



## Department for Business Innovation & Skills

Information Rights (IRU)  
Department for Business, Innovation &  
Skills  
1 Victoria Street,  
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SW1H 0ET

Dr. Robert Whittaker  
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BIS reference: **14/0376**  
26 March 2014

Dear Dr. Whittaker,

Thank you for your email of 27 February 2014 where you requested the following information:

"Central government has negotiated a commercial agreement with Ordnance Survey for the licence for OS OpenData and for its ongoing maintenance. Under the Freedom of Information Act, I would like to request a copy of this agreement, together with any subsequent revisions and/or replacement agreements."

Under the Freedom of Information Act 2000 ('the Act'), you have the right to:

- know whether we hold the information you require
- be provided with that information (subject to any exemptions under the Act which may apply).

I can confirm that the Department holds the information you have requested. The information you requested is attached in the form of the agreement between Ordnance Survey and government. To date there has been no further revision or variation to this agreement.

Some information constitutes personal data and has been withheld. Section 40 of the Act provides an absolute exemption for personal data which then falls to be dealt with under the Data Protection Act. Personal data of third parties can only be disclosed in accordance with the data protection principles. In particular, the first data protection principle requires that disclosure must be fair and lawful and must comply with one of the conditions in Schedule 2 of the Data Protection Act. We do not think that it is fair to release the names of junior members of staff or third parties and do not think that any of the relevant conditions apply.

In relation to the specific questions you raise in your email, which relate to the terms of the agreement, the detail is as follows:

**(a) the licence under which Ordnance Survey is to release the OS OpenData products.** Schedule 2 in the attached agreement outlines the terms under which the data is released by Ordnance Survey.

**(b) the process and time scale for revising / extending the agreement.** Clause 7.2 identifies the method for extending the duration of the agreement beyond the initial term that is defined as 10 years from the commencement date, which was 1 April 2010.

**(c) the role of National Archives / Office of Public Sector Information (if any).** National Archives were involved with the development of the licence terms under which OS OpenData is released and more information can be found within the licence at <http://www.ordnancesurvey.co.uk/docs/licences/os-opensdata-licence.pdf>

## **Appeals Procedure**

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be sent to the Information Rights Unit at:

Information Rights Unit  
Department for Business, Innovation & Skills  
1 Victoria Street  
London  
SW1H 0ET  
E-mail: [xxx.xxxxxxxx@xxx.xxx.xx](mailto:xxx.xxxxxxxx@xxx.xxx.xx)

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Yours sincerely,

Information Economy  
Department for Business, Innovation & Skills