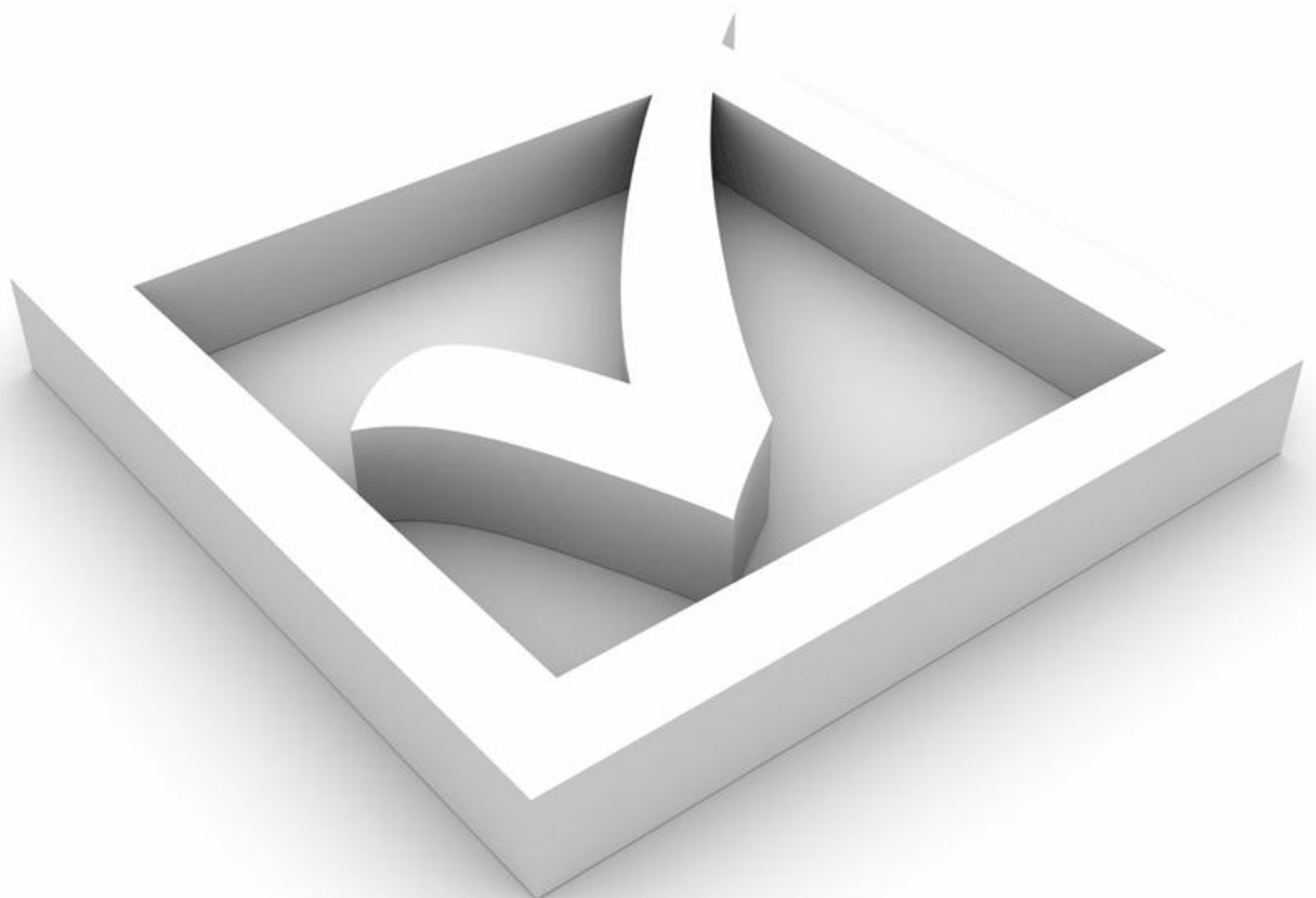


Information Fair Trader Scheme Report

Public Health England

July 2015



PART ONE: IFTS ASSESSMENT	4
PART TWO: HIGHLIGHTS AND AREAS FOR IMPROVEMENT	6
MAXIMISATION	6
SIMPLICITY	7
TRANSPARENCY	9
FAIRNESS	10
CHALLENGE	11
INNOVATION	12
PART THREE: BACKGROUND INFORMATION	14
APPENDIX 1: SUMMARY OF RECOMMENDED ACTIONS	16
APPENDIX 2: WEBSITE REVIEW	18
APPENDIX 3: LICENCE REVIEW	21
APPENDIX 4: ACTIVITIES CARRIED OUT BY THE VERIFICATION TEAM	23

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PART ONE: IFTS ASSESSMENT

Overall Assessment







1. The Information Fair Trader Scheme (IFTS) is the best practice model for public sector bodies wishing to demonstrate compliance with the Re-use of Public Sector Information Regulations 2005 (the Regulations)¹. 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. Public Health England (PHE) was granted a delegation of authority in relation to Crown copyright upon its establishment in April 2013; the delegation was formally issued in May 2014. This was signed by the Chief Executive and published. The team would like to thank PHE for its assistance in arranging interviews with the relevant people. Some examples of good practice were noted during the verification, and it was unfortunate that the process encountered delays.
2. PHE was assessed against the IFTS principles by the Office of Public Sector Information (OPSI), from March to June 2015. While good practice was demonstrated in some areas, particularly with staff being aware of the importance of making the information available for re-use, there is still work to be done before PHE can be accredited to IFTS.
3. This is the first time PHE has been verified since it was established on 1 April 2013. PHE was formed to bring together public health professionals from over 70 organisations into one public health service. PHE inherited staff from other organisations that brought with them their own structures and datasets. This complexity in merging so many bodies into a single organisation did cause difficulties when PHE was first set up, but work has been done to encourage a smooth and effective transition across the integrated organisation, although it appears there is still progress to be made to fully unify some areas.

IFTS Performance Management Framework

4. On the basis of this verification, PHE has not been accredited to the IFTS at this time. PHE will work on the high priority recommendations in the areas identified as priority attention areas (Simplicity, Transparency and Challenge). OPSI will assess PHE's progress in meeting these recommendations in six months' time. At this point, OPSI will also undertake the licence file review.
5. Below is a table rating PHE's position against the IFTS principles. PHE does not currently carry out a large amount of information trading,

¹ The 2005 Regulations were in force during the investigations for this verification report. The 2005 Regulations have now been revoked, and replaced by the [Re-use of Public Sector Information Regulations 2015](#).

however it has the potential to increase as the capacity of the Office for Data Release grows. PHE has responded positively to early findings of the review. We consider that the recommendations in this report will help PHE improve its rating under each of the IFTS principles and enable PHE to become an accredited member in the near future.

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

PART TWO: HIGHLIGHTS AND AREAS FOR IMPROVEMENT

Maximisation

‘An obligation to allow others to re-use material.’

6. PHE is a knowledge organisation and is committed to publishing as much of the information it produces as possible, as publicly stated in its Knowledge Strategy. It makes the published information available for re-use under the Open Government Licence (OGL). As such, we found PHE to be performing at a **Good** level against the IFTS maximisation principle. There are, however, silos of information across the organisation and these are managed in different ways. The most advanced is cancer data and the management and re-use of cancer analysis information will serve as the benchmark and model for other datasets. Anonymised cancer data is currently available free of charge to registered users for research purposes. This is **good practice** as there is a data protection reason for restricting access to registered users only.
7. PHE recognises that it needs to do more to improve access to the datasets it collects and manages. Employees at PHE explained that the organisation has been focussed on collecting data and using it internally but capacity for data release to others has been limited and at times unable to meet the growing demand for these improving data collections. For example, cancer analysis data is made available for internal re-use, and PHE is considering ways to make it more easily available externally. We were informed that a simulacrum for cancer data is under development and will be put into the public domain. PHE is currently exploring funding options and academic partners to develop this. The simulacrum will use data that is created artificially by PHE staff so as to have the same properties as the original database, allowing users to search the tool making full use of the data without the concern that it could be used to identify individual patients. This is a good way of maximising re-use and will be discussed further under the innovation principle.
8. During the verification, we were told that PHE has no Open Data policy and that whilst there is a knowledge strategy, there is no policy to support this and it has not been implemented. We were told that the strategy has not been owned by PHE and is not appropriately resourced and supported and this is a barrier to getting information to potential re-users.

Recommendation 1: PHE develops and implements an Open Data policy and supports and resources the implementation of its Knowledge Strategy.

9. Whilst there is a wealth of information on the PHE section of the gov.uk website, PHE should undertake a survey of its information holdings to produce an information asset list. From that list, PHE may identify some materials that it wishes to develop and license itself,

forming part of its future plans for new products. Other material from the asset list could be identified as suitable for external re-users to request access to and use to develop new products under OGL terms.

Recommendation 2: PHE should draw up and publish an information asset list detailing its undeveloped information holdings, and from that list should identify items to be made available for re-use and development under the Open Government Licence terms

10. PHE is one of a few organisations that can collect identifiable data without the consent of patients for certain approved purposes such as managing and controlling communicable diseases and other risks to health. As such, PHE has to take care to ensure that data cannot be amalgamated to enable patients to become identifiable. This is acceptable under the IFTS, but it would be good if the simulacrum could extend to this data in the future to enable the data to be re-used.

Recommendation 3: Once the simulacrum has been created, the model should be extended to other instances where it could be used for potentially identifiable data.

Simplicity

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

11. PHE is operating at a **Development level** against the Simplicity principle. The structure of the organisation is complex; often duplicating re-use responsibilities, as licensing decisions are made within individual teams. This is a concern. Whilst the development and introduction of PHE’s Office for Data Release (ODR) is a positive development and has the potential to be a model of best practice in terms of simplicity in the future, to be worthwhile it needs to be properly resourced and developed as the route for all re-use requests where data is not made available under the OGL. Further work is required to make this transition.

12. PHE is aware that some re-users request information for non-research purposes, or require information where there is potential that patients could be identified by amalgamating datasets. The ODR has been set up to deal with these types of requests and assess in a structured and consistent way the risks to patient confidentiality that they may present.

13. Most of the data released by the ODR is licensed under the terms of the OGL and incurs no charge. It is good practice to use the OGL and its use is encouraged. The ODR does, however, charge a fee where it has to produce bespoke data to meet a particular request. This is charged at cost price and uses the Treasury model. The intention is that ODR will be the route for all PHE data releases in the future, but when interviewing other PHE staff we found some confusion

concerning whether the ODR is already operational and some key interviewees were not aware of its function. In fact, the ODR has been operating with a limited remit for over 12 months, specifically to clear in the first instance a backlog of requests to access cancer registrations data. This backlog has now been cleared.

Recommendation 4: PHE should ensure key personnel are aware of the ODR and its role in maximising re-use of information so that requests can be directed accordingly.

Recommendation 5: PHE should put a plan in place to make more data available through the ODR and ensure that it is sufficiently resourced to manage an increased remit.

14. During the verification, several people mentioned PHE's Opportunity Assessment Groups (OAG). OAGs are committees formed on the instruction of PHE National Executive to oversee commercial opportunities within each directorate. The key role of each OAG is to review and assess opportunities for externally-funded business regardless of funding source. In addition, OAGs may have other supporting roles such as review of projects, risk management, or general review of management issues relevant to the directorate. OAG approval is a key governance step in the process for contracting external revenue commitments.
15. The OAGs meet at differing frequencies depending on how much work there is to process in each directorate. OAGs try to make decisions on the same day, but are able to request further information if necessary. The types of issues considered by OAGs are funded research and development opportunities, collaboration with universities, competed commercial contract work, licensing agreements, charges for licensing and standard price lists and terms.
16. The OAGs appear to work well, but it is unclear what interaction there is between them and how PHE ensures fairness when decisions are made. In addition, in some OAGs no notes are produced and information is merely stored on the OAG Tracking Information System (OTIS) or on other tracking tools. All enquiries should be submitted and filed on OTIS as it enables all opportunity data to be captured and recorded on a central database. There is no representative from the ODR on the OAGs, and the relevant OAG must actively flag issues with the ODR as they arise. As such, it is difficult to assess whether the OAGs are working as efficiently and effectively as they could with regard to information trading.

Recommendation 6: PHE should consider how it ensures fairness and consistency of approach across the various OAGs and whether there should be an umbrella group or similar to monitor decisions and proposals.

Recommendation 7: PHE should consider whether the ODR should be represented on one of the OAGs and if not, the need

to flag issues with ODR should be included in OAG's terms of reference.

17. PHE uses the OGL when licensing re-use of its information for non-commercial purposes. This is an example of **good practice**. Currently, there is very little commercial re-use, and it is unclear whether re-use on a commercial basis is encouraged.
18. Currently, each directorate deals with its own re-use queries, and this means that it is not as simple as it could be for customers to find out how to obtain a licence to re-use the information. It appears to be the case that re-usable data held in different parts of the organisation may have to be requested twice by a single re-user, and may have different terms attached. This would present an unnecessary barrier to re-use. If the ODR were to deal with requests for all types of re-use, not just re-use of cancer data, that would simplify the process for re-users.

Recommendation 8: The process for re-use of information should be streamlined to ensure it is as simple as possible for customers to re-use information.

19. A delegation of authority to license Crown copyright information was requested by PHE for two pre-existing exclusive agreements with large pharmaceutical companies, however towards the end of the interviews it transpired that the agreements were for patents, which are not covered by the delegation or IFTS. Several interviewees acknowledged that, in hindsight, the delegation had possibly not been necessary in so far as it applied to these pre-existing arrangements. There is the potential, however, for some information to be shared when licensing patents and consideration should be given means to ensure this is not locked into an exclusive arrangement.

Recommendation 9: PHE should work with OPSI to update the detail of the Crown copyright delegation.

Recommendation 10: PHE should ensure that consideration is given to any information shared under exclusive patent or non-copyright licence agreements to ensure they meet the IFTS principles.

Transparency

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

20. PHE is operating at a **development** level against the Transparency principle. Considerable attention is required to ensure that PHE's published information meets the standards required by the Transparency principle. We expect PHE to recognise the importance of complying with the provisions of the IFTS and its statutory

obligations under the Re-Use of Public Sector Information Regulations. PHE should seek to address its shortcomings in the Transparency principle.

21. The Chief Executive has made a commitment to the Information Fair Trader Scheme, which has been published on the PHE webpages, which is **good practice**.
22. There are some circumstances where PHE applies exceptions, i.e. cases where PHE is not prepared to license its information, particularly where it feels that the proposed re-use could potentially enable a patient to be identified. These exceptions are permitted, but they not presently published, and they should be.

Recommendation 11: PHE should publish online a list of the exceptional circumstances where PHE is not prepared to license its information.

23. PHE has not published a statement of its public task. A clear, published statement of PHE's public task would improve transparency and provide much needed clarification for staff, licensees and potential licensees. Potential re-users could establish whether the information they are seeking is covered by PHE's public task. Having a published statement of public task is now a requirement of IFTS membership and is required under the [Re-Use of Public Sector Information Regulations S.I. 2015/1415](#).

Recommendation 12: PHE should draw up and publish a statement of its public task.

24. There is no information currently published as to how PHE's prices are calculated and agreed. PHE should publish a statement setting out how its prices are calculated.

Recommendation 13: PHE should publish information on its webpages to explain how its information prices are calculated and set.

Fairness

'Applying terms without any discrimination'

25. PHE is generally operating at a **satisfactory** level against the Fairness principle, however there was mention by some interviewees of PHE preferring to work with partner companies already known to them.
26. It is encouraging that PHE offers companies the chance to work on an idea on a non-exclusive basis, however PHE should be offering to work with a broader range of organisations; from the interviews, it was apparent that some teams tended to work only with a number of known, favoured companies, which has the potential to discriminate against new entrants to the market. We were concerned that PHE's approach to identifying commercial partners to work on innovative

proposals might have the potential to be unfair to businesses that have not previously worked with PHE.

Recommendation 14: PHE should improve its compliance with the Fairness principle, by ensuring that the chance to work on an idea is opened up to the wider market and not just those already known to PHE.

27. A large amount of PHE material is published and this information can be re-used free of charge. However, where a customer requires information to be manipulated, PHE charges for this on a case-by-case basis, depending on the amount of time and effort required to manipulate the data.
28. The pricing of PHE licensed materials is presently set on a case-by-case basis by the project officer working in that particular field with input from the Finance Department, which ensures Treasury rules on pricing are being followed. It became apparent that some PHE employees did not appreciate that the additional work needed to modify data should be charged to the re-user, as they felt they were being paid to work anyway (i.e. not appreciating that the additional work was taking attention away from core duties) and in some cases there was frustration that people were not charging for data and not referring their decision to Finance. Where licences were referred to Finance, the Finance team had to clarify that charges should be made for time spent on modifying data to fulfil a customer request. This is a concern as there is potential for unfairness if project officers are not compliant with PHE policy and represents another reason it would be good practice to channel re-use requests through a central point such as the ODR.
29. Furthermore, an explanation of how PHE determines its prices should be published to show the fair process in place (and further enhance Transparency).

Recommendation 15: To ensure fair pricing of PHE products, PHE Finance Department (or equivalent) should be involved in the price-setting process, and that process should be published to demonstrate a fair process and enhance Transparency.

Challenge

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

30. PHE is operating at a **development level** against the principle of Challenge. To date there have been no complaints about the re-use of information. However this could change once re-use of PHE data becomes more commonplace and we do not feel that PHE is yet in a position to handle re-use complaints effectively.

31. There is a complaints form in the Business Development Handbook, but the complaints process and form does not specifically deal with re-use.
32. Currently, it appears that complaints would be handled by the relevant project officer, however once the ODR is established, responsibility for the initial review of complaints will be considered there.

Recommendation 16: PHE should ensure that it has the policies and systems in place to fulfil its obligations under the Challenge principle once the role has been taken on by the ODR.

33. There are, however, some steps that PHE could take which would quickly help to raise its performance against the Challenge principle.
34. PHE's webpages do not presently identify the particular right available to PHE licensees to complain under the Re-Use of Public Sector Information Regulations and IFTS, and it should do so.

Recommendation 17: PHE's licensing pages should be revised to set out that licensees have the right of complaint under the Re-Use Regulations and IFTS, to explain how complaints can be made and how PHE will process them.

35. During the course of our verification, we examined PHE's Business Development Handbook, which includes a section on complaints handling. As these are the standards used by staff in handling contact with dissatisfied customers, they will be important in ensuring that complaints under IFTS are correctly handled. The procedures do not presently mention IFTS and the possibility of referring complaints arising under IFTS.

Recommendation 18: PHE should revise its Complaints section of the Business Development Handbook to ensure they cover PHE's membership of IFTS.

Innovation

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

36. We were encouraged to see signs that PHE is encouraging innovation in its licensing activities, and find that PHE is operating at a **satisfactory** level against the **Innovation** principle.
37. PHE is a knowledge organisation, with a wealth of information being made available on the PHE webpages which re-users may download and re-use free of charge for research purposes. This is encouraging, as it means that there is potential for new products to be developed using the health protection, health improvement and healthcare public health data collected by PHE. PHE should, however, consider the possibility of allowing re-use for commercial purposes, as it is not clear that this is actively encouraged.

38. We fully recognise that PHE is operating in a difficult environment, in that it must balance its position as the UK's public health body against the demands to generate income and that some of its information is not only sensitive, but could potentially cause harm if re-used by unqualified individuals. The pressures to raise funds, particularly in innovative ways, must always be weighed against the need to fulfil PHE's principal objective. There remains scope for PHE to embrace innovative re-use of its information.

Recommendation 19: PHE should embrace innovative re-use of its information within its core role as the UK's public health body.

39. PHE informed us of the development of a simulacrum for cancer data, using information which has been artificially created so as to share the same statistical characteristics as the original cancer data, thereby retaining the utility of the source data but avoiding any possibility of combining data to identify individual cancer patients. As mentioned in paragraph 7, we hope it will be introduced for other PHE information which cannot be anonymised but would be useful to researchers and others if it could be made available without risking the identification of data subjects. The simulacrum is an excellent example of **good practice** as it enables re-users to manipulate typical data without the risk of data being linked to particular patients, particularly when datasets are combined. This enables re-users to develop innovative new products and services using data to which they would not usually have access.

Recommendation 20: PHE should support the development of the cancer registration data simulacrum and identify other databases to which the principle could be applied to allow other data releases.

PART THREE: BACKGROUND INFORMATION

Licensing Activity at PHE

40. PHE is an executive agency of the Department of Health. Its objective is to protect and improve the nation's health and wellbeing, and reduce health inequalities. PHE employs 5,000 staff, mostly scientists, researchers and public health professionals. PHE was established on 1 April 2013 to bring together public health specialists from more than 70 organisations into a single public health service.
41. Data is collected not only by PHE directly, but also from partner organisations. PHE will continue to operate as a collector of data for public health purposes directly from organisations such as NHS laboratories, NHS acute trusts, primary care and a commissioner of other data collections including surveys.
42. The licensing governance structure in place within PHE is unique as it requires the operational directorates to review all commercial or contracting activity through the OAGs. No single team has responsibility for licensing activities. If a request for a licence cannot be met from the standard public offering, it is reviewed by one of the relevant OAGs. The cost and price are analysed and decided upon in committee, taking into account the nature of the request, cost of providing the service, Treasury guidance and any regulations appropriate to setting the price. The licence or other contracting agreement is then coordinated by an allocated business development manager in conjunction with the nominated project leader and PHE Legal Affairs.
43. The majority of licensing is related to the patent portfolio, which is outside the scope of this report. However, PHE does have opportunity to license its copyright material under the Delegation of Authority. The major effort in this context will be in relation to the data collection overseen by the Chief Knowledge Officer's Directorate, with lower levels of activity involving infectious disease data which takes place in the Health Protection Directorate. PHE has published a Knowledge Strategy on its website which promotes open access to some of the data sets it holds. These are available through the PHE Data Gateway, which is accessible from its public homepage. Many of these data sets are available free of charge under the Open Government Licence. Some data is sensitive or for professional use only, and this is made clear when attempting to access any particular dataset.
44. Commercial licensing activity has been limited largely to those requesting not solely information, but also information and analytical services from PHE staff. No two requests are the same, and they are processed through its internal governance process to ensure that an appropriate fee is charged, in accordance with Treasury regulations.

Conclusion

45. PHE will now draw up an action plan which it will share with OPSI to show how it proposes to meet the recommendations. OPSI will return to PHE in six months to carry out a review of licensing files and review the action plan and progress against the key recommendations.

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	8	PHE develops and implements an Open Data policy and supports and resources the implementation of its Knowledge Strategy.	H
	2	9	PHE should draw up and publish an information asset list detailing its undeveloped information holdings, and from that list should identify items to be made available for re-use and development under the Open Government Licence terms	H
	3	10	Once the simulacrum has been created, the model should be extended to other instances where it could be used for potentially identifiable data.	M
Simplicity	4	13	PHE should ensure key personnel are aware of the ODR and its role in maximising re-use of information so that requests can be directed accordingly.	H
	5	13	PHE should put a plan in place to make more data available through the ODR and ensure that it is sufficiently resourced to manage an increased remit.	H
	6	16	PHE should consider how it ensures fairness and consistency of approach across the various OAGs and whether there should be an umbrella group or similar to monitor decisions and proposals.	H
	7	16	PHE should consider whether the ODR should be represented on one of the OAGs and, if not, the need to flag issues with ODR should be included in OAG's terms of reference.	M
	8	18	The process for re-use of information should be streamlined to ensure it is as simple as possible for customers to re-use information.	H
	9	19	PHE should work with OPSI to update the detail of the Crown copyright delegation.	H
	10	19	PHE should ensure that consideration is given to any information shared under exclusive patent or non-copyright licence agreements to ensure they meet the IFTS principles.	H
Transparency	11	22	PHE should publish online a list of the exceptional circumstances where PHE is not prepared to license its information.	H
	12	23	PHE should draw up and publish a statement of its public task.	H

	13	24	PHE should publish information on its webpages to explain how its information prices are calculated and set.	M
Fairness	14	26	PHE should improve its compliance with the Fairness principle, by ensuring that the chance to work on an idea is opened up to the wider market and not just those already known to PHE.	M
	15	29	To ensure fair pricing of PHE products, PHE Finance Department (or equivalent) should be involved in the price-setting process, and that process should be published to demonstrate a fair process and enhance Transparency.	M
	16	32	PHE should ensure that it has the policies and systems in place to fulfil its obligations under the Challenge principle once the role has been taken on by the ODR.	M
Challenge	17	34	PHE's licensing pages should be revised to set out that licensees have the right of complaint under the Re-Use Regulations and IFTS, to explain how complaints can be made and how PHE will process them.	M
	18	35	PHE should revise its Complaints section of the Business Development Handbook to ensure they cover PHE's membership of IFTS.	M
Innovation	19	38	PHE should embrace innovative re-use of its information within its core role as the UK's public health body.	H
	20	39	PHE should support the development of the cancer registration data simulacrum and identify other databases to which the principle could be applied to allow other data releases.	H

APPENDIX 2: WEBSITE REVIEW

IFTS Website Assessment

Organisation: Public Health England

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?

There are links to the Open Government Licence on the sections of the website relevant to particular types of information, however it refers people to OPSI for queries and as PHE is operating under a delegation of authority, it should be dealing with its own licensing queries.

2. How standardised are the PSB's licences?

It is unclear how standardised PHE's licences are.

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

No

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

No, exceptions are not listed and explained.

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

Some information produced by PHE is made available under the Open Government Licence, which is good practice. It is not always clear which information is available under this licence and which information is available under other standard licences.

PHE's data licence is complex and legalistic and may be too complex for the material concerned.

Other policy issues

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

PHE does have an internal complaints process, however it is not available online.

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

No

8. Does the PSB flag its membership of IFTS?

No – but this is not yet possible as PHE has not been verified as an accredited IFTS member.

9. Does the PSB publish its IFTS commitment?

Yes

10. Does it explain its IFTS obligations?

No – as it is not yet an accredited IFTS member.

11. Does the PSB have other feedback mechanisms?

No

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, many data sets are available on the PHE webpages through the data and knowledge gateway. An example of this is the Cancer Commissioning Toolkit.

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

Whilst there are obvious concerns about patient confidentiality, a good proportion of PHE's data sets are available via the web.

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

Yes.

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

PHE has a Publication Scheme on its webpages.

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

Not applicable.

APPENDIX 3: LICENCE REVIEW

PHE has provided a copy of two licences: Publication of Articles Written by Civil Servants and its Data Licence Agreement. In addition, it uses the Open Government Licence.

Review of Publication of Articles Written by Civil Servants Agreement

Publication of articles written by civil servants

This licence is to cover articles and presentations written by Ministers and civil servants in the course of their duties, where the work produced is covered by Crown copyright.

In section 2, the licence is factually incorrect as the Controller of HMSO has not delegated authority to license Crown Copyright to all government departments. All departments and agencies with a delegation of authority have to become members of the IFTS, therefore only those bodies under the IFTS Members section of our website have a delegation of authority.

Evaluation Criteria

1. Clarity of licence terms

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

This licence is clear and is written clearly in plain English, avoiding jargon or legalistic terms.

2. Comprehensiveness of licence terms

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

The licence is very basic, but appears to cover the main elements that ensure the documents or articles are not re-used in a manner which will bring PHE into disrepute. The licence covers the basics requirements of Crown Copyright.

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?

No, the licence does not mention charges so presumably re-use is free. This should be made clear.

6. Restrictiveness of terms

Are any of the terms unnecessarily restrictive?

No, the licence is not restrictive.

REVIEW OF DATA LICENCE AGREEMENT

Evaluation Criteria

1. Clarity of licence terms

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

This agreement is more complex and lengthy than the Publication of Articles written by Civil Servants Agreement. The licence contains jargon and many legalistic terms. This licence could be simplified.

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 section on 'dispute resolution' could be expanded to cover the PSI Complaints process. I would not expect all IPR to be assigned to PHE, and this seems excessive.

3. Fairness

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

No, the licence is fair.

4. Consistency

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

No, the licence is, in general, consistent.

5. Practical Arrangements

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

The process for making payments is clearly set out.

6. Restrictiveness of terms

Are any of the terms unnecessarily restrictive?

In general the terms are not unnecessarily restrictive; however Clause 12.2 regarding assignment of IPR is onerous and could be a barrier to re-use.

APPENDIX 4: ACTIVITIES CARRIED OUT BY THE VERIFICATION TEAM

Methodology

The IFTS procedure against which PHE has been verified reflects recent information policy developments. An IFTS Strategy² and a Performance Management Framework³ 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

PHE 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 PHE staff at all levels who are involved in the policy or practice of providing information, including a PHE non-executive director. The interviews took place during the week of 23 March 2015, 20 April 2015, 18 May 2015, and 15 June 2015,

Licence File Review

² <http://www.nationalarchives.gov.uk/documents/ifts-strategy.pdf>

³ <http://www.nationalarchives.gov.uk/documents/ifts-performance-management-framework.pdf>

A licence file review will be carried out during the 6-monthly progress review.

Website review

A review of the PHE 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 5 June 2015. The results of the website review are at Appendix 2 to this report.

Licence review

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

Complaints process

PHE's complaints process will be examined at the 6-monthly progress review.