



Hampshire Biodiversity
Information Centre

Hampshire Biodiversity Information Centre

www.hants.gov.uk/biodiversity/hbic

Data Access Policy

Introduction

The purpose of the Hampshire Biodiversity Information Centre (HBIC) is to “collect, collate, manage and disseminate information of known quality on Hampshire’s biodiversity to those who require it, to increase knowledge and understanding, and to enable informed decisions to be made about factors affecting the environment”.

As a ‘public authority’ HBIC also has a statutory duty to make environmental information that it holds available to any person that requests it under the Environmental Information Regulations 2004. However, the supply of information under the Environmental Information Regulations does not automatically give the requester of the information the right to re-use that information. Separate permission needs to be obtained from the copyright owner, as set out in the Re-use of Public Sector Information Regulations 2005.

In addition, HBIC follows the seven Data Exchange Principles promoted by the National Biodiversity Network Trust (Appendix 1).

Data held by the Hampshire Biodiversity information Centre

Data that is held by HBIC includes both manual and electronically held data, and comes from a variety of sources, including;

- Species records supplied by voluntary species recording groups and individuals via data exchange agreements,
- Habitat & species surveys funded by a range of organisations including Hampshire County Council, District and Unitary authorities, English Nature, Hampshire & Isle of Wight Wildlife Trust, and Environment Agency, via service level agreements & grants.

See <http://www3.hants.gov.uk/biodiversity/hbic/hbic-informationheld.htm>

Data Quality

All users of biological data should be aware of the interpretation limitations of the data supplied. Notable species records merely reflect the information held on our databases and do not represent a comprehensive list of notable species present within the search area. Also, presence of a species on the list does not necessarily indicate breeding status.

Data supplied by HBIC has been validated (in terms of geographical accuracy and other accuracy attributes in the data capture process) as far as possible. Errors, however, cannot be totally eliminated. The HBIC Partnership cannot guarantee the full accuracy, completeness or fitness for purpose of the data. The data supplied should be viewed as static upon release and may be liable to change without notification. The HBIC Partnership is therefore not liable for any actions that may be taken as a result of using the data.

Sharing information about Hampshire’s wildlife

The Hampshire Biodiversity Information Centre Partnership includes local authorities,
Government agencies, wildlife charities and biological recording groups.

Copyright & Restrictions

The ownership of information collected under the service level agreements remains the property of the HBIC Partnership or specific funding organisation. Data provided by the species recording groups & individuals via data exchange agreements remains the property of those organisations or individuals. HBIC can only provide copies of data to data requesters as set out in the individual data exchange agreements.

The Environmental Information Regulations 2004 allow for the fact that sensitive information, including that supplied and owned by third parties, is only released after careful consideration of the request and with the consent of all the parties involved. Regulation 12 lists all the exceptions to the duty to disclose environmental information including where "its disclosure would adversely affect – the protection of the environment to which the information relates" The associated guidance states that information on the location of nesting sites, rare habitats and endangered/protected species may need to be withheld to avoid the risk of damage. However, the disclosure of such information can also be vitally important to ensure protection of that species or habitat.

Requesting data

A request for data should give;

- the name and contact details of the person requesting the data and the name and address of the person or organisation they are acting for (where applicable),
- the geographical extent of the area of interest defined on a map at a suitable scale.
- the precise nature of the information required
- the purpose for which the data is being used – this will help determine whether sensitive data can be released.

Under the Environmental Information Regulations 2004 a request for data must be responded to within 20 working days of the request being made. An extension can be sought for more complex requests.

If HBIC holds data belonging to a third party, organisation or individual who has not consented to its disclosure then that data cannot be released and the person requesting the data will be transferred to the original Data Custodian with their consent.

If the data can be made available then the person requesting the data will be told, in writing, the nature of the data and what charge will be made in respect of costs reasonably attributable to the supply of that data (see HBIC's Charging policy for examples where a quote may not automatically be supplied). The schedule of charges follows the guidance laid down in the Environmental Information Regulations 2004 and the Re-use of Public Sector Information Regulations 2005. HBIC Partners, voluntary conservation organisations, recording groups, community groups, students and the public will not normally be charged for the cost of supplying the data.

A request for data, the disclosure of which would make it more likely that the site, habitat or species to which such data related would be adversely affected, may be refused. An example of this could be the location of a rare or threatened species. In such cases the enquirer may be referred back to the original Data Custodian.

When a request for data is refused the reasons for refusal will be specified in writing in accordance with the Environmental Information Regulations.

Biological Users Declaration: When submitting a data request the enquirer has to agree to the conditions of the Biological Data Users Declaration which states that they are aware of restrictions on copyright & use of the data, and limitations on data quality.

See http://www3.hants.gov.uk/biodiversity/hbic/hbic-datarequests/hbic-make_a_data_request/hbic-data_users_declaration.htm :

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Appendix 1**The Seven Data Exchange Principles**

<p>Principle One</p> <p>Biodiversity data should be easily accessible to enable their use for decision-making, education, research and other public-benefit purposes.</p>
<p>Principle Two</p> <p>Making biodiversity data available should reduce the risk of damage to the environment. If it is likely to have the opposite effect, availability may need to be controlled.</p>
<p>Principle Three</p> <p>Biodiversity data suppliers should make available sufficient meta-data to allow biodiversity data users to assess the scope and potential uses of their information holdings. When biodiversity data are supplied, accompanying information (meta-data) on its ownership, methods and scale of collection and limitations of interpretation, should be provided.</p>
<p>Principle Four</p> <p>A clear transfer of authority should be made when a biodiversity data resource is put together, to allow biodiversity data managers to act on behalf of the biodiversity data owners.</p>
<p>Principle Five</p> <p>Managers of biodiversity data should make their framework of terms and conditions publicly available, allowing biodiversity data owners to have confidence that control will be exercised in the management and use of their data.</p>
<p>Principle Six</p> <p>Personal data must be managed in accordance with the principles of the Data Protection Act 1998 and/or any subsequent legal provisions.</p>
<p>Principle Seven</p> <p>a) Managers and funders of biodiversity data should make basic facts freely available (except for handling charges if needed) for not-for-profit decision-making, education, research and other public-benefit purposes.</p> <p>b) Biodiversity data suppliers should try to arrange resourcing of information provision so that charges for not-for-profit uses are minimal and charges for commercial uses are realistic but do not prevent the use of biodiversity data.</p> <p>c) Biodiversity data users should expect to contribute to sustaining the provision of biodiversity data through contributing either in kind or financially to the collection, collation and management of biodiversity data, or at the point of use.</p>

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