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.
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

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

Use of copyright and database right material expressly made available under this licence (the ‘information’) indicates your acceptance of the terms and conditions below.

The Licensor grants you a worldwide, royalty-free, perpetual, non-exclusive licence to use the information subject to the conditions below.

This licence does not affect your freedom under fair dealing or fair use or any other copyright or database right exceptions and limitations.

You are free to:

- copy, publish, distribute and transmit the Information;
- adapt the Information;
- exploit the Information commercially and non-commercially for example, by combining it with other information, or by including it in your own product or application.
Are there restrictions on its use?

You must (where you do any of the above):

acknowledge the source of the Information in your product or application by including or linking to any attribution statement specified by the Information Provider(s) and, where possible, provide a link to this licence;

If the Information Provider does not provide a specific attribution statement, you must use the following:

Contains public sector information licensed under the Open Government Licence v3.0.

If you are using Information from several Information Providers and listing multiple attributions is not practical in your product or application, you may include a URI or hyperlink to a resource that contains the required attribution statements.

These are important conditions of this licence and if you fail to comply with them the rights granted to you under this licence, or any similar licence granted by the Licensor, will end automatically.
The main alternative

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

[http://clipol.org/tools/compatibility](http://clipol.org/tools/compatibility)
Exercise

Identify open licences
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?
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
“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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