



Office of the Scottish **Charity Regulator**

Policy on provision of electronic copies of publicly available information

1. This policy governs the extent to which OSCR may make available electronic copies of the Scottish Charity Register.
2. OSCR is committed to providing such copies on a fair and transparent basis which does not discriminate between those requesting such copies in a way which is contrary to the Re-use of Public Sector Information Regulations 2005 (“the ROPSI Regulations”).

Legal context

3. Under section 21 of the Charities and Trustee Investment (Scotland) Act 2005 (the 2005 Act) OSCR must make the Register available for public inspection. It is for OSCR to determine the form and manner in which the Register is made available but in doing so OSCR must ensure that the information is made reasonably obtainable. OSCR must also publicise the arrangements for making the information available. OSCR may charge a fee (not exceeding the cost of supply) for providing information under this section.
4. There is no explicit requirement to provide electronic copies of data but OSCR has discretion to do so.
5. On 1 July 2005 the ROPSI Regulations came into force. The purpose of the ROPSI Regulations is to establish a framework that provides for the effective re-use of public sector information. They do not oblige OSCR to permit reuse. This is a matter for the discretion of OSCR as the public body holding the information.
6. The Scottish Charity Register is subject to the ROPSI Regulations and Crown database right.

Policy

7. OSCR will make available in electronic form copies of the Register and extracts from it in accordance with the procedure set out below.
8. OSCR will only provide an electronic copy of such material to an applicant where it is satisfied that:

8.1 The applicant accepts the terms and conditions of the Open Government Licence. To view this licence, visit:

<http://www.nationalarchives.gov.uk/doc/open-government-licence/>

and

8.2 The applicant intends to re-use the information in an appropriate manner. In deciding what is appropriate OSCR will have due regard to the government policy to encourage the re-use of public sector information for the benefit of business, society and the citizen. . OSCR will refuse to provide the information where the purposes for which the information is intended to be re-used include:

- 8.2.1 a commercial purpose. A commercial purpose is “a purpose related to the activity of buying and selling and/or the making of profit” i.e. direct marketing
- 8.2.2 a purpose that could be seen as undermining the integrity or standing of the Register
- 8.2.3 the creation of alternative registers of charities.

OSCR may also refuse to provide an electronic copy where compliance with the request would entail an unreasonable resource burden (as a rule we will not supply more than 4 copies of the Register to the same requestor in any given calendar year).

- 9 Persons who wish to obtain an electronic copy for a permitted re-use that complies with the terms and conditions of the Open Government Licence should contact the Information Manager, OSCR, Quadrant House, 2nd Floor, 9 Riverside Drive, Dundee DD1 4NY. Fax 01382 220314 or info@oscr.org.uk

Persons wishing to view the Open Government Licence can do so at:

<http://www.nationalarchives.gov.uk/doc/open-government-licence/> or by e-mailing: psi@nationalarchives.gsi.gov.uk; or by writing to:

The Information Policy Team
The National Archives
Kew
London
TW9 4DU

Conditions of agreement to provide an electronic copy

- 10 Any document of which an electronic copy is provided must not be re-used in any manner which breaches the copyright in the document. Where the applicant makes publicly available a document, or the information contained in the document, which is subject to Crown copyright or Crown database right, the applicant will include a statement that the document or information is subject to Crown copyright or Crown database right, was provided by OSCR, and that s/he/it has complied with the necessary legal requirements in respect of re-use.
- 11 It is a condition of the agreement to provide an electronic copy that the applicant will not use any personal data provided as part of the publicly available information for direct marketing purposes.
- 12 In any event it is a condition of any such agreement that any personal data will only be processed by the applicant in accordance with the data protection principles set out in the Data Protection Act 1998.
- 13 The agreement to provide an electronic copy of information may be subject to the applicant meeting OSCR's charges for providing such a copy. The choice of electronic format will be at OSCR's discretion. Any charge for provision of an electronic copy of information will be set at a rate to cover the actual cost of provision. This is in accordance with the ROPSI Regulations and the 2005 Act.
- 14 Where the purpose for which the data will be re-used is charitable, philanthropic or benevolent, the charge specified in paragraph 13 will be waived irrespective of the status of the requestor.