
STATUTORY INSTRUMENTS

2009 No. 3157

The INSPIRE Regulations 2009

Data-sharing between public authorities etc.

12.—(1) A public authority (“P”) must, in relation to a spatial data set or spatial data service for which P is responsible—

- (a) enable another public authority or a relevant body to gain access to that data set or data service; and
- (b) enable another public authority or a relevant body to exchange and use that data set or data service,

where that authority or body requires that data set or data service for the purpose of its public tasks that may have an impact on the environment.

(2) But a public authority may limit sharing of the kind described in paragraph (1) when this would compromise the course of justice, public security, national defence or international relations.

(3) Subject to paragraphs (4), (5) and (6), a public authority which supplies a spatial data set or spatial data service to another public authority or a relevant body may impose conditions on the access to or exchange or use of that data set or data service, for example by doing either or both of the following—

- (a) providing that access to that data set or data service, or exchange or use of that data set or data service, is subject to terms and conditions imposed by a licence;
- (b) making a charge for the access to, or exchange or use of, that data set or data service.

(4) But any such conditions must be compatible with the aim of facilitating the sharing of spatial data sets and spatial data services among public authorities and between public authorities and relevant bodies, and must avoid creating practical obstacles, occurring at the point of use, to such sharing.

(5) Where a public authority makes a charge as described in paragraph (3)(b), the charge must be kept to the minimum required to ensure the necessary quality and supply of spatial data sets and spatial data services together with a reasonable return on investment, and any requirement on an authority to be self-financing is to be respected.

(6) Where, under EU legislation relating to the environment, a public authority is required to report a matter to an institution or body of the EU, that authority must not charge that body in relation to the provision to that body of a spatial data set or spatial data service in satisfaction of that requirement.

(7) In this regulation “relevant body” means—

- (a) a Scottish public authority;
- (b) a public body in another member State;
- (c) an institution or body of the EU; or
- (d) a body established by an international agreement to which the EU and the United Kingdom are parties.