

1.3 – USING YOUR DATA UNDERSTANDING LAW & LICENSING

Law and licensing

Please note, I am not a lawyer and this should not be treated as legal advice.



Key laws affecting data

Intellectual Property - copyright and database rights

Data Protection

Freedom of Information Act

What are intellectual property rights?

Rights which are given which allow ownership of creations

- Patents
- Trade marks
- Design rights
- Copyright
- Database rights
- Many creations are a bundle of rights – protected by more than one or all of the above

Copyright Designs & Patents Act 1988

Original works - e.g. content, graphics, text, music

Gives exclusive rights to the author of the work allowing the author to control the copying and exploitation of it

Arises automatically

Fair dealing - criticism or review, reporting current events, non-commercial research, educational use

Beware “public domain” assumption and myth

Database definition

“A collection of independent works, data or other materials which are arranged in a systematic or methodical way and are individually accessible by electronic or other means”

Databases

Copyright

Creative effort and substantial investment in the selection and presentation

Individual components of the database

Database rights

Substantial investment in obtaining, verifying and presenting the database

(Note: database rights are jurisdiction specific and not found in all countries)

Rule of thumb

- Do you have rights or permission to publish?
- Do you have rights to use the information/
data?
- Is the data derived from other sources?
- What are the permissions concerning those
sources?

(see licensing)

Data Protection

Personal Data

- Data Protection Act 1998
- Data relating to a living identifiable person must be processed fairly and lawfully
- Processing that is not immediately apparent to users e.g. cookies (new laws and guidance) damages available to data subjects

Rule of thumb

Does this data contain personal identifiable data?

Could this data be used combined with another data set to create personal identifiable data?

Anonymisation is hard

See

<http://www.scribd.com/doc/128356210/Business-considerations-for-privacy-and-open-data-how-not-to-get-caught-out>

<http://www.scribd.com/doc/125638490/Getting-to-grips-with-the-National-Pupil-Database-personal-data-in-an-open-data-world>



Licences: what to look for

Licenses identify the scope and limited of how intellectual property can be used. Commonly used in the UK:

- All rights reserved
- Royalty free license
- Paid-for license
- Open Government Licence
- Creative Commons Licence
- Open Database License (ODbL)



Open Government Licence

for public sector information

delivered by
A The National Archives

[Back to The National Archives](#)

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<http://www.nationalarchives.gov.uk/doc/open-government-licence/version/2/>

Rule of thumb

If you are uncertain about what rights you may have over a piece of content or dataset or how you can use it...

Contact the owner. Ask.



And what about crowd-sourced data?

social-media / video / youtube

Crowdsourcing the news: Do we need a public license for citizen journalism?

by Mathew Ingram MAY. 24, 2013 - 4:12 PM EDT

14 Comments

AV A

SUMMARY: *Social platforms like YouTube have become a rich source of "citizen journalism" about breaking news events, but media outlets don't always provide credit. Mark Little of Storyful wants to try and change that with a public license for video news.*



photo: Flickr user Petteri Salonen

tweet this

By now, it should be obvious to just about anyone that "citizen journalism" or "user-generated content" is a crucial part of what the news has become, whether it's a photo of a plane landing on the Hudson or a [video of a bomb exploding in Boston](#). Unfortunately, the ways that media entities handle such content is all over the map — some give credit, while others take whatever they want without so much as a link. Do we need a formal structure to deal with this new reality?

<http://paidcontent.org/2013/05/24/crowdsourcing-the-news-do-we-need-a-public-license-for-citizen-journalism/>

Requesting UK government data be
released

Unpublished data directory

The screenshot shows the Data.gov.uk website interface. At the top, there is a navigation bar with 'Home', 'Data', 'Data requests', 'Apps', 'Blogs', 'Forum', 'Library', 'Location', 'Linked Data', and 'About'. Below this is a search bar with 'Search' and 'Map Search' options. The main content area is titled 'Data Search' and displays '3950 Results'. A search input field contains 'Search...' and a 'Search' button. Below the search bar, there is a filter for 'Show only: Unpublished datasets'. The results are sorted by 'Popularity'. The first result is 'Copies of all births, deaths, marriages and civil partnerships registered in England and Wales (unpublished)'. The second result is 'Motor Insurance Anti Fraud and Theft Register (MIAFTR)'. The page also includes a 'Show only...' filter on the left side, which is currently set to 'Unpublished datasets'.

HM Government Log in or sign up

DATA.GOV.UK (beta)
Opening up Government

Home Data Data requests Apps Blogs Forum Library Location Linked Data About

Search | Map Search | Publishers | Tags | Public Roles & Salaries | Spend Browser | Spend Reports | Site Usage

Data Search

3950
Results

Search... Search

Show only: **Unpublished datasets** x

Sort by: Popularity ↕

Show only...

Unpublished datasets x

Licence

Unpublished dataset (3950)

Tags

There are no further tag filters to apply.

Copies of all births, deaths, marriages and civil partnerships registered in England and Wales (unpublished)

Publisher: HM Passport Office Updated: 18 Sep 2013

Copies of the full record of each birth, death, marriage and civil partnership registered in England and Wales since 1837 (civil partnerships since 2005).

Feedback: 4 0 0 2 0

Motor Insurance Anti Fraud and Theft Register (MIAFTR)

<http://data.gov.uk/data/search?q=&unpublished=true>

Data.gov.uk & Open Data User Group

HM Government Log in or sign up

DATA.GOV.UK (beta)
Opening up Government

Home Data **Data requests** Apps Blogs Forum Library Location Linked Data About

Your data requests

Latest data requests

- Ofsted inspection judgements** 44 0
Review status: **Awaiting Status**
- Ofsted Parent View Responses** 44 0
Review status: **Awaiting Status**
- Land and commercial property price paid data** 44 1
Review status: **Awaiting Status**
- School details in England** 44 1
Review status: **Awaiting Status**

ODUG Blogs

-  **Open Data User Group (ODUG) Response to HMRC data sharing consultation** 44 0
-  **Open Data User Group Response to RM Postcode Address File licensing consultation – September 2013** 44 0

Progress on data requests



Search

This form is

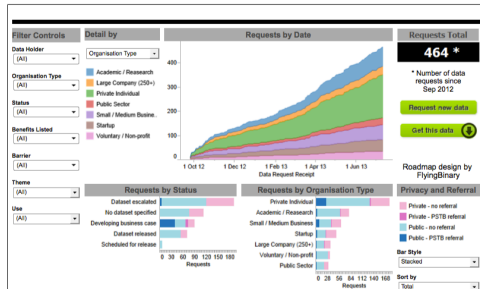
ODUG

Robert Bailey
Dominique Gesche
James Taylor

Open Data Request Roadmap

Submitted by *admin* on Fri, 03/15/2013 - 10:51

For more detail about how to use this roadmap click [here](#). The content and management of this dashboard is managed by the [Open Data User Group \(ODUG\)](#). Any queries regarding its content, metrics and general availability should be directed to [ODUG](#) or via [@odugUK](#) on Twitter.



<http://data.gov.uk/odug>



Freedom of Information Act 2000

Provides public access to recorded information held by public authorities

The Act does not necessarily cover every organisation that receives public money

Recorded information includes printed documents, computer files, letters, emails, photographs, and sound or video recordings

FOIA tips

Sign up to 'What Do They Know?'

<https://www.whatdotheyknow.com/>

Always check commercial confidentiality. See Information Commissioner Office advice:

http://www.ico.org.uk/~_/media/documents/library/Environmental_info_reg/Practical_application/eir_confidentiality_of_commercial_or_industrial_information.ashx

Time for questions

