Law and Licensing

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Increase confidence in using and understanding open data licences

Outcomes

List the characteristics of an open licence

Identify instances of an open licence

Identify when you can apply an open licence to a data set for publication

Develop a strategy for licensing open data

Law and licensing

Please note:

I am not a lawyer and this should not be treated as legal advice.

Why [licence](#)?

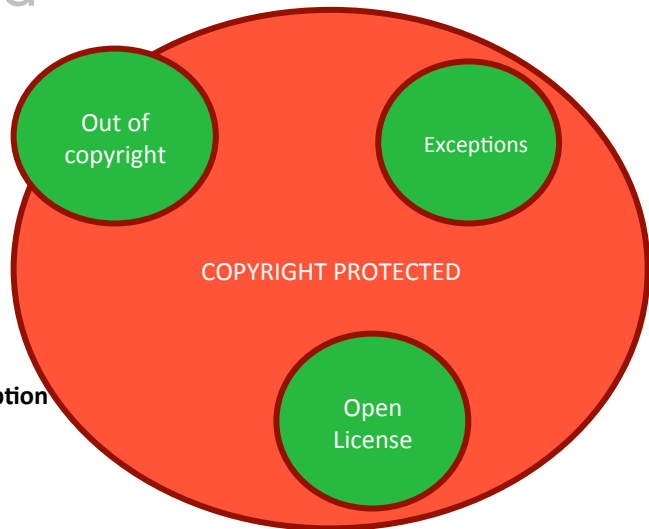A licence provides **clarity**

It sets out exactly what users and re-users are permitted to do with your dataset

The content world

You can use it if [green]:

- **It's out of copyright [public domain]**

- **It's openly licensed**

- **Your use is covered by a copyright exception**

Copyright

Applies automatically to –
- literary works
- artistic works
- dramatic works
- musical works
- layouts of works
- sound and film works
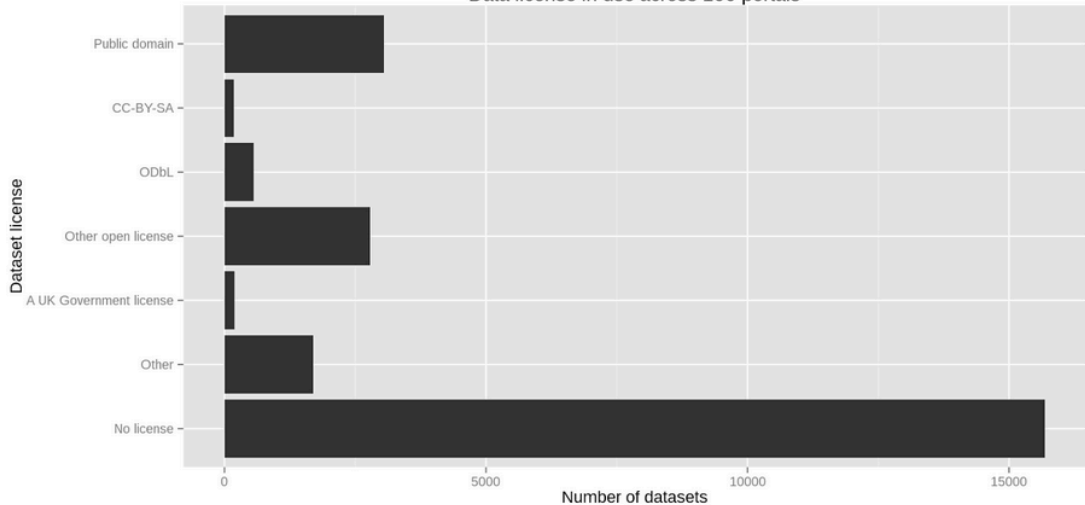- broadcasts

Copyright

Applies automatically to –

Anything where there is an intellectual, creative and original process in creating a thing.

It does not apply when the thing created would be the same whoever created it.
"it's obvious"

Open data is hardly ever appropriately licensed.

Data license in use across 100 portals

Number of datasets

Dataset license: Public domain, CC-BY-SA, ODbL, Other open license, A UK Government license, Other, No license

http://thomaslevine.com/!/open-data-licensing/

Exercise

Build your own
open data licence

Some drafting tips

"Under this licence you can:"

[what is permitted?]

"You must, where you do any of the above:"

[do you have any restrictions?]

The UK Open Government Licence

Version 3.0 released in October 2014

http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/

Who is required to use it?

Central government departments and agencies

The Office of Public Sector Information (OPSI) also encourages use of the UK OGL by:

- Members of the **Information Fair Trader Scheme (IFTS)**
- **Wider public sector (i.e. local authorities)**

What does it permit?

Using information under this licence

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The main alternative

Open and community developed; not controlled by a central agency or body.

creative commons

Attribution-ShareAlike 4.0 International (CC BY-SA 4.0)

This is a human-readable summary of (and not a substitute for) the **license**.

Disclaimer

You are free to:

Share — copy and redistribute the material in any medium or format

Adapt — remix, transform, and build upon the material

for any purpose, even commercially.

The licensor cannot revoke these freedoms as long as you follow the license terms.

Under the following terms:

Attribution — You must give **appropriate credit**, provide a link to the license, and **indicate if changes were made**. You may do so in any reasonable manner, but not in any way that suggests the licensor endorses you or your use.
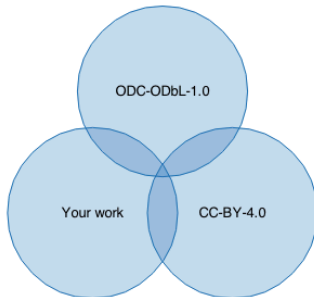
ShareAlike — If you remix, transform, or build upon the material, you must distribute your contributions under the **same license** as the original.

Checking license compatibility

Type of remix:

My new work is a:

◉ **"Strong" adaptation**. I remix or tightly integrate significant portions of the original works directly into my own.

◯ **"Weak" adaptation of individual files**. All of my changes and additions are contained in separate files from those of the original works.

◯ **"Weak" adaptation of software libraries**. My own work merely links against the original works, using them as software libraries. I've made no changes to the source code of the original works.

◯ **Collection**. I simply package the original works together, without changing any of the individual works themselves.

ODC-ODbL-1.0

Your work

CC-BY-4.0

http://clipol.org/tools/compatibility

Exercise

Identify open licences

Links

Twitter: https://twitter.com/tos

Open Corporates: http://bit.ly/1pii7Rm

Singapore Gov: data.gov.sg

Flickr: https://www.flickr.com/search/?q=cat

All links are on the links page of the training website

Licensing your data set for publication

What do you need to think about?

⚠️ **Exemptions**

This licence does not cover:

- personal data in the Information;
- Information that has not been accessed by way of publication or disclosure under information access legislation (including the Freedom of Information Acts for the UK and Scotland) by or with the consent of the Information Provider;
- departmental or public sector organisation logos, crests and the Royal Arms except where they form an integral part of a document or dataset;
- military insignia;
- third party rights the Information Provider is not authorised to license;
- other intellectual property rights, including patents, trade marks, and design rights; and
- identity documents such as the British Passport

Be Careful!

Personal data

Protected by the data protection act

Information that has been accessed unlawfully

You ripped it from a protected medium (DVD)

Third party IP rights

The data was obtained from a copyrighted source.

Personal Data

Does this data contain personal identifiable data?

Could this data be used combined with another data set to create personal identifiable data?

Can it be anonymised?

Copyright

A data set could be copyright protected if [**skill, judgment, labour**]:

The selection or arrangement of the data is the author's 'intellectual creation' - original

Third party rights

A data set could also contain other copyright works:

Images (i.e. satellite pictures)
Headlines (if original enough)
Excerpts of text

Exceptions

- **New!** UK: text and data mining for non-commercial research purposes

- Parliamentary and judicial proceedings

- Royal commissions and statutory inquiries

- Temporary copies

Database Right

"A collection of independent works, data or other materials which are arranged in a systematic or methodical way and are individually accessible by electronic or other means"

Database right

Copyright

Creative effort and substantial investment in the selection and presentation – **"intellectual effort" [originality]**

Individual components of the database (i.e. photos, text)

Database rights

Substantial **investment in obtaining, verifying and presenting the database**

(Note: these rights are jurisdiction specific and not found in all countries)

Exercise

Develop a strategy for publishing your data set as open data

In your groups

Identify 1-2 datasets you'd like to publish as open data and:

1. **Set out steps/checks**. Do you have the right to publish all of it?

2. **How** could you do those checks, or obtain permissions where needed?

For the future:

- Include/maintain IP rights and personal data status as part of your metadata

- Try to use non-proprietary identifiers and other openly licenced datasets wherever possible

- Create an internal workflow for publishing datasets as open data

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Thank-You and questions?

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