



Freedom of Information Act 2000

2000 CHAPTER 36

PART I

ACCESS TO INFORMATION HELD BY PUBLIC AUTHORITIES

Right to information

[^{F1}11A Release of datasets for re-use

- (1) This section applies where—
- a person makes a request for information to a public authority in respect of information that is, or forms part of, a dataset held by the authority,
 - any of the dataset or part of a dataset so requested is a relevant copyright work,
 - the public authority is the only owner of the relevant copyright work, and
 - the public authority is communicating the relevant copyright work to the applicant in accordance with this Act.

[But if the whole of the relevant copyright work is a document to which the Re-use of ^{F2}(1A) Public Sector Information Regulations 2015 apply, this section does not apply to the relevant copyright work.

- (1B) If part of the relevant copyright work is a document to which those Regulations apply—
- this section does not apply to that part, but
 - this section does apply to the part to which the Regulations do not apply (and references in the following provisions of this section to the relevant copyright work are to be read as references to that part).]

(2) When communicating the relevant copyright work to the applicant, the public authority must make the relevant copyright work available for re-use by the applicant in accordance with the terms of the specified licence.

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Freedom of Information Act 2000, Section 11A. (See end of Document for details)

- (3) The public authority may exercise any power that it has by virtue of regulations under section 11B to charge a fee in connection with making the relevant copyright work available for re-use in accordance with subsection (2).
- (4) Nothing in this section or section 11B prevents a public authority which is subject to a duty under subsection (2) from exercising any power that it has by or under an enactment other than this Act to charge a fee in connection with making the relevant copyright work available for re-use.
- (5) Where a public authority intends to charge a fee (whether in accordance with regulations under section 11B or as mentioned in subsection (4)) in connection with making a relevant copyright work available for re-use by an applicant, the authority must give the applicant a notice in writing (in this section referred to as a “ re-use fee notice ”) stating that a fee of an amount specified in, or determined in accordance with, the notice is to be charged by the authority in connection with complying with subsection (2).
- (6) Where a re-use fee notice has been given to the applicant, the public authority is not obliged to comply with subsection (2) while any part of the fee which is required to be paid is unpaid.
- (7) Where a public authority intends to charge a fee as mentioned in subsection (4), the re-use fee notice may be combined with any other notice which is to be given under the power which enables the fee to be charged.
- (8) In this section—
- “copyright owner” has the meaning given by Part 1 of the Copyright, Designs and Patents Act 1988 (see section 173 of that Act);
 - “copyright work” has the meaning given by Part 1 of the Act of 1988 (see section 1(2) of that Act);
 - “database” has the meaning given by section 3A of the Act of 1988;
 - “database right” has the same meaning as in Part 3 of the Copyright and Rights in Databases Regulations 1997 (S.I. 1997/3032);
 - “owner”, in relation to a relevant copyright work, means—
 - (a) the copyright owner, or
 - (b) the owner of the database right in the database;
 - “relevant copyright work” means—
 - (a) a copyright work, or
 - (b) a database subject to a database right,

but excludes a relevant Crown work or a relevant Parliamentary work;
 - “relevant Crown work” means—
 - (a) a copyright work in relation to which the Crown is the copyright owner, or
 - (b) a database in relation to which the Crown is the owner of the database right;
 - “relevant Parliamentary work” means—
 - (a) a copyright work in relation to which the House of Commons or the House of Lords is the copyright owner, or
 - (b) a database in relation to which the House of Commons or the House of Lords is the owner of the database right;

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Freedom of Information Act 2000, Section 11A. (See end of Document for details)

“the specified licence” is the licence specified by the [F³Minister for the Cabinet Office] in a code of practice issued under section 45, and the [F³Minister for the Cabinet Office] may specify different licences for different purposes.]

Textual Amendments

- F1** Ss. 11A, 11B inserted (31.7.2013 for the insertion of s. 11B, 1.9.2013 in so far as not already in force) by [Protection of Freedoms Act 2012 \(c. 9\)](#), **ss. 102(3)**, 120 (with s. 97); S.I. 2013/1906, arts. 2, 3(a)
- F2** S. 11A(1A)(1B) inserted (18.7.2015) by [The Re-use of Public Sector Information Regulations 2015 \(S.I. 2015/1415\)](#), regs. 1, **21(2)** (with regs. 5, 11(4), 21(8))
- F3** Words in s. 11A(8) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 14(2)(f)** (with art. 12)

Modifications etc. (not altering text)

- C1** S. 11A(8) functions transferred (9.12.2015) by [The Transfer of Functions \(Information and Public Records\) Order 2015 \(S.I. 2015/1897\)](#), arts. 1(2), **4(1)**, (2)(c) (with art. 5)

Status:

This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the Freedom of Information Act 2000, Section 11A.