Open Data User Group (ODUG)

Ordnance Survey licensing restrictions on public sector data use and re-use
July 2013

1. Summary

Public sector data from Ordnance Survey (OS) and data derived from these datasets are an essential national resource which underpins a multitude of activities and uses. Developers, researchers, businesses, community organisations, volunteers and individuals want to use the data in applications, data services and research, fostering social and economic growth.

Restrictive licencing is one of the most frequently quoted barriers to the use of geospatial data in Great Britain. Many public sector datasets such as the location of public services and assets, areas which are regulated, managed and conserved under planning policies, also datasets such as the location of river networks and public rights of way, are derived from Ordnance Survey map data.

Public sector use of these datasets falls under the Ordnance Survey Public Sector Mapping Agreement (PSMA). The PSMA regulates the use and onward use of the data and restricts the reuse of the data and derived data from commercial and third-party business activities.

Private sector use of OS data is controlled under a variety of license arrangements, negotiated by OS with its commercial partners on an individual basis.

ODUG has received many data requests that state that OS licensing terms are difficult to understand and present a significant barrier to the use and re-use of OS data and open data. The current licensing terms lead to a confusing, complex, inconsistent landscape, where license terms and restrictions vary from dataset to dataset, OS partner to OS partner, and Local Authority to Local Authority. These complex arrangements allow OS and its partner businesses to maintain a monopoly position in the market, restricting competition and stifling the potential for wider economic growth.

Users complain that:
- For all users the OS Open Data licence requires onward OS copyright attribution of the data in a way which is cumbersome. The licence is not forward compatible with Open Data Commons Open Data Base Licence (ODbL) and limits the downstream use of data which open data licensing is intended to facilitate.
- Licence restrictions limit PSMA derived data use in commercial and competing activities and innovative downstream uses of OS Open and derived data.
- The current PSMA process seeking permission for onward use by the public sector of data and derived data under the OS Open Data licence through individual exemptions is burdensome, inconsistent and difficult to understand.

- OS restricts the wider commercial use of its data by entering into bespoke licensing arrangements (in terms of data usage and pricing) which restrict open competition between third parties in the delivery of data products and services. OS is allowed to micro-manage the market in which it 'competes'.

ODUG recommends that:
- **OS Open Data and data derived from OS Open Data should be free of complex onward copyright attribution restrictions for all use, including commercial business use. Permitting the unrestricted downstream use of the data is in line with the fundamental principles of Open Data and will maximise the economic and social benefits which can be realised from this public data. Also, because of its fundamental underpinning role, this will increase the beneficial use of other Public Sector Information.**
- **ODUG advocates the release of further datasets under Open Government Licence (See section 3 and associated published benefits cases).**
- **OS should review and simplify the public sector derived data exemption process for key data themes and apply streamlined exemptions to all datasets related to the same theme the moment a single exemption has been granted. This will lead to a more consistent release of data across the public sector.**
- **OS, a publicly owned organisation, should lift the restrictions on competing business activities to permit open competition in the design and delivery of new and innovative data product and services.**
- **OS and its partners should rely on their ability to add value by developing and delivering their own products and services, competing in an open, transparent market.**
- **OS, as a public body, should be required to operate according to the principles of transparency in its underlying, publicly funded role in the collection, maintenance and supply of fundamental datasets. This includes opening up to full public scrutiny the costs, pricing and revenue breakdown of underlying data collection and maintenance activities, including joint working with third parties such as GeoPlace, for the delivery of data products to other public sector organisations.**

2. OS Open Data restrictions

OS Open Data licence permits the free use of data under the terms of the Open Government Licence (OGL) but requires attribution of OS copyright on every downstream dataset which may be traced back to Ordnance Survey data. In contrast the Open Data Commons database licence (ODbL) only requires that the licence condition is referenced in the source data without specific attribution in any downstream dataset as long as the source data is referenced.

OpenStreetMap recently inquired about the onward need to show OS copyright attribution on any downstream dataset of the source data. Ordnance Survey confirmed that the OS Open Data licence is not forward compatible with the Open

Data Commons database licence (ODbL) and therefore does not meet the full requirements of the Open Government Licence.

The current restrictions imposed by OS makes it difficult to bundle this 'open' data into various new and innovative applications and deters and prevents the downstream reuse of the data. If the data was available under a truly free re-use licence the OS Open and derived datasets would fully benefit the entire GIS/geospatial industry and help attract investment to support innovation in the UK mobile and location industry. Prospective investors in UK mobile and GIS companies need a clear signal that government supports open geographical data.

Rob Nickerson gave his personal point of view about the current licensing restrictions:

> "I am a contributor to the OpenStreetMap project. As noted above, OpenStreetMap is an online community of volunteers that collect geospatial information by surveying their local neighbourhoods and working with data owners to facilitate the release if such information. The data is added to a geospatial database and is released under the Open Data Commons Open Database License (ODbL). With over 1.05 million registered users it is one of the largest open data communities. In addition to community members, OpenStreetMap is also creating jobs and business opportunities. This is primarily due to the fact that the ODbL licence allows for use of the OpenStreetMap database at zero cost to the end user. The range of companies that make use of the data is complete. That is, it includes large publicly traded companies such as Apple (NASDAQ: AAPL) and Garmin (NASDAQ: GRMN), private companies such as Foursquare Labs Inc and MapBox LLC, and self employed individuals providing consultancy and support services."

Ordnance Survey receives £20m of annual funding[1] from government to release OS Open Data under the Open Government Licence. Government intends this funding to foster business use of OS data to fuel economic growth. However, Ordnance Survey licensing restrictions limit the downstream use of OS Open Data which contradicts the government's intention.

OS Open Data and data derived from OS Open Data should be free of complex onward copyright attribution restrictions for all use, including commercial business use. Permitting the unrestricted downstream use of the data is in line with the fundamental principles of Open Data and will maximise the economic and social benefits which can be realised from this public data. Also, because of its fundamental underpinning role, this will increase the beneficial use of other Public Sector Information.

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[1] http://www.official-documents.gov.uk/document/hc1012/hc11/1188/1188.pdf

3. Release of datasets as Open Data under OGL

ODUG has received open data requests for a range of datasets where OS licence restrictions are an issue:

- Address Data[2]
- INSPIRE Index Polygons Dataset (Land Registry)[3]
- River Network Data[4]
- Public Rights of Way collated from local authorities[5]
- OS Code-Point with Polygons data[6]
- Forestry Commission index data
- Area data related to the conservation, management and regulation of land including greenbelt, conservation areas, and other planning constraint data
- Public land and property assets
- Grade I and II listed buildings
- Energy Performance Certificates for buildings[7]
- Public service locations (such as public conveniences)

Some of the cases for the release of the data have been well documented such as National Address Data, the Land Registry's Index Polygon Dataset, River Networks, Public Rights of Way, Code-Point Polygon data and public toilets. Further information about these data requests is listed in the appendix.

All these data requests state the need for unrestrictive onward use largely for mobile phone and online applications. Target applications relate to the use of the data in a mix of recreational, business, research and other uses. The Public Sector Transparency Board (PSTB) supports the opening up of data irrespective of it use as it believes the innovative use of data offers opportunities for social and economic growth.

ODUG advocates the release of these datasets under Open Government Licence.

4. Derived data licence restrictions and exemptions

Public sector organisations are currently restricted from freely releasing a whole range of public datasets if the data is derived from Ordnance Survey data under Public Sector Mapping Agreement (PSMA) licensing terms. A new end user licence is proposed which will lift some of the restrictions and permit unrestricted use of OS derived data for personal and non-commercial use benefitting the community and voluntary activities. However, it restricts the use of data for commercial and competing business use unless this use falls within the 'core business activities' of the public sector.

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[2] Separate ODUG Benefits Case available
[3] Separate ODUG Benefits Case available
[4] Separate ODUG Benefits Case available
[5] Separate ODUG Benefits Case available
[6] Separate ODUG Benefits Case available
[7] Separate ODUG Benefits Case available

Public authorities can apply for an exemption to the restrictions on derived data to enable the release of the data under OS Open Data licence. However, public authorities are often unclear about the exemption process and what restrictions apply. Public authorities feel that the application process places an undue administrative burden on the public sector to release their data. This leads to the inconsistent application of licencing terms and a fragmented release of open data. To improve the understanding of licensing Ordnance Survey has promised to improve its communication about licencing to PSMA members, business and developers. Whilst this is welcomed ODUG does not think this approach goes far enough.

ODUG acknowledges the release of many environmental datasets by central government departments, but notes the lack of streamlined exemptions in particular for local government datasets where exemptions have been approved. These include, local nature reserves, conservation areas, public service locations (libraries and schools), long distance paths, off-road cycleways and land supply. Public rights of ways and school catchment areas are the only datasets that have been streamlined so far.

ODUG recommends that OS should review and simplify the public sector derived data exemption process for key data themes and apply streamlined exemptions to all datasets related to the same theme the moment a single exemption has been granted. This will lead to a more consistent release of data across the public sector.

5. Commercial and Competing Business Activity

One of the major restrictions on the free open use of OS data and derived data is the protection of commercial or competing business activities. Even for OS Open Data the Ordnance Survey refuses use of derived data if the dataset constitutes a competing activity to OS or its partner organisations. Restricting the use of data in competing business activities supports the monopoly position of Ordnance Survey and a small group of business partners. This is seen as anticompetitive and overly restrictive at a time when the data product and services market is growing rapidly, business models are changing and new companies that provide value add services on the basis of data are pushing into the market.

As recently mentioned in the Shakespeare Review of Public Sector Information, the release of public sector data to create a National Information Infrastructure will create opportunities as an underpinning business resource, especially for smaller business. ODUG has received several data requests for release of OS and its derived data where the release of open data could provide opportunities for creating derived data products or use in onward applications. We are aware that the OS has applied restrictions to the release of datasets covering public toilets and cycling routes. The business case for public toilets below demonstrates the social value potential if the data were released.

We know of companies that would be interested in creating derived products to deliver various location services such as business look-ups, tourism, local events services and the like. However, to create such derived products from existing OS products, businesses have to purchase an additional licence from OS which can cost up to £190k in addition to end users licensing the OS base product. The extra licence fees discourage the use of OS data.

Companies have also reported to ODUG that they are prohibited from producing a product that would compete with Point X, a joint venture between the Ordnance Survey and Landmark, marketing points of interest data because the OS and its partner act as a monopoly provider for data that goes beyond OS's core reference data. Third party companies, even when they license OS data, are not permitted to place any competing product on the market.

Allowed protection of the existing marketplace goes against the commitment of government to attract business, innovation and investment into new and innovative location data technology and services to foster growth. Limiting the access to essential location data will move investors and the market elsewhere. This has already partly been demonstrated with the predominant use of Google maps and the current adoption of OpenStreetMap by companies producing routing and location applications. Companies are starting to produce products such as point of interest data, cycling routes, neighbourhood planning areas through crowd sourcing (see http://wiki.openstreetmap.org/wiki/WikiProject_England). If access to OS data remains restricted the innovation will go elsewhere.

ODUG recommends that:
- **The Ordnance Survey, a publicly owned organisation, should lift restrictions on competing business activities to permit open competition in the design and delivery of new and innovative data product and services.**
- **OS and its partners should rely on their ability to add value by developing and delivering their own products and services, competing in an open, transparent market.**
- **OS, as a public body, should be required to operate according to the principles of transparency in its underlying, publicly funded role in the collection, maintenance and supply of fundamental datasets. This includes opening up to full public scrutiny the costs, pricing and revenue breakdown of underlying data collection and maintenance activities, including joint working with third parties such as GeoPlace, for the delivery of data products to other public sector organisations.**

Appendix A: Examples of for Ordnance Survey derived data requests

Some examples of data requests for derived data are described in detail below with further examples listed in a table at the end.

HMLR INSPIRE Index Polygons Dataset[8]

The Land Registry has created an index map showing index polygons of all registered land title deeds. Land Registry wishes to release the data under Open Government License OGL. Ordnance Survey is blocking the release of the data as it uses Ordnance Survey topographic data for comparison. Further information is available in the accompanying business case.

River Network Data

ODUG welcomes Ordnance Survey's indication in response to our initial request. that they will investigate the release of river network data. The attached business case, also available at http://data.gov.uk/benefits-of-releasing-the-river-network-centreline, should provide sufficient information to make the case for the data release.

Public Rights of Way

We understand the complexities around releasing PROW data as described in the previously submitted business case. A revised version is attached and also available on http://data.gov.uk/benefits-of-releasing-a-rights-of-way-dataset.

PROW is the most requested dataset on data.gov.uk. (To date ODUG has received nine requests for the data.) To respond to the request, ODUG will be promoting the release of ROW from local authorities under Open Government License

Alongside this activity, ODUG is also requesting from the Ordnance Survey the release of the raw PROW data component collated from local authorities and published as part of the OS Explorer Map Series at a scale of 1:25,000.

OS in their response to the original data request states there are financial cost implications for releasing the data and asked ODUG to provide a benefits assessment for onward use of the data. Our business case cites the many examples of beneficial onward use although it is widely acknowledged that it is difficult and challenging to provide the economic evidence for onward use as access to the data had been restricted. ODUG has also asked OS/BIS to release the cost figures of ROW data creation redacted in the original business case report to enable a proper benefit/cost evaluation.

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[8] See attached benefits case

Code-Point with Polygons[9]

Code-Point with Polygons is an extended product to the already openly released Code-Point product. The Code-Point with Polygons product shows the exact boundaries of Postcode units instead of the approximate centre point of the unit supplied in the free Code-Point product. The postcode boundaries are derived from the exact address delivery point location. Hence, the use is limited to licensed address data users only. Further information is available in the attached business case.

Public Toilet Map

The Public Toilet Map is an initiative to create a comprehensive map of the location of all public toilets which would also include opening hours, access requirements, facilities provided, costs, and community toilet schemes and publicly accessible toilets from other providers. The data is collated for onward use in apps for people to find the nearest location when travelling etc. The release of the data by public sector organisations is restricted due to derived data licensing terms. The dataset falls under competing business activities with Ordnance Survey and its partner Landmark who include the data in their Point X point of interest dataset. (Note: This dataset potentially competes with the Ordnance Survey/GeoPlace AddressBase products but is permitted by OS because they have a stake in the business.)

Better information about public toilet locations, opening hours and accessibility is useful for all UK citizens, particularly those with a greater need for toilet facilities when away from home. This includes those with reduced continence, those who are taking rehydration or blood pressure medication, pregnant women, parents of young children, older people, or anyone, of any age, who's had a lot to drink.

This data can be used: in toilet finding apps; in apps that allow user feedback and ratings; in apps for certain groups such as wheelchair users and their friends and family; in other apps such as transport apps, city guides, journey planners; in printed maps and information sheets; by researchers/policymakers to study the difference in public toilet provision by area/time of day; by councils to compare service provision.

Evidence of the social benefits from opening up public toilets were investigated as part of a research project (http://greatbritishpublictoiletmap.rca.ac.uk shows some of the data already available) and include:

- In Australia, the public toilet dataset from data.gov.au is consistently in their Top 3 most downloaded datasets. http://data.gov.au
- "Around 14 million people in the UK today with some form of bladder problem" Bladder and Bowel Foundation. http://www.bladderandbowelfoundation.org/bladder/bladder.asp
- "Public toilets are a lifeline for many older people, providing them with the freedom, independence and the confidence they need to lead fulfilling and active lives." - AgeUK http://www.ageuk.org.uk/cymru/latest-news/archive/public-toilet-closure-proposals

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[9] http://www.ordnancesurvey.co.uk/oswebsite/products/code-point-polygons/index.html

The Ordnance Survey themselves refer to this data as a public good and then set out how difficult it is to get hold of the data and their position that even though this is a public good it would conflict with their own product interests (blog of OS response to Gail Knight at http://gailknight.wordpress.com/2011/06/24/more-from-ordnance-survey/):

 "An authority could go through the **PSMA Exemption process**, which would **seek to determine whether the data can be released under "Free to use" terms** – which would broadly support most activity (but not always commercial). The exemption process looks at the data against a variety of criteria. **One, for example is "public good" which would clearly be the case here**. Another is competing with Ordnance Survey or its Partners and here **there would be competition with the Public Toilet category in our Point of Interest Dataset and the data in our OS MasterMap Address Layer 2 product.**"

This is a clear example of OS being allowed to control public data in an anti-competitive way in order to maintain control over the market in which they operate 'commercially'; there are many other such examples.

Appendix B: Request for derived datasets with restricted licensing terms

Dataset	Organisation	Benefits/Use	Limitation	Issue raised by*
Address Data	Local authorities, Royal Mail, GeoPlace, OS	See separate business case/s	Licensing restrictions OS, GeoPlace, RM	ODUG data requests; various. See previous benefits cases
INSPIRE Index Polygons Dataset	Land Registry	See separate business case	OS derived data licensing restrictions	ODUG data requests; developers
River Network Data	Environment Agency/OS	Recreational, business, community, research and emergency use. See separate business case	OS derived data licensing restrictions	ODUG data requests; developers, OSM
Public Rights of Ways collated from local authorities	Local authorities/OS	Recreation, community, business	Lack of understanding of licensing, OS derived data licensing restrictions	ODUG data requests; developers, OSM
Code-Point with Polygons	Ordnance Survey	Business, Research, Policy	OS and RM restrictions on the use of address data, OS derived data licensing restrictions	ODUG data requests; developers
Forestry Commission index data	Forestry Commission	Transport, environment, research, business, community	Third party restriction (OS end user licence)	ODUG data requests; researcher
Local authority planning data including greenbelt, conservation areas, land supply, etc.	Local authorities	Use in neighbourhood planning, development consultancies, environmental groups, land charges	Exemptions inconsistent and unclear	ODUG data requests, AGI LPSIG, DCLG, LPDP, PSMA User Group, VCS
Public land and property assets	Public sector organisations, e-PIMS	Use by community groups, developers, business	OS and RM restrictions on the use of address data	DCLG, GPU, local authorities, VCS

Grade I and II listed buildings	English Heritage	Community use (use in Wikimedia)	Non-commercial use licence	ODUG data requests
Energy Performance Certificates for buildings	Energy Savings Trust	Business, citizen, community. See separate business case	OS and RM restrictions on the use of address data	ODUG data requests, LPDP
Public service locations such as (schools, libraries, public conveniences)	Public authorities	Community, business, recreation, personal	OS Licensing, competing business restrictions	ODUG data requests, PSMA User Group, AGI LPSIG

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AGI LPSIG = Association for Geographic Information Local Public Services Interest Group
DCLG = Department for Communities and Local Government
GeoPlace = Joint venture between OS and Local Authorities
GPU = Government Property Unit
LPDP = Local Public Data Panel
ODUG = Open Data User Group
OS = Ordnance Survey
OSM = Open Street Map
PSMA = Public Sector Mapping Agreement
RM = Royal Mail
VCS = Voluntary and Community Sector