

Re-use of public sector information policy and complaints procedure

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Introduction

- 1 The Re-use of Public Sector Information Regulations 2015 (“the Regulations”,) provide a legal framework for the implementation of European Directive 2013/37/EU in the United Kingdom. The Directive itself establishes a framework for how public sector information can be re-used to promote economic opportunities, enhance job creation across Europe and improve the flow of information from the public sector to the citizen.
- 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

- 3 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 of NICE information.
- 4 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

- 5 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

- 6 All applications for re-use of NICE information 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’](#) page or NICE Mail,

stating the purpose for re-use and providing the applicant's name and address for correspondence.

- 7 The applicant must clearly specify which documents, or parts of documents, they wish to re-use.
- 8 In considering requests for re-use NICE will treat all applications for using the same information for comparable purposes on an equitable basis.
- 9 NICE will aim to respond to all applications for re-use within 20 working days from the day following receipt of the application.
- 10 In all cases the 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
- 11 Full conditions will be set out in the relevant licence.
- 12 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

- 13 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.
- 14 Information that is exempt from disclosure under access to information legislation including, but not exclusively, the Freedom of Information Act 2000, will not be made available for re-use while the exemption applies.

The Public Task

- 15 The [public task](#) of NICE is set out in [statute](#) 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

- 16 NICE has an [asset register](#) of information available for re-use which is updated from time to time.
- 17 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

- 18 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 NICE complaints procedure as set out in appendix 1.

Charging

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

Review

- 21 This policy will be reviewed every three years.

Related policies

- Freedom of Information Policy and Complaints Procedure
- Data Protection 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 NICE's 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 NICE's 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:

Associate Director, Corporate Office
National Institute for Health and Care Excellence
10 Spring Gardens
London SW1A 2BU
Email: david.coombs@nice.org.uk

- 3 NICE will send you an acknowledgement of receipt of the complaint within 5 working days.
- 4 Complaints will be reviewed by the Corporate Office 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 instance due to the complexity of the case, NICE will write to the complainant with a revised time-scale at the earliest opportunity.
- 5 If NICE is unclear on any point in the complaint it will contact the complainant for clarification. If the complainant does not provide clarification NICE will be unable to deal with the complaint and it will not be taken further.
- 6 In all cases if the complainant is not satisfied with NICE's decision they can appeal to the Information Commissioner at the following address:

The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Appendix 2 - Version Control Sheet

Version	Date	Author	Replaces	Comment
1	July 2016	Julian Lewis	n/a	