



# NEYEDC Data Access Policy

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## 1 General Policy Statement

- 1.1 Environmental information is only beneficial when it is readily available for use. Generally, the availability of more and better environmental information helps to improve the quality of policy development, decision-making and sustainable land management on the ground. Consequently, the overarching principle guiding access to environmental information collected, collated managed and disseminated by LERCs is one of open and equal access to all individuals and organisations, wherever this is both possible and appropriate.
- 1.2 This Data Access Policy satisfies the National Biodiversity Network (NBN) Data Exchange Principles (<https://nbn.org.uk/national-biodiversity-network/archive-information/data-exchange-principles>): that Local Environmental Records Centres (LERCs) will make environmental information, including biodiversity records, as widely available as possible.
- 1.3 This policy considers each NBN data exchange principle, how they are fulfilled by the operation of NEYEDC and helps to inform specific access decisions.

## 2 Background

- 2.1 The collection, collation, management and dissemination of environmental information are core functions of LERCs. The environmental data received is processed, validated and stored, mainly in electronic data format, and made available as a range of data products.
- 2.2 NEYEDC will provide individuals, organisations and clients and their agents with access to the environmental information held. The availability and resolution of environmental information provided is managed consistently, responsibly and in line with the NBN Data Exchange Principles set out below.
- 2.3 In addition, the data is often collated into larger datasets through data exchange with other recognised competent data custodians to provide more complete information for wider geographical areas.
- 2.4 NEYEDC will routinely exchange data with other LERCs within Yorkshire and statutory organisations to facilitate the execution of statutory duties and to allow the collation of regionally significant datasets.

## 3 Data Access Policy Statement 1

*"Environmental information should be easily accessible to facilitate and encourage its use in supporting policy development, decision-making, sustainable land management, education, research and other public-benefit purposes."*

- 3.1 As a founding principle of Local Environmental Records Centres (LERCs), NEYEDC will endeavour to make the data that they hold available to everyone, where this is in accordance with Data Access Policy Statements 2-7 below.

- 3.2 For informed decisions to be made in relation to the environment, the many viewpoints involved should have access to and use of the most up-to-date information available. The environmental information held by NEYEDC will be made available, upon reasonable request, to all individuals and organisations, thereby giving all organisations and individuals an equal opportunity to find and use the same information, where this is in accordance with Data Access Policy Statements 2-7 below.

## 4 Data Access Policy Statement 2

*"Making environmental information available should reduce the risk of damage to the environment. If this is likely to have the opposite effect, availability may need to be controlled."*

- 4.1 It is recognised that some environmental information, if released into the wrong hands, could lead to damage to the natural environment. Understanding the probability and impact of risks allows the data to be managed responsibly. There is a presumption in favour of allowing access to environmental information, availability is restricted only when it is truly necessary. In pursuance of this, data copyright holders can identify data as confidential, but only where they can demonstrate that the risk of actual environmental harm exceeds the public interest in releasing the data. The reasons identified for this confidentiality will be recorded in the metadata associated with the confidential data and will be made available to users, clients and agents on submission of a data search request.
- 4.2 The sensitivity / risk of damage to the environment (including species, habitats, designated wildlife and geology sites and sites of heritage interest) is assessed against defined criteria. These criteria have been agreed under the scrutiny of leading members of the data providing community including individual recorders, environmental data recording groups and both governmental and non-governmental organisations.
- 4.3 On receiving a request for environmental information, which has been identified as confidential by the data copyright holder, the specific instance for which the data will be used will be discussed with the data copyright holder. If the data copyright holder does not agree that it is in the public interest to release the data, the individual, client, agent or organisation requesting the data will be informed in writing (usually via email), giving details of why it is not considered to be in the public interest to release the data.
- 4.4 Following the actions described in point 4.3 above, the individual, client, agent or organisation may refer the matter to the Information Commissioner's Office (ICO). In this event it is in the power of the Data Commissioner to compel NEYEDC to release the data, if it is considered by the Data Commissioner to be in the public interest. However, where data custodians maintain an appropriate record of the reasons for withholding data, and where this records factors consistent with the published guidelines, the power to compel data custodians to release data is unlikely to be invoked.
- 4.5 If confidential data is shared with statutory bodies for use in conjunction with their statutory duties. Where this is the case the statutory bodies in question will be informed of the nature of the sensitivity of the data and will be required to secure and use the data in an appropriate manner, respecting points 4.1 and 4.2 above. A list of statutory bodies that have received confidential data will be kept and passed onto the data copyright holder annually.

## 5 Data Access Policy Statement 3

*"Accompanying information (metadata) including details on subject, format, ownership, methods of collection and limitations of interpretation, will be made available alongside any environmental information made available. Any limitations on access to environmental information will be included in the metadata, along with an indication of why uncontrolled access to this data is not considered to be in the public interest."*

- 5.1 Metadata, or *'data that describes data'* provides a valuable context to the environmental information made available, allowing users to build a greater understanding of the limits within which a dataset can be used appropriately. Wherever possible, adequate levels of metadata are collated for the environmental information made available. Where available, metadata will be provided on request.
- 5.2 It should be recognised that at this present time, many datasets held by NEYEDC have limited or no metadata. This is especially true of older datasets, collected and collated before it was routine to also collect metadata. This will be made clear to data users, in particular where this may have a bearing on the quality or reliability of the environmental information provided. Retrospectively creating at least basic metadata for all existing data holdings will take time. Metadata for newly generated datasets is documented as part of the data collation process.
- 5.3 Where, for whatever reason, custodianship of environmental information is not given, or where a dataset is available from another source, such as NBN Atlas, NEYEDC will endeavour to collect and make available the appropriate metadata, allowing users to be signposted to the data copyright holder. Further access to such datasets will be at the discretion of the data copyright holder.

## 6 Data Access Policy Statement 4

*"A clear transfer of authority should be made when an environmental information resource is put together, to allow data managers to act on behalf of the data copyright holder."*

- 6.1 NEYEDC is committed to seeking clear permission from data copyright holders that allows environmental information to be passed onto others in accordance with this Data Access Policy. Permission is granted by data copyright holders signing a NEYEDC Data Collation Licence or Recorders Statement.
- 6.2 Data copyright holders submitting environmental information will be referred to this Data Access Policy, which is available online. This can be verbally or through a clear statement placed on hard copy recording forms, or electronic publications and methods used for the collection of data. All Data Collation Licences and Recorders Statements include reference to this Data Access Policy.
- 6.3 Environmental information submission and data exchanges from recording groups and partner organisations will be supported by clear Data Exchange Agreements, clarifying how information will be managed and used. This may form part of, or an annex to, a Service Level Agreement (SLA), Memorandum of Agreement (MoA) or similar document, signed by both organisations.
- 6.4 It is acknowledged that the dissemination of environmental information may result in the use of data in ways that are against the wishes of the data copyright holder. Where the data copyright holder is under no compulsion to place their environmental information in the public domain by any form of statute and choose to do so by their own free will, there is the facility to identify such datasets as confidential.
- 6.5 NEYEDC will also take all reasonable measures to obtain authority to collate, manage and disseminate existing 'legacy' environmental information.

## 7 Data Access Policy Statement 5

*"Terms and conditions will be made publicly available to help reassure data copyright holders that control will be exercised responsibly in the management and use of their environmental information, including biodiversity records."*

- 7.1 All of NEYEDC terms and conditions, policies and procedures are readily available to the public. This Data Access Policy, together with other relevant policies is available to anyone on request and where possible is available online. This enables NEYEDC to act in a transparent and responsible manner with respect to its data copyright holders and users.

## 8 Data Access Policy Statement 6

*"Personal information must be managed in accordance with the principles of the Data Protection Act 2018 and/or subsequent legal provision."*

- 8.1 All organisations that hold personal information relating to living individuals are subject to the requirements of the Data Protection Act 2018, and any other subsequent legal provision. NEYEDC's, governing organisation, Yorkshire and Humber Ecological Data Trust (YHEDT) is registered as a Data Controller with the Information Commissioner's Office (ICO).
- 8.2 NEYEDC has a published Privacy Statement in accordance with best practice advice. This is available online and on request. This provides clear statements on:
- Who NEYEDC are;
  - What personal information is collected and how;
  - How personal information is used;
  - How long personal information is retained;
  - Who has access to personal information;
- 8.3 Clear permission to hold basic personal information about individuals is set out in the Data Collation Licence or Recorders Statement. In particular, recorder's names are regarded as a requirement of a biological record and will be held in perpetuity.
- 8.4 Further information on the Data Protection Act 2018 and any other subsequent legal provision can be found on the ICO website at: <https://ico.org.uk>

## 9 Data Access Policy Statement 7

*"Basic facts will be made freely available (except for reasonable handling charges if needed) for not-for-profit decision-making, education, research and other public benefit purposes."*

*"Where possible, resources for environmental information provision will be managed so that charges for not for profit use are minimal and charges for commercial use are realistic, not discouraging use of the environmental information."*

*"Users should expect to contribute towards sustaining the provision of environmental information. This can be in kind or by a financial contribution to support the collection, collation and management of environmental information, or at the point of use."*

- 9.1 NEYEDC reserves the right to charge a handling fee for the supply of environmental information, including biodiversity records, where doing so requires a significant investment of staff resource, as set in out in the Charging Policy. The charge levied will be proportional to the necessary investment of staff time. This includes not only the time taken to provide the environmental information to third parties, but also the time taken to collect, collate, validate, verify and manage that environmental information.

- 9.2 The bodies that financially support NEYEDC recognise that significant resources are required to maintain environmental information, its collection, collation, validation, verification, management and provision to third parties in the long-term. They also recognise that the continued provision of useful environmental information is dependent upon nurturing and sustaining NEYEDC data collection and management activities. Consequently, they have committed to contributing financial resources to supporting these activities through a formal agreement in the form of a Memorandum of Agreement (MoA) and provision of a regular donation or Service Level Agreement (SLA).
- 9.3 NEYEDC is committed to supporting and sustaining the biological recording community and promote the importance of this to financial supporters and end users.

## Document version history

Version	Date	Comments
1.0	29/09/2007	Adapted from NBN template policies for wider application to the YHEDN network.
2.0	30/09/2007	Adapted for use by NEYEDC.
3.0	02/05/2019	New version created from over-arching Data Policy document. Updated following change from NBN Gateway to NBN Atlas.