



***The Consumer Focus***  
**Reuse of Public Sector Information Policy**

**Published by Consumer Focus**

**October 2008**

## **Section 1 : Introduction**

1.1 This policy is drawn up to comply with the Reuse of Public Sector Information Regulations 2005. It is intended to help the public to reuse information already published by Consumer Focus to promote their own research and publications.

1.2 'Re-use' means using the information for a purpose other than the purpose for which the document was originally produced. This could include commercial reasons.

1.3 This scheme forms a critical part of Consumer Focus's wider commitment to effective compliance to Freedom of Information and Publication Scheme obligations.

## **Section 2 : Principles**

### **Commitment**

2.1 Consumer Focus commits to:

- allow the free use of information available from our web site providing copyright and intellectual property rights are not infringed; and
- consider the granting of free use of non-published information providing copyright and intellectual property rights are not infringed

### **Responsibility**

2.2 The Secretariat develops the policy on behalf of the Board and the Director of Finance and Operations is charged with delivery. Responsibility is shared by all staff.

## **Section 3 : Delivery**

### **How do the public make a request to re-use information?**

3.1 To make a request the public should:

- put the request in writing;
- stating name and contact address;
- specify the document which you want to re-use; and then
- send the request to Consumer Focus

3.2 Consumer Focus will respond to a request within 20 working days. Where a request is received outside of normal working hours (for example an evening or weekend) it will be treated as having been received the next working day.

3.3 It may on occasion be necessary to extend the 20-day time limit. If this happens Consumer Focus will tell you before the deadline the reasons for the extension and the date on which we expect to respond.

3.4 'Responding to a request' can mean one of three things:

- making the requested document available for re-use; or
- where conditions are attached to its re-use, finalising the offer to you of the conditions on which re-use will be permitted; or
- refusing the request.

### **Will permission always be granted to re-use documents?**

3.5 Not always. Consumer Focus can refuse requests for one or more of the following reasons:

- the document contains information in which intellectual property rights are owned by a third party;
- the content of the document is exempt from disclosure under the Freedom of Information Act 2000; and/or

- the document falls outside of Consumer Focus' statutory functions.

### **Conditions of re-use**

3.6 Consumer Focus can impose conditions on re-use of documents. These conditions will not unnecessarily restrict the way in which a document can be re-used, nor restrict competition.

### **Payment**

3.7 Consumer Focus can charge for allowing re-use, but is not allowed to charge more than it costs Consumer Focus to provide the information. Consumer Focus will provide a breakdown of how charges have been calculated.

### **What happens if someone else wants to re-use the same information?**

3.8 Consumer Focus cannot discriminate between two applicants who request the same information. Both requests have to be dealt with.

3.9 Consumer Focus cannot grant exclusive rights to re-use the information, except where a service in the public interest cannot be provided other than by means of granting exclusive rights. If an applicant is granted exclusive rights, these should be for a relatively short duration so they can be reviewed. This will be agreed with , for example every 3 years, and the details of the exclusivity agreement may then have to be published on the Consumer Focus website.

### **What happens if we refuse?**

3.10 If Consumer Focus refuse a request for re-use Consumer Focus must inform the applicant in writing of the reason for refusal.

3.11 Consumer Focus must also advise the person of their rights of an internal review and of appeal.

3.12 Where the refusal is because a third party owns the intellectual property rights for the item in question, Consumer Focus are obliged to tell the person who owns the relevant intellectual property rights, where Consumer Focus know that information; or the name of the person from whom Consumer Focus obtained the document.

### **Complaints**

3.13 If a person is unhappy with how Consumer Focus has handled a request, the applicant can request a review. To do this the person should write to Consumer Focus within 40 days of being informed of the decision.

3.14 Consumer Focus will aim to respond to the person's complaint within 20 working days. Again, if Consumer Focus are unable to do this, Consumer Focus will inform during this period and provide a reason and an adjusted expected deadline for response.

3.15 Following receipt of Consumer Focus's response, if the person is still unhappy, they can contact the Office of Public Sector Information (OPSI) at:

Office of Public Sector Information  
Admiralty Arch  
North Side  
The Mall  
London  
SW1A 2WH

Or by completing an [online form](#).

3.16 OPSI is required to publish details of how it will deal with complaints. In certain circumstances, in relation to complex cases, they may require the complainant to pay a £750 non-refundable fee.

3.17 Any appeal to OPSI must be lodged before the end of 28 working days from the date the person was advised by Consumer Focus of the outcome of our internal review.

3.18 If the person is still unhappy with the outcome, they can complain to the Advisory Panel on Public Sector Information (APPSI).

3.19 This appeal must:

- be in writing;
- state the nature of the appeal;
- include a copy of the decisions of OPSI and Consumer Focus; and
- be lodged with APPSI before the end of 28 working days from the date the person was informed by OPSI of the results of their review.

3.20 The APPSI may make a charge of £750 to process a complaint.

3.21 The APPSI can be contacted at:

Advisory Panel on Public Sector Information  
1.35 Admiralty Arch  
The Mall  
London  
SW1A 2WH

Tel: 020 7276 5216  
Fax: 020 7276 5207