

	General Delegation in respect of Documents the supply of which fall outside a Government Body's Public Task	THE	
		NATIONAL	
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Background

- a. The Keeper of Public Records ("**the Keeper**") has been appointed by Her Majesty by Letters Patent to hold and administer copyrights and database rights belonging to the Crown on Her behalf.
- b. The use and re-use of documents held by Public Sector Bodies (as defined therein) is governed by, among other things, the Re-use of Public Sector Information Regulations 2015 (the "**RPSI Regulations**").
- c. Regulation 5(1) provides that the RPSI Regulations do not apply to a document where the activity of supplying the document is one which falls outside the public task of the Public Sector Body, provided that the scope of the public task of that body is transparent and subject to review.
- d. The default licence for most Crown-owned copyright and database rights is the Open Government Licence ("**OGL**").
- e. The Keeper from time to time grants delegations of authority to enable licences to be granted allowing the use and/or re-use of Crown and Crown-owned copyright and database rights outside the terms of the Open Government Licence where there is a clear justification for such a delegation.
- f. The Keeper considers that where the activity of supplying a document is one that falls outside the public task of a government body, it may be in the public interest for that body to be able grant licences in respect of that document on terms other than the OGL.

Grant of Delegation to Accounting Officer

1. This delegation of authority applies if you are a Crown body, government department or agency, including any Public Sector Body (as defined in the RPSI Regulations).
2. Subject to the conditions set out at 3 below, the Keeper hereby grants the Accounting Officer a delegation of authority to grant licences to third parties on terms other than the OGL to use and/or re-use Crown and Crown-owned copyright and database rights in documents you hold, where the activity of supplying a document is one that falls outside your public task.
3. In order to license material under this delegation of authority the Accounting Officer must ensure their organisation complies with the following conditions:
 - a. You must have a transparent, accessible and up-to-date statement of your Public Sector Information public task (whether pursuant to the RPSI Regulations or otherwise) published on your website and that public task must be subject to review
 - b. You acknowledge that you remain responsible for complying with all information

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access, use and re-use obligations that apply to your organisation, including (but not limited to) those arising under the RPSI Regulations and any licensing obligations arising from the Freedom of Information Act 2000 Sections 11A and 19, and that re-users' complaints about your meeting any of your statutory obligations may be made to the Information Commissioner.

- c. The material in question must not have been licensed under the Open Government Licence.
- d. The material in question must not be licensed separately by another body to which this delegation applies.
- e. This delegation does not apply to articles written by Crown servants submitted to academic journals, where specific guidance is in place
- f. You must use an appropriate statement on material licensed pursuant to this delegation, confirming the Crown's ownership of the relevant copyright/database rights, the name of your organisation and the date of publication.
- g. You must keep proper records about the licence for its full term, including in appropriate asset registers and publication schemes kept under requirements such as Managing Public Money, the Freedom of Information Act 2000 and the RPSI Regulations.
- h. You must provide contact details for queries about licences you have granted in an accessible location on your website.
- i. On request, you must provide information on these licences to the Keeper's staff to assist them in carrying out the responsibilities under his Letters Patent.
- j. You must notify the Keeper's staff of any potential infringements so that the lead role in any such action can be agreed; no legal action should be initiated without approval and so that appropriate arrangements can be made to join the Keeper to the action as copyright holder.

Keeper of Public Records

The National Archives

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