

Cambridgeshire and Peterborough Environmental Records Centre (CPERC)

Data Access and Use Policy

2018

The purpose of this policy is to provide a clear framework for the exchange and management of environmental information by the Cambridgeshire and Peterborough Environmental Records Centre (CPERC). The policy identifies the model for data management and flow under which the centre operates.

CPERC exists to improve and inform environmental planning, land management and sustainable development through the collation, management and dissemination of environmental information.

Policy Statements

1 CPERC will enter into an agreement with the copyright holders of any data it acquires, which confers on CPERC the authority to collate and manage the data and to disseminate it within its terms and conditions for data requests and within its obligations under EIR.

2 CPERC will provide access to the data it holds, subject to any conditions imposed on its use by suppliers, by the Data Protection Act 2018*, Environmental Information Regulations 2004, Copyright and Intellectual Property Right law, or any other laws of the land that apply.

3 CPERC will gather, collect, assemble and otherwise collate environmental data including, but not limited to, ecological, biological, geographical and geological data, and store this in records, archives and databases on computers and otherwise according to best practice. CPERC will collate environmental data from any source provided that sufficient metadata is available to allow a user to assess whether it can meet their needs.

4 CPERC will manage all personal information in accordance with the Data Protection Act 2018 for which we are registered as part of our hosting organisation, the Wildlife Trust BCN.

*The Data Protection Act 2018 transposed the EU General Data Protection Regulation (GDPR) into UK law in May 2018.

1. Data Sharing Agreements

Data sharing agreements are (sometimes formal) agreements between the records centre and anyone making material they control available to it, and to others through it. An agreement is required to help the records centre to establish a clear and secure position in regard to the right to hold and work with third party material supplied to them. An agreement helps to build clarity which is important in helping people share and exchange data through the records centre.

Standard agreements that can be used with many different suppliers are to be preferred, as this will allow common procedures to be applied across many datasets, however customised agreements may be considered when the value of the data supplied justifies special procedures.

Obligations imposed upon CPERC in data sharing agreements may include data access controls, safe data storage, documentation of data supplied, conformance with the Data Protection Act 2018, confidentiality, use of sensitive data, use of data in publications, accreditation, audit of supplier's data if requested, removal of supplier's data if requested.

Obligations imposed upon the supplier in data sharing agreements may include the right (i.e. copyright) to supply the data to CPERC, validation of submitted data (to the best of their ability), identification of which data are to be regarded as sensitive and specification of how such data may be used, notification of subsequent data corrections, changes of personal details. Procedures for data supply including frequency of data updates and formats may also be covered in the data sharing agreement.

Data sharing agreements may also specify acceptable uses for the data supplied. These are likely to include the distribution of data to recognised national recording schemes (including ownership and accreditation conditions), the use by named individuals of specific organisations for use in the course of their work, the use of data in Environmental Impact Assessments, and the release of data (with appropriate accreditation) to *bona fide* enquirers (providing there is no conflict with any of the above obligations). CPERC will generally not enter into a data sharing agreement that makes the data unavailable for third parties, unless there is a strong and credible reason for doing so.

A data sharing agreement may also specify services that CPERC may make available to the data supplier in return for the use of the data. These may, for example, include distribution mapping, access to other data sets, and dataset backup services.

Data may be removed by request of either party.

Data sharing agreements should not just give the records centre access to records. Information contained in the agreement should inform all future management and release of data held by the records centre. Consequently a formal data sharing agreement should also cover (where appropriate):

- The use of data by third parties who receive the data from the records centre, and any restrictions placed on the use of that data by the supplier or CPERC.
- A description of any sensitive records, and any records that should be withheld or degraded. If requested to do so, the records centre needs to provide clear documentation as to why certain information may not have been released.
- The supply of relevant data from other sources by CPERC to the data supplier, and any verification roles which may be agreed between the two parties.

Data sharing agreements will broadly be one of two sorts:

1. With recognised natural history recorders/groups who have collected a significant amount of data for the geographical area that CPERC covers and provide that data for use by CPERC, allowing it to be shared it with third parties.

This is covered by a formal data sharing agreement which identifies the data as being in the ownership of the provider, who then allows CPERC and others access to these records subject to a number of constraints. A template CPERC formal data sharing agreement can be provided on request.

2. Records received via the website or on CPERC recording forms will carry an agreement that allows the records centre to make use of the data in its day to day work. Records may also be received via email or post.

A statement to the effect that CPERC will seek to verify and use in its work records sent in via these routes is present on our main website at:

<http://www.cperc.org.uk/submit-records/> and on our online recording website terms and conditions at <http://www.cperc-record.org.uk/terms-and-conditions>

'CPERC work' is taken to mean:

- Allowing the record (including the recorders name, but not contact details) to be passed to experts for verification
- Allowing the records to be used in all work undertaken by the records centre
- Sharing the records with all legitimate users of the records centre at full resolution (unless an agreement not to do this for specific reasons has been made with the data provider)

If there is any doubt over ownership or legality of using the data, CPERC will not use or access the data in any way. Data may need to be removed if a data supplier requests removal of all, or part, of the data they supplied. Data may also need to be removed if CPERC discovers it to be of dubious quality, which may prejudice the quality of reports and output of CPERC. In either case CPERC will follow its procedures for data removal.

2. Access to data

CPERC will provide access to the data it holds, subject to any conditions imposed on its use by the Data Protection Act 2018, Environmental Information Regulations 2004*, Copyright and Intellectual Property Right law, or any other laws of the land that apply. It will control access to data in accordance with its policies on charging, agreements with its suppliers (which include ownership and confidentiality) and priority levels imposed by management. Restrictions on the release of information may therefore apply.

All data held by CPERC which meets the criteria for release is considered available to all users at full resolution. In certain cases, data may not be made available, or only at a reduced resolution. Examples of this include:

- Where CPERC is prevented from doing so by the owner of the data
- Where releasing the data is not in the public interest (see notes on EIR below)

Whenever the records centre releases data, the release must be measured against:

1. Environmental Information Regulations 2004
2. The wishes of the recorder as defined in a data sharing agreement
3. Best practice as defined by the NBN data exchange principles

Sub policies:

Access to data will be provided subject to any conditions imposed on its use by the corresponding data sharing agreement.

Data will be released to users within the terms of a Data Request (for our standard Data Request Form see our website at: www.cperc.org.uk/our-services)

Data will be released to CPERC's main funding partners within the terms of their relevant Service Level Agreement.

Direct access to data by personal callers by appointment only.

Data may be withheld if CPERC staff believes that wildlife may be harmed as a result of releasing it.

CPERC staff are allowed access to the data in its databases in order to do their work.

All enquiries and supply of information will be logged.

Service Level Agreements

Service Level Agreements (SLAs) will be established between CPERC's management and its main funding partners.

SLAs will detail the type and extent of services and products that CPERC will supply in return for the funding partners support of CPERC. CPERC's management will decide the type and extent of such products or services for each individual SLA.

As main funding partners will have the same data-use obligations as any other users, a data request may be required to be signed by the partner for particular requests, to formalise their relationship with CPERC in specific circumstances, or the SLA may simply be one particular form of data request. This is at the discretion of CPERC's management.

A SLA will comply with all terms and conditions of all data sharing agreements that cover any data released, or service provided*.

As a result of their support of CPERC, main funding partners will be entitled to specific products and services. These will be detailed in the relevant SLA. CPERC will keep records of the products and services delivered to each main funding partner to ensure that the user is receiving the service it expects and to ensure that the user is entitled to the products and services it is requesting. If the type or extent of the service requested by the user goes outside that specified in its SLA, CPERC will deal with this on a case-by-case basis and/or as specified in the SLA.

*Note: Under the Environmental Information Regulations 2004 any data passed on under this act remains the copyright of the data owner and use is restricted to those permissible under the copyright act for 'research for non commercial purpose and private study' and 'for criticism, review and news reporting'.

There are a number of exceptions to the release of information including sensitive data and in the case of volunteered data, the interests of the data provider.

Data Requests

Our procedure for requesting data, and charges for compiling a report on this data for some categories of user, are clearly laid out in our terms and conditions which are available from our website www.cperc.org.uk/our-services

Any formal request for data must be on the data request form with all compulsory fields completed, and signed by the requester as acceptance of the terms and conditions of using data supplied by us. CPERC reserve the right to query any request not correctly submitted and not proceed until all required information has been supplied to enable the process to be undertaken.

The time taken to provide an initial response is usually within 1-2 working days (usually the same day based on staffing levels) and the data requested is usually supplied within 5 working days, but often sooner, unless otherwise requested or otherwise informed at the outset by CPERC.

Data released by CPERC is considered as accurate as possible, and should meet the following criteria:

- CPERC sees no legitimate reason why the data should not be released (see Policy 1)
- Metadata will exist for the data
- All data should be validated, even if digitised by the original recorder
- All data will be verified by a third party recorder/local expert, or noted why it is not

Data which does not meet these standards is considered to be unfit for release.

Environmental Information Regulations (EIR) 2004

CPERC is a part publicly funded body with agreements for data supply to public authorities and so is subject to the Environmental Information Regulations 2004.

Data obtained from public authorities, collected as part of a survey funded by public authorities or held on behalf of public authorities, are assumed to be available for release at full resolution when requested under EIR unless it is not in the public interest (as defined by EIR guidance) to do so, or any of the other exceptions apply as specified in the regulations. For more information see

<http://www.legislation.gov.uk/ukxi/2004/3391/contents/made>

When a request is made under the EIR regulations which may affect data held by CPERC or provided to a public authority by CPERC, Part 3 of the regulations 'exceptions to the duty to disclose environmental information' will be consulted to see if any apply in the particular case at hand, in consultation with the relevant public authority.

3. Collate environmental data including, but not limited to, ecological, biological, geographical and geological data, and store this in records, archives and databases on computers and otherwise according to best practice. CPERC will collate environmental data from any source provided that sufficient metadata is available to allow a user to assess whether it can meet their needs.

CPERC will ensure that data coverage is as comprehensive as reasonably possible and relevant to its users needs. It will ensure that data quality is maintained to demonstrate continued relevance and engender support from its suppliers and users. It will not display a bias in the sources from which it acquires data, based on funding, service agreements or similar, and will have no geographic bias within the Cambridgeshire and Peterborough area, except to promote from time to time extra recording in areas which appear to be poorly represented. The same applies across taxonomic groups - no bias towards particular groups will be given, but promotion of record collection in important areas with a poor data holding may be appropriate.

There are a variety of organisations and individuals that can provide data. Separate procedures will be in place for these differing categories, some of which may be of lower priority for action.

It is impractical for CPERC to collate and maintain all the potential relevant data relating to its area. However, CPERC will ensure it is aware, as far as possible, of the location, validity and availability of data sets relating to its area of operation that it has been unable to acquire as yet.

CPERC must document its data holdings to help manage them and provide information to users about them.

Metadata describes and gives information about data. CPERC needs metadata:

- To give a complete picture of its data holdings so that it can identify gaps
- To enable partners and potential users to have a better understanding of the data it holds and how the data can be used
- To track ownership and availability of its data holdings and to manage relations with owners
- To track the status and location of datasets
- To ensure CPERC knows the nature of its data
- To understand how the data can and cannot be used and to ensure users understand the limitations of the data
- To contribute information about its data to the NBN Atlas, when that data is held on the Atlas

CPERC needs to store and archive all data supplied to it prior to any processing. It also needs to take and keep backups of processed data at appropriate intervals. Regardless of the data type, CPERC will store data in an appropriate manner, to prevent loss or deterioration. CPERC will ensure additional security is afforded to the storage of confidential or sensitive information.

Confidentiality

CPERC may acquire information that some consider as confidential. This may be categorised into personal data, wildlife data, and landowner data. The former will be dealt with separately, but the others will be briefly addressed below:

- Confidential wildlife information

Some submitted information might be marked as containing confidential information about species or habitats. This may be due to concerns that the information could threaten wildlife if made publicly available.

CPERC will take all reasonable steps to avoid the use of its data for destructive purposes, whilst at the same time ensuring that wherever possible decisions that may affect wildlife are taken in possession of the facts.

Within a data search report released by CPERC there may be reference to the existence of more information available within the area of search for a particular record or records, which is being withheld due to its confidentiality.

If an enquirer reports that the information may be relevant to the case and requests full details, CPERC will attempt to contact the person that declared it as confidential to seek permission for releasing it. If permission is refused then the information will not be released. If reasonable attempts to contact the person fail, CPERC staff will make a decision on whether or not it is in the best interests of the species or habitat to release the information.

Very occasionally prospective users of data may have a destructive intention for species or habitats. CPERC will withhold any data (confidential or otherwise) if it has any concerns about potential misuse of data in this way. CPERC reserves the right to withhold data from any prospective user, including those who have failed to observe conditions in the past.

- Landowner confidentiality

Where a landowner has granted access for a survey with restrictions on how its findings may be used or distributed, CPERC will honour those restrictions. If however, the conditions are too onerous, CPERC reserves the right not to accept the data.

In the course of its work CPERC may acquire ownership details for areas of land or water. These will not be passed on without permission from the owner. CPERC may act as a go-between if necessary.

CPERC will be sensitive to the risks of increasing public access pressure on private land when deciding whether to release data to members of the public or for publication.

4. Data Protection

CPEC is registered with the Information Commissioner's Office and appear on the Data Protection Register under the registration of The Wildlife Trust for Bedfordshire, Cambridgeshire and Northamptonshire Ltd. The current entry expires on 20th January 2019.

The registration number is Z8357818

Contact details are held by CPEC electronically and on paper and are stored securely.

CPEC will ensure it has a lawful basis for processing any personal information it holds, as defined by the Information Commissioner's Office (ICO).

CPEC holds recorder names and their contact details for the purpose of managing biodiversity data and local environmental information (its core purpose) and the lawful basis for processing this information for this purpose is 'legitimate interest'.

CPEC holds contact details in relation to administering its data request service and the lawful basis for processing for this purpose is 'contractual'.

CPEC contacts individuals to send newsletters and promote wildlife recording in Cambridgeshire and Peterborough, and the lawful basis for processing for this purpose is 'consent'.

More detail is given below:

- Recorder names held as part of a 'biological record' by CPEC are held as an integral part of that record.
- The recorder's name will be made available to county and vice-county recorders and other identified experts for the purposes of verifying and validating data. Contact details may also be released with the permission of the recorder.
- Where a formal data sharing agreement exists with a county or vice-county recorder or national recording scheme, records can be shared including the recorder names, as long as the data sharing agreement specifies the appropriate use of that data in accordance with CPEC's policies as outlined in this document.
- The name and contact details of county and vice-county recorders and other identified experts will normally be available for release, but with the permission of the individual concerned.
- Under no other circumstances, unless required by law, will CPEC release names and contact details. This includes release of details to funders including Wildlife Trust BCN where the records centre is hosted.
- CPEC's data request service requires us to hold contact details in order to send the data requested to the individual requester and, if appropriate, an invoice for payment. Contact details are also stored in relation to this purpose in order for us to maintain our financial records.
- CPEC will obtain explicit consent for the distribution of newsletters or other promotional materials to individuals, usually by email.
- CPEC will record consent for receiving newsletters and other promotional information, to demonstrate that individuals have consented to receiving this information. Where individuals have requested not to receive communications from CPEC, this will be respected and also recorded.

- Where users have given permission for CPERC to release their contact details, CPERC will retain the documents which authorise it to do so. This usually only applies to county recorders, and is covered by the relevant data sharing agreement.
- CPERC will update contact details and preferences when notified.
- CPERC will only use and store personal information for as long as required for the purposes it was collected for. For recorders names held as part of biological records this is indefinite as a core purpose of CPERC is to hold historic information. This historic information is archived in the public interest for scientific and historical research purposes. For personal information held for other purposes, the necessity to hold this information will be reviewed on a periodic basis, and if it is no longer deemed necessary to hold this information then it will be deleted.
- CPERC will not usually hold data regarding land ownership of sites where records have been made. If this information is held by the records centre, the records centre will not release it unless legally compelled to do so.
- CPERC will not hold any special category data as defined by the Data Protection Act 2018.

Additionally, CPERC is subject to the relevant policies of its hosting organisation, the Wildlife Trust BCN, including the Privacy Policy <https://www.wildlifebcn.org/privacy> and Data Protection Policy <https://www.wildlifebcn.org/dataprotection>.