



Ordnance Survey
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5 February 2009

Mr F Robinson
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Our ref: SAP 69737
Your ref:

Dear Mr Robinson

Outcome of internal review in accordance with the Freedom of Information Act 2000

Thank you for your email of 19th January 2009 requesting an internal review relating to your original request for information dated 3rd November 2008

Will you confirm or deny that licensees can lawfully combine different OS maps to create maps of none existent land or features on land from two or more different maps.

Having considered the grounds for the review I regret to inform you that I am satisfied that Ordnance Survey has answered your original request in its response dated 20th November 2008 which stated:

Where an individual or organisation has legitimately acquired our mapping, they are permitted to use, reproduce and alter it within the terms of their licence as acquired from us. We do not take action against such use. Where mapping is reproduced in quantity, copyright permission is required from ourselves. We would normally take action against an individual or organisation where no such permission is obtained. Where however, mapping is altered and used for illicit reasons it becomes a matter for the law.

With regard to your secondary request dated 20th November 2008:

Are you saying that it is lawful for a licensee to alter OS maps as long as that alteration is not used for an unlawful purpose. Can you give me a example of lawful alteration of OS maps. When you use the word lawful, do refer to any particular law.

I uphold the original decision by us and am in agreement that questions one and two are seeking opinions. Under FOIA it is not a requirement of the legislation for an organisation to give an opinion, therefore we are unable to offer any response in these instances.

Question two falls within the 'Commercial interests' exemption under section 43 (2) of the Freedom of Information Act 2000 (FOIA). We believe this exemption applies because there is an expectation on Ordnance Survey that we will not release this information as there is a possibility that in doing so a competitor might gain a commercially competitive advantage over both Ordnance Survey and/or its licensees, in line with our original decision.

To the extent that the Public interest is considered (section 17 FOIA) applies, we have determined that in all the circumstances of the case, the public interest in releasing the requested information would meet the requirement that Ordnance Survey as government department is openly accountable regarding the use of its data by the private sector, in considering our public interest responsibility to the private sector we consider that there would be significant risk to theirs and our financial and operational business models.

Please note that your appeal has been processed to Freedom of Information guidelines. If you are unhappy with our response, you may raise an appeal to our Information Commissioner's Office at:

Wycliffe House
Water Lane
Wilmslow
CHESHIRE SK9 5AF

OR mail@ico.gsi.gov.uk

Phone: 01625 545 700

Fax: 01625 524 510

Thank you for your enquiry.

Yours sincerely



Tony Harris
Freedom of Information Appeals Officer