

**Re-use of public sector information policy and complaints procedure**

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**Version control table**

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| 1.0 | July 2016 | Corporate office & IP and Content Business Management Team | N/a – new policy |  |
| 1.1 | May 2022 | Corporate Office | Reuse of public sector information policy and complaints procedure v1.0  | Updated following periodic review, including to refer to NICE UK Open Content Licence |

**Introduction**

1. The [Re-use of Public Sector Information Regulations 2015 (RPSI)](https://ico.org.uk/for-organisations/guide-to-rpsi/what-is-rpsi/) set out the arrangements for making information accessible and available for re-use.
2. This policy explains how the Regulations apply to NICE, how they apply to applicants seeking permission to re-use information for which we hold the copyright, arrangements for handling requests for re-use and management of complaints, and exemptions to the application of the Regulations.

**Scope**

1. In general terms the Regulations oblige NICE to make its information available for re-use for any purpose unless it is exempt. Anyone can apply to re-use NICE information.
2. The Regulations are intended to ensure:
* proactive publication of information for re-use
* mandatory re-use for all information produced within the ‘public task’ of NICE unless it is otherwise exempt
* transparency of terms, conditions and licences
* clarity of any charges to be made for re-use with re-use permitted at marginal cost
* processing of requests for re-use in a timely, open and transparent manner
* transparent complaints process.

**The meaning of re-use**

1. Re-use of information is the use by any person of a document held by NICE for a purpose other than the initial purpose within the public task of NICE for which it was produced.

**Applications for re-use**

1. All applications for the re-use of ‘published’ NICE information in the United Kingdom only are processed in accordance with the provisions of the [NICE UK Open Content Licence](https://www.nice.org.uk/re-using-our-content/uk-open-content-licence%20). This is a self-assessment exercise and no documentation changes hands.
2. All applications for re-use of NICE information that may sit outside the [NICE UK Open Content Licence](https://www.nice.org.uk/re-using-our-content/uk-open-content-licence%20) and for requests coming from overseas and therefore outside of our ‘public task’ will be processed by the IP and Content Business Management Team. Requests must be made in writing either through NICE’s [‘Re-use of content’](https://www.nice.org.uk/re-using-our-content) page or through nice@nice.org.uk, stating the purpose for re-use and providing the applicant’s name and address for correspondence.
3. The applicant must clearly specify which documents, or parts of documents, they wish to re-use.
4. In considering requests for re-use that sit outside the [NICE UK Open Content Licence](https://www.nice.org.uk/re-using-our-content/uk-open-content-licence%20) NICE will treat all applications for using the same information for comparable purposes on an equitable basis.
5. NICE will aim to respond to all applications for re-use within 20 working days from the day following receipt of the application.
6. In all cases licence terms and conditions will require:

## acknowledging NICE as the source of the information

## acknowledging NICE copyright in the information

## reproducing the information accurately

## not re-using the information in any misleading way that may be prejudicial to patient safety or the reputation of NICE

## not using the information for any purpose that is illegal, immoral, fraudulent or dishonest

1. Full conditions will be set out in the relevant licence.
2. In all circumstances NICE is not liable for any loss or liability arising from the re-use of its information including errors in translation into other languages neither does it certify that its information is up-to-date or error free.

**Exemptions to the Regulations**

1. The regulations do not apply to information that sits outside of NICE’s ‘public task’.
2. The Regulations do not apply to third-party copyright information. Any applicant requesting re-use of such information will be directed to the copyright holder. Where the copyright is jointly held by NICE and a third party, the permission of both bodies must be agreed before re-use is permitted.
3. The regulations do not apply to information that would be exempt from disclosure under information access legislation, ie the Data Protection Act (the DPA), the Freedom of Information Act (FOIA), the Environmental Information Regulations (EIR) and the INSPIRE regulations. Information which are exempt under information access legislation will not be made available for re-use while the exemption applies.

**The Public Task**

1. The [public task](https://www.nice.org.uk/re-using-our-content/public-task) of NICE is set out in [statute](http://www.legislation.gov.uk/ukpga/2012/7/contents/enacted) and in Directions from the Department of Health as follows:
* The provision of quality standards in relation to the provision of NHS services, public health and social care in England.
* The provision of advice, guidance, providing information and making recommendations about any matter concerning or connecting with the provision of NHS services, public health services and social care services in England.

**Asset Register**

1. NICE has an [asset register](https://www.nice.org.uk/re-using-our-content) of information available for re-use which is updated from time to time.
2. The asset register specifies the type of information available for re-use, the standard terms and conditions for re-use and the standard charges associated with a particular re-use.

**Appeals**

1. If NICE refuses to grant re-use of its information the applicant will have the right to request a review of this decision through the complaints procedure set out in appendix 1.

**Charging**

1. The Regulations restrict charging to the marginal costs incurred in respect of the reproduction, provision and dissemination of documents.
2. Charges are set out on the website and are subject to periodic review.

**Review**

1. This policy will be reviewed every three years.

**Related policies**

* Freedom of Information Policy and Complaints Procedure
* Information Governance and Records Management Framework/Information Governance Policy
* General Complaints Policy

**Appendix 1**

**RPSI complaints procedure**

1. If you are unhappy with a response to re-use NICE information you are encouraged to first contact reuseofcontent@nice.org.uk to see if the matter can be resolved informally. If you do not wish to do this or, if following an informal discussion, you remain dissatisfied with our response you can make a formal complaint.
2. To make a formal complaint you should write to NICE within 20 working days of the date of our response to your RPSI request clearly stating your name and address for correspondence, what information was requested and the intended purpose of re-use. Your complaint should be sent to David Coombs, Associate Director, Corporate Office via complaints@nice.org.uk.
3. We will acknowledge receipt of your complaint, usually within 5 working days.
4. Our Corporate Office will review your complaint and a full response will be sent by the Associate Director, Corporate Office usually within 20 working days. The Associate Director, Corporate Office will discuss the response with the Chief Executive prior to sending. If the review of the complaint is likely to take longer than 20 working days, for example due to the complexity of the case, we will let you know of a revised time-scale as soon as possible.
5. We will contact you for clarification if we are unclear on any point of the complaint. If we do ask you for more information but we don’t hear from you within 20 working days, the case will be closed.
6. If you are not satisfied with the response to your complaint you can appeal to the Information Commissioner at the following address:

The Information Commissioner

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF