of the information. This model is typified by a low royalty rate but high levels of usage (for example, digitised census records). The National Archives is particularly firm in insisting that the best model for this approach is a non-exclusive one, and The National Archives insists on receiving copies of scanned material which may subsequently be made available to other "second to market" partners who can re-use and re-index the material and exploit it in turn. This model supports The National Archives' wider business objectives by increasing remote access to its archive material, and by helping to preserve original archive documents by reducing wear and tear through repeated handling of unique source material.
62. **Academic licensing:** This work is also managed by The National Archives' Licensing Team. The team make licensing partnerships with publishers or academic institutions to make collections of digitised records available either on line, through published digital resources or via institutional intranets. Like the LIA partnerships, academic licensing is non-exclusive.
63. **Image Library:** The National Archives' Image Library provides a cost recovery service to research, find and provide high quality photographic imagery for private and commercial re-use. The Image Library's fees for some services are set by a Statutory Instrument, which was under review at the time of this verification, and has been introduced prior to the completion of this report ([The Public Record Office \(Fees\) Regulations 2012](#)). As the fees had not been reviewed since 2005, the Image Library has recently been making a negative contribution to National Archives licensing income. This work is carried out in the Customer and Business Development Directorate but now, a change since the last verification, is managed separately from the work of the Licensing Team.

Technology Directorate

64. **Safety Deposit Box (SDB)** The National Archives' own requirement for a solution to the various problems presented by the need to archive born-digital records has led to it developing a working relationship with the developers Tessella. This has resulted in the production of the SDB. This is a system for archiving digital records developed by The National Archives and Tessella in partnership. The National Archives retains IP ownership of parts of SDB, which Tessella now markets and supports under a commercial exploitation agreement with The National Archives. The National Archives receives income generated from the sales, and of course its own use of SDB to deliver its core objectives.
65. **DROID and PRONOM** DROID (the The National Archives' Digital Record Object Identification tool) was developed in house in partnership with Tessella and is made freely available for re-use by direct download from The National Archives' [website](#). The tool is made freely available because its use to improve records and information management in government and in the wider public sector is seen as being part of The National Archives' core public task.
66. Having identified file formats using DRIOD, downloaders can research the formats they find using The National Archives' PRONOM system about data file formats and their supporting software products. PRONOM is also made freely available under the Open Government Licence.

Information Policy and Services Directorate

67. **Legislation data** It is one of The National Archives' core public tasks under statute to make legislation available to the public. The [legislation.gov.uk](#) website is provided by The National Archives to do this through a published contract with The Stationery Office, and allows use and re-use of legislation data under the Open Government Licence. An expert participation programme involving expert re-users from the legal publishing sector has served to add considerable value to the data and offers a new model for making information available: neither charging, nor the information holder accepting the full cost of perpetually making the information available for free.

The National Archives' wider role

68. The evidence presented to us shows that The National Archives is aware that as the UK's lead archive, it sets the standard for the wider UK archive sector to follow. We heard evidence of the benefits reaped by other archives through following The National Archives' lead and advice in insisting on non-exclusivity in their digitisation contracts, and of the dangers encountered when that advice is not followed. This is recognised at Board level and we were told it is a key objective for The National Archives to set a template that other archive institutions can follow.

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	15	The National Archives should undertake a strategic review of the capacity and balance of its archival material digitisation work to determine if greater volumes of material can and should in future be considered.	H
Simplicity	2	23	The National Archives should develop and publish a simple and transparent charging model for Image Library services.	M
Transparency	3	27	The National Archives should identify a senior officer as The National Archives' lead to have strategic control of all National Archives licensing activities.	H
	4	28	The National Archives should draw up and publish a statement showing what information is produced as part of its public task.	M
	5	29	The National Archives should publish its standard charges per image for LIAs and consider publishing the evidence base for those charges.	M
	6	30	The National Archives should take account of the comments in this paragraph and those made in the website review at Appendix 2 to this report to improve its licensing web pages.	M
	7	31	The National Archives should ensure that the Licensing Opportunities web page is kept up to date and informative to encourage competition for LIA opportunities.	M
	8	32	The integrated single point of contact responsible for licensing matters should routinely report on significant licensing and re-use policy matters such as business model reviews to OPSI.	M
	9	33	The National Archives should consider changes to the standard licences to address the recommendations made in the licence review at Appendix 4. The National Archives should publish template licences, and should consider publishing its LIA assessment templates.	M
Fairness	10	39	The practice of offering one-off arrangements to secure Image Library business must either be put on a fair and published basis according to known criteria, or must be discontinued.	H

	11	41	The National Archives should consider how its commitment to IFTS can be embedded in business as usual and recognised in key planning documents. The commitment to IFTS should be re-issued by the present Keeper and Chief Executive.	M
Challenge	12	48	<p>The National Archives should:</p> <ul style="list-style-type: none"> • amend its complaints procedure website page to include a reference to complaints under IFTS and to the possibility that complainants who remain dissatisfied with the outcome of any internal review of their complaint can refer the matter to OPSI; • amend the complaints procedure website page to include text explaining the role of OPSI as regulator of The National Archives under IFTS and giving assurances of OPSI's independence in the event of any complaint being referred; • insert a link from its own complaints procedure page to that of OPSI with appropriate text, and consider ways to raise the profile of OPSI's complaints handling work; • replace the existing reference to IFTS on the Your Rights web page with a link to the internal complaints procedure page. 	M
Innovation	13	53	The National Archives should make open data available to developers through its National Archives Labs to encourage the development of innovative re-use of National Archives open data, and consider the introduction of developer licences for other data.	M

APPENDIX 2: PROGRESS

Recommendations of previous verification and if they have been met.

Principle	Ref	Recommendation	Priority	Action Taken	Status
Openness	39	Remove the exception to refuse licence applicants who are currently or previously have been in dispute with The National Archives	H	Removed	Complete
	40	Reword the exception that applications may be refused if they fall outside The National Archives standard terms and conditions, in order to reflect the actual circumstances these describe	H	Reworded	Complete
	46	Act on the points raised in the licence review in order to bring the documents further in line with IFTS and the commitment to the scheme	M	Ongoing review	Complete
Transparency	53	Adopt the language of re-use to reflect the culture of access and reuse championed	M	Internet and intranet reworded	Complete
	54	Adopt Key Performance Indicators (KPIs) for the licensing process	M	KPIs no longer used by The National Archives. Target response times implemented to measure performance for the licensing process instead	Complete
	55	Incorporate the intended price list calculation tool into the image library web page with an accompanying statement to the effect that users of the same material for the same purposes will be treated in the same way	H	Not implemented due to The National Archives' withdrawal from BAPLA. Plans agreed for alternative solution.	Not Completed, ongoing

	58	Revise the licensing web page to include reference to all IFTS principles including the Chief Executive's commitment to the scheme	H	Web pages revised, IFTS member logo not displayed	Part completed
Compliance	59	Develop formal licensing staff training materials, internal guidance and policy documents, particularly for the Competition Act	M	Training materials in place	Completed and ongoing
	60	Incorporate IFTS principle into the licensing team business plan, highlighting that meeting the IFTS commitment is a strategic objective	M	Reported to have been completed, but see comments at paragraph 41 on need for further action	Completed
Challenge	62	Explain clearly and unambiguously that the users should complain to The National Archives licensing team in the first instance, after which an independent complaints route is available under IFTS	H	Website updated	Completed

APPENDIX 3: WEBSITE REVIEW

IFTS Website Assessment

Organisation: The National Archives

Site available at: <http://www.nationalarchives.gov.uk>

Date assessed: 25 July 2012

Score: 155 <160 – Poor
160-180 – Adequate
>180 – Good

- 1.1 Does the website have an Information Asset Register? (**No**)
- 1.2 If yes, how many clicks is it from the homepage? (**N/A**)
- 1.3 How long did it take to find? (**N/A**)
- 1.4 If there is no IAR, is there other guidance on what information is available? (**Yes**)

The National Archives publishes guidance for the rest of government on the preparation and publication of IARs, so it is somewhat surprising that The National Archives has not yet published its own IAR. We did find evidence that information is published on forthcoming digitisation projects, so alerting potential bidders to work in future plans. There is also scope for external partners to propose work for future digitisation partnerships. The National Archives' catalogue, its main database of information about its archival holdings is also published on line and available for re-use. The lack of a published IAR means that potential in The National Archives' other information holdings is not made readily available – it should be a priority to publish The National Archives' information asset register.

- 2.1 Does the PSB use standard licences? (**Yes**)
- 2.2 Are these published in full on the website? (**No**)
- 2.3 If yes, how many clicks are they from the homepage? (**N/A**)
- 2.4 How long does it take to find? (**N/A**)
- 2.5 How many standard licences are there? (**1 standard licence, 1 academic licence variation, standard image re-use terms, Licensed Internet Associateship agreement**)
- 2.6 Is there an explanation of what different licences are for and is it clearly understood? (**Yes**)

Publication of standard licences would assist The National Archives in Transparency.

- 3.1 Is there any charge made for licences? (**Yes**)
- 3.2 Is there an explanation of the charges? (**Yes**)
- 3.3 Is there an explanation of how charges are drawn up? (**No**)

The National Archives' charges are clearly set out on the website, but Transparency could be enhanced by including an explanation of how the levels of charges are set.

- 4.1 Is there an IFTS commitment on the website? (**Yes**)
- 4.2 How many clicks is it from the homepage? (**5**)
- 4.3 How long does it take to find? (**1-2 minutes**)

The National Archives does have a published statement of commitment to the IFTS principles on its website. However, it is not dated, and is signed by the previous chief executive. It should be a priority to publish a statement signed by the current chief executive. Further, it is difficult to locate the statement (it is not found by a search of the website for the phrase "statement of commitment" for instance). It is situated on the "Your Rights" page of the Licensing Team's pages on the website. The National Archives should be using the IFTS member logo prominently on its home page or at least prominently on the Licensing pages and could link from there to the statement of commitment.

- 5.1 Is there clear and precise information on how to apply for a re-use licence? (**Partly – there is clear advice for licensing National Archives images and documents, but none for National Archives corporate information**)
- 5.2 Are there a variety of methods for applying for licences? (**Yes**)
- 5.3 Is it possible to apply online for a licence? (**Yes**)
- 5.4 Does it specify a timescale to grant licences? (**No**)
- 5.5 If yes, what is that timescale (in working days)? (**N/A**)

The quality of information available on-line for licensing archival material is good, though it could be improved by the publication of information about how long it takes The National Archives to grant licences. However there does not appear to be a route to request The National Archives corporate information for re-use via the web-site. The National Archives should proactively make its corporate information available for re-use as appropriate, using the recommended publication of an information asset register, and details on how to access and re-use this corporate information should be published alongside that register.

- 6.1 Does the PSB have a procedure for complaints regarding licensing decisions? (**Yes**)
- 6.2 How many clicks is it from the homepage? (**4**)
- 6.3 How long does it take to find? (**<1 minute**)
- 6.4 Does it mention that if the complainant is unhappy they can refer to OPSI or APPSI? (**Yes**)

The National Archives' complaints process regarding licensing is available from the Commercial Licensing web pages, helpfully flagged by a tab titled "Your Rights" which makes it easy to find. However this is separate to The National Archives' main complaints handling page, from which it is not referenced. See comments in main body of the report on improving the

complaints handling access points. It is our view that the main National Archives complaints page should link directly to the licensing “Your Rights” page to ensure that licensing complaints are correctly channelled.

- 7.1 Does the website explain what information is not available? **(No)**
- 7.2 If Yes, does it explain why? **(No)**
- 7.3 How many items are listed? **(N/A)**

The National Archives should include an explanation about why certain information is not available, both on its commercial licensing pages and in conjunction with the recommended publication of its Information Asset Register.

- 8.1 Does the website outline any exceptions to normal licensing policy? **(Yes, for licensing of archive material on the “Your Rights” page – but there is no equivalent explanation for The National Archives corporate information)**
- 8.2 If Yes, does it explain why that exception has been made? **(Yes)**
- 8.3 How many exceptions are there? **(8 exceptions listed on the commercial licensing pages– not all relating to categories of information – and a further 3 listed on the Crown copyright information page)**

Again, the information available for The National Archives licensed archival information is of a good quality, but the equivalent for The National Archives corporate information is not available. The exceptions themselves are reasonable and comply with IFTS principles – though we note that the final bullet (“We may refuse to allow you to reproduce material that concerns public security, defence, state security (including national economic wellbeing), confidential information, legal proceedings”) is open to interpretation. The National Archives should consider rephrasing this exception to explain how these subjective judgments will be made and whether there is any mechanism for the requesting licensee to challenge the decision. Having exceptions listed in two separate places on the website is not best practice, and we recommend that cross-referring links should be added to both pages.

- 9.1 Does the website have a Crown Copyright notice? **(Yes)**
- 9.2 Is it linked to from every page? **(No)**
- 9.3 How many clicks is it from the homepage? **(4)**
- 9.4 How long does it take to find? **(<1 minute)**
- 9.5 Is OPSI/HMSO mentioned, with contact details? **(No)**

Though not linked to from every page, the Crown copyright notice can be easily found through the A-Z index which is linked to from every website page. Contact details for OPSI/HMSO should be given on the Crown copyright notice page.

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

11.1 Is the material available by electronic means? (**No for commercial and academic licensing material**)

11.2 Is it possible to download direct from the website? (**No for commercial licensing material and The National Archives corporate data, but yes to imagery**)

11.3 If data is not available electronically, is there an explanation of how to obtain it? (**Yes for commercial licensing material, No for National Archives corporate information**)

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

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

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

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

12.3 Are the benefits of IFTS explained? (**No**)

12.4 Is the PSB using IFTS logos on their website and actively mentioning they are a member of the scheme? (**No**)

The National Archives should use the IFTS logos to which it is entitled on its website to demonstrate its commitment to the principles of the Scheme.

13.1 Does the PSB outline its policy towards its trading of PSI? (**Yes, for commercial and academic licensing activities**)

13.2 Does the PSB explain how it arrives at decisions? (**No**)

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

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

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

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

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

APPENDIX 4: LICENCE REVIEW

REVIEW OF Non-Commercial Licence

Evaluation Criteria

1. Clarity of licence terms

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

This licence is the clearest of those reviewed for this IFTS verification, and avoids jargon and legalistic language. In its wording and brevity it should serve as a model for other National Archives licences.

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?

No, the licence is comprehensive.

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 consistent.

5. Practical Arrangements

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

In general, yes, the practical arrangements are clear. No payments are made under this licence.

One small concern is that under Warranties (c) (iii) the licensee undertakes that "the Digitised Material will not contain any material which is obscene, blasphemous or defamatory." Leaving aside the possibility that such material might legitimately be contained in records in The National Archives that might legitimately be licensed for non-commercial publication (for example, records of a historic obscenity or blasphemy trial digitised for legitimate study), none of these terms are ones that can be defined absolutely. It would be open to interpretation if some material was obscene, for instance. The licence could be amended to allow for the licensees best efforts to ensure this.

6. Restrictiveness of terms

Are any of the terms unnecessarily restrictive?

Given that the licence is non-commercial and non-exclusive, it is not immediately clear what the reason for the 10 year term, renewable twice for two years, is. If a piece of digitised material is useful for education

purposes beyond 14 years, presumably there is no reason why a new licence could not be issued, and if so, why the existing one could not be extended. This clause seems to place restrictions both on The National Archives and on the licensee. If there is a valid reason for this 14-year cut-off, it should be explained in the licence; if there is no valid reason, the clause should be removed, or replaced with a less restrictive term. This aside, the licence is not restrictive.

REVIEW OF Licence to reproduce images

Evaluation Criteria

1. Clarity of licence terms

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

This is a lengthy licence – the example reviewed here runs to 14 pages – which is not helpful for clarity. Though not overly technical, the licence does include some overly legalistic phrases (for instance, see section 12 on third Party Proceedings: “The licensee shall not institute a suit or make any admission or statement or take any action on account of any infringement...The Licensee shall indemnify the Licensor and their successors and assigns...”). The licence could usefully be reviewed to remove legalistic language and use plain English, and to reduce length where possible by removing clauses that are not necessary.

2. Comprehensiveness of licence terms

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

The licence does not seem to have any significant omissions. There may in fact be some clauses that could be removed. For instance clause 7.7 gives the Licensor the right to visit premises where the Licensee is manufacturing products to ensure compliance with the samples. The licence should be reviewed to remove any unnecessary clauses.

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 consistent.

5. Practical Arrangements

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

The arrangements for payments are clearly set out in part 6 of the licence agreement. In general, the practical arrangements are clearly set out, taking account of the comments about legalistic language set out above.

6. Restrictiveness of terms

Are any of the terms unnecessarily restrictive?

This licence is, by its nature, a restrictive one. Its purpose is to limit closely what the licensee can do with the image rights acquired. Having said that we feel that the licence could be reviewed to make sure that all the restrictions are still required.

For instance, at clause 9 restrictions on sale are listed, and include some restrictions that might prevent legitimate marketing activities by the licensee.

REVIEW OF Academic Licence

Evaluation Criteria

1. Clarity of licence terms

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

Like the image reproduction licence, this is a lengthy document, running to 12 pages. However, it is clearly worded and mostly written in plain English avoiding unnecessary 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 licence does not seem to have any significant omissions, nor do there seem to be any unnecessary clauses. Some reduction in length could be made by reviewing the wording of clauses to simplify and reduce duplication (for instance clause 6.7, which starts (my emphasis) "The receipt **or** acceptance of any payment **or** any statement made or delivered to the Licensor shall not stop **or** prevent the Licensor disputing any such payment **or** statement at any time and the receipt **or** acceptance..." could certainly be shortened). Clauses and definitions should be reviewed to remove duplication and clarify the terms.*

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 consistent.

5. Practical Arrangements

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

The arrangements for payments and other practical matters are clearly set out in the licence agreement.

6. Restrictiveness of terms

Are any of the terms unnecessarily restrictive?

Generally, the licence is not unnecessarily restrictive. We do note however that the definition of "The Site" given at clause 1.1 seems not only to draw in the Publisher's websites that are relevant to this licence agreement, but any other websites owned by the Publisher. This seems unnecessarily restrictive and should be reviewed so that it only draws in relevant websites.

REVIEW OF Licensed Internet Associate Agreement

Evaluation Criteria

1. Clarity of licence terms

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

This is The National Archives' most significant licence, controlling the relationships with sizeable partners engaged in deals of considerable worth to The National Archives. It is therefore not surprising that the document is lengthy and complex (the draft reviewed here running to 30 pages including schedules). There is some legalistic language and some jargon, but in a document of this nature, probably not excessive.

2. Comprehensiveness of licence terms

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

The licence is extensive and covers most of the elements that would be expected in a document covering such a partnership. One possible omission is at clause 14 (Data Protection and Freedom of Information). We understand that in publishing archival information relating to individuals, it is possible that occasionally data will be released relating to living individuals, and that those individuals may request its withdrawal from publicly available websites. The National Archives has a take down policy to cover the removal of such information from its own website, and it may be sensible to require a similar take down policy in future agreements with LIAs.

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 seems to be consistent.

5. Practical Arrangements

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

The practical arrangements including those for payment are clearly set out.

6. Restrictiveness of terms

Are any of the terms unnecessarily restrictive?

This licence is, like the image reproduction licence, a restrictive one – the agreement sets out what LIA partners can and cannot do with the images that they are acquiring, defends the non-exclusive aspects of the arrangement and secures necessary benefits for The National Archives. It sets out clearly what is expected in return of The National Archives. However the balance of restrictions between the parties has developed over time and is well understood, and in the circumstances, the licence should not be considered to be overly restrictive.

APPENDIX 5: ACTIVITIES CARRIED OUT BY THE VERIFICATION TEAM

Methodology

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

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

The National Archives 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 National Archives staff at all levels who are involved in the policy or practice of providing information, including a National Archives non-executive director. The interviews took place during the week of 14 May 2012 and the week of 16 July 2012.

Licence File Review

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

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

A sample of The National Archives 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 The National Archives filed customer records in October 2012.

Website review

A review of The National Archives' 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 25 July 2012. The results of the website review are at Appendix 2 to this report.

Licence review

The terms and conditions of The National Archives standard licence, academic variation, image re-use terms and LIA agreement were reviewed.

Complaints process

The National Archives customer complaints process was examined by the team and the complaints 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 The National Archives licensing team and senior managers

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