STATUTORY INSTRUMENTS

2015 No. 1415

The Re-use of Public Sector Information Regulations 2015

Exclusions

5.—(1) These Regulations do not apply to a document where—

(a) the activity of supplying the document is one which falls outside the public task of the public sector body, provided that the scope of the public task of that body is transparent and subject to review; or

(b) a third party owns relevant intellectual property rights in the document.

(2) These Regulations do not apply to a document unless it—

(a) has been identified by the public sector body as being available for re-use;

(b) has been provided to the applicant; or

(c) is accessible by means other than by making a request for it within the meaning of the 1998 Act, the 2000 Act (or where appropriate the 2002 Act) or the 2004 Regulations (or where appropriate the 2004 Scottish Regulations).

(3) These Regulations do not apply to documents held by—

(a) public service broadcasters and their subsidiaries, and other bodies and their subsidiaries for the purposes of the provision of programme services or the conduct of any activities which a public service broadcaster is required or empowered to provide or to engage in by or under any enactment or other public instrument;

(b) educational and research establishments including organisations established for the transfer of research results, schools and universities (except university libraries); or

(c) cultural establishments, other than libraries, museums and archives.

(4) For the purposes of paragraph (3), "public service broadcaster" has the meaning given by section 264(12) of the Communications Act 2003 [M1], "subsidiary" has the meaning given by section 1159 of the Companies Act 2006 [M2] and "programme services" has the meaning given by section 405(1) of the Communications Act 2003.

(5) These Regulations do not apply in any situation in which a person is under a legal obligation to prove an interest in order to gain access to documents.

(6) These Regulations do not apply to parts of documents containing only logos, crests or insignia.

(7) These Regulations do not apply to—

(a) a document where access is excluded or restricted under information access legislation including on the grounds of protection of personal data, protection of national security, defence or public security, statistical confidentiality or commercial confidentiality (including business, professional or company secrets); or

(b) any part of a document which—

(i) is accessible under information access legislation; and

(ii) contains personal data the re-use of which would be incompatible with the law concerning the protection of individuals with regard to the processing of personal data.

Marginal Citations

M1 2003 c. 21.

M2 2006 c. 46.

Changes to legislation:
There are currently no known outstanding effects for the The Re-use of Public Sector Information Regulations 2015, Section 5.