

From: [Redacted - personal information]@telegraph.co.uk  
Sent: 13 January 2012 10:10  
To: Grant Kelly  
Subject: Green Belt shapefile

Hi Grant,

I'm trying to get hold of the 1997 and 2007 versions of the "Designated Green Belt shapefile" referred to on page 10 of this document:  
<http://www.communities.gov.uk/documents/corporate/pdf/909375.pdf>

Can you get me a copy of this file?

Many thanks,

[Redacted - personal information]

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From: [Redacted - personal information]@ordnancesurvey.co.uk  
Sent: 17 January 2012 11:48  
To: Grant Kelly  
Cc: [Redacted - personal information]  
Subject: RE: DCLG: Data Sharing

Hello Grant,

I just got this email back from our press office - "We have looked into this and the Telegraph has a media license and are therefore allowed to print the map (even if it is derived from OS MasterMap). Obviously they would need to get approval for the release from the third party (map creator).

This is similar to the release of the new boundary information in Wales where newspapers had to use our media license to print the maps even though they were created by a third party.

The Telegraph media license number is - [redacted] - expires 31 July 2012"

FYI - Attached is a copy of our media licence which the Telegraph would have to uphold the terms  
<http://www.ordnancesurvey.co.uk/oswebsite/docs/licences/media-licensing.pdf>

The advice from [Redacted - personal information]- my licensing colleague was the same as the above

too.

Best regards  
[Redacted - personal information]

-----Original Message-----

From: [Redacted - personal information]@ordnancesurvey.co.uk  
Sent: 16 January 2012 15:34  
To: Grant Kelly; [Redacted - personal information]  
Subject: RE: DCLG: Data Sharing

Hello Grant,

I am conscious I may be aware soon so I am giving you a response that is a bit rushed.....

[Redacted - personal information]- Grant rang me to say that they create a national boundary dataset of greenbelt land which is collected from each LA and stitched together centrally. The Telegraph want to publish this data. Do you have any advice for Grant?

Thank for the email, our local authority account managers feel that the creation of the greenbelt boundaries is probably captured against OS MasterMap Topo Layer (but it would be best to test that understanding with a local authority).

The OS does have a media licence and I am sure The Telegraph would have one from us but they would need to confirm this. It would be also good to understand what the Telegraph want the dataset for?

Secondly my thought is that as the LA are an IP holder so they may need to be asked their permission for publication too.

[Redacted - personal information]- any advice?

Best regards  
[Redacted - personal information]

-----Original Message-----

From: Grant Kelly [mailto:Grant.Kelly@communities.gsi.gov.uk]  
Sent: 16 January 2012 15:20  
To: [Redacted - personal information]@ordnancesurvey.co.uk  
Subject: RE: DCLG: Data Sharing

[Redacted - personal information],

Having had a quick look at the GB shapefile it seems to reference a GCS\_OSGB\_1936 Geographic Coordinate System - does this mean anything to you?

Thanks

Grant

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Thank you for your cooperation.

[Redacted - personal information]

From: [Redacted - personal information]@telegraph.co.uk  
Sent: 23 January 2012 16:53  
To: Grant Kelly  
Cc: [Redacted - personal information]  
Subject: Re: Green Belt shapefile  
Hi Grant,

Thanks, yes I can access yousendit.

[Redacted - personal information]

On 23 January 2012 16:41, Grant Kelly <Grant.Kelly@communities.gsi.gov.uk> wrote:

[Redacted - personal information],

Unfortunately the Green Belt shapefile for 2011 is too large to send by email. I will therefore place the file on YouSendit (password protected) and send you the password separately. I am not able to provide a 1997 shapefile as I have not been able to find one. However the best way to compare the extent of the Green Belt between years is to use the DCLG statistics on the Green Belt.

Please acknowledge DCLG in any publication of Green Belt boundaries.

Could you confirm that you are able to access [www.yousendit.com/](http://www.yousendit.com/) and then I will upload the file.

Regards

Grant Kelly

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From: [Redacted - personal information]@telegraph.co.uk

Sent: Tuesday, January 17, 2012 1:46 PM  
To: Grant Kelly  
Cc: [Redacted - personal information]

Subject: Re: Green Belt shapefile

Hi Grant,

I'm looking to use the shapefiles for display on interactive visualisations

and/or as a research base for stories about the Green Belt. The shapefile format is ideal because I can convert them for use on interactive graphics and I can also join them with other geographic data using GIS software.

CCing [Redacted - personal information] who has also been chasing this for me.

Many thanks,  
[Redacted - personal information]

On 17 January 2012 12:46, Grant Kelly <Grant.Kelly@communities.gsi.gov.uk> wrote:

[Redacted - personal information],

I understand that you have a media license from Ordnance Survey. Could I ask why you are requesting copies of the Green Belt shapefiles?

Regards

Grant Kelly

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From: [Redacted - personal information]@ordnancesurvey.co.uk  
Sent: 04 December 2012 11:16  
To: Grant Kelly  
Subject: Telegraph Greenbelt map

Follow Up Flag: Follow up  
Flag Status: Completed

Hello Grant,

Thanks for your phone call - I have asked our legal team to review the situation and also informed our press office.

My initial thoughts are that the download is without any licence at all and published on a Google API which if derived from OS data would appear to go beyond the terms of the PSMA.

Here is a link to the media licence.  
<http://www.ordnancesurvey.co.uk/oswebsite/docs/licences/guide-to-media-licences.pdf>

Under the PSMA any member may share data to a third party under the rights in the End User Licence as long as that activity supports core government business.

On the presumption that the Greenbelt data is derived from OS data - under what licence terms did DCLG supply this derived data?

Best regards

[Redacted - personal information]

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Thank you for your cooperation.

[Redacted - personal information]

From: Grant Kelly  
Sent: 04 December 2012 12:04  
To: [Redacted - personal information]@ordnancesurvey.co.uk  
Cc: [Redacted - personal information]  
Subject: RE: Telegraph Greenbelt map

[Redacted - personal information]

I just confirmed that they had a media license - [Redacted - personal information] said that he wanted the shapefile "for display on interactive visualisations and/or as a research base" - however he did not say that he wanted to make files available for download.

I forgot that one of the questions we ask local authorities is what scale they have captured the Green Belt boundaries against - two of the options are OS Landline or OS Mastermap. I shall check what authorities have answered - if they've used Mastermap (or Landline?) then I think that it's clear that there's a licensing issue involved.

I assume that you've found the piece but if not it's at

<http://www.telegraph.co.uk/earth/greenpolitics/planning/9708387/Interactive-map-Englands-green-belt.html>

Regards

Grant

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From: [Redacted - personal information]@ordnancesurvey.co.uk  
Sent: 04 December 2012 13:44  
To: Grant Kelly

Cc: [Redacted - personal information]  
Subject: RE: Telegraph Greenbelt map

Hello Grant,

Thanks for your email - yes I did find the article.

In your investigations with how the data was created do you have an understanding of how the local authorities themselves view the download - are they happy with the situation? Obviously they have an IP interest too.

The advice that OS will give you will partially be predicted on the results of your investigations as to whether the data is derived from OS data in the first place, and the view of the situation by the LA's, so a quick response will be appreciated.

Best regards

[Redacted - personal information]

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From: Grant Kelly  
Sent: 04 December 2012 15:35  
To: [Redacted - personal information]@ordnancesurvey.co.uk  
Cc: [Redacted - personal information]  
Subject: RE: Telegraph Greenbelt map

Attachments: RE: Greenbelt data

[Redacted - personal information]

In 2008-09, which is when the initial data collection was undertaken (and which is when most authorities' data will date from as most have not updated their Green Belt boundaries since) 57 out of 183 authorities used Mastermap and 50 used OS Landline. In subsequent years a majority of other authorities who updated their Green Belts used either Landline or Mastermap as a base.

As for what local authorities think we don't have the time to survey them individually. But [Redacted - personal information]'s email - attached below - makes it clear that there are three different parties with an IPR stake - DCLG, local authorities and Ordnance Survey.

The more I think on the situation the more I think that we should get the Telegraph to pull the shapefile, and perhaps the interactive map, even if only temporarily until proper licensing can be issued. What is Ordnance Survey's take on this?

Regards

Grant Kelly

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From: Grant Kelly  
Sent: 10 December 2012 16:14  
To: [Redacted - personal information]@ordnancesurvey.co.uk  
Cc: [Redacted - personal information]  
Subject: RE: Greenbelt data

[Redacted - personal information],

Thanks for this. We are currently discussing how to respond to the Telegraph's publication of the Green Belt information with Ordnance Survey and it would be very helpful to have the local authority's viewpoint. Perhaps we could have a meeting to discuss - I realise that time is getting short before Christmas but would you be available on Monday 17th December?

Regards

Grant Kelly

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From: [Redacted - personal information]@communities.gsi.gov.uk  
Sent: 19 February 2013 14:39  
To: Grant Kelly; [Redacted - personal information]@ordnancesurvey.co.uk  
Cc: [Redacted - personal information]  
Subject: RE: Telegraph Greenbelt map

[Redacted - personal information] /Grant,

Where have we gotten to with this, I've had the following questions come in today

Hello,

I would appreciate some information about licensing and re-use of the Green Belt for England spatial dataset that DCLG made available to the public in November via this article published on the Telegraph website:

Interactive map: England's green belt (Telegraph, 28/11/2013)

<http://www.telegraph.co.uk/earth/greenpolitics/planning/9708387/Interactive-map-Englands-green-belt.html>

The Telegraph article says that DCLG "released the data for the 2011 green belt to the Telegraph, and it is being made available here to view, explore, share and download", and includes a download link for the dataset in a 29 MB zip file.

The same data has subsequently been made available for download from other websites such as the London Datastore and ShareGeo Open, and has been implemented as a layer on the RTPI's Map for England. However I note the dataset does not seem to be available for download directly from either DCLG's Open Data Communities website or from Data.gov.uk.

My questions are as follows:

1. Is this Green Belt for England spatial dataset available for re-use

under an open data licence, e.g. the Open Government Licence (OGL)? If not, what are the available licensing terms for re-use of this data?

2. If this dataset may be re-used under licence, what is the correct attribution statement? In other words, does the dataset contain any third-party intellectual property? I assume that at minimum the dataset will contain some Ordnance Survey derived data.

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From: [Redacted - personal information]@ordnancesurvey.co.uk  
Sent: Tuesday, February 19, 2013 3:20 PM  
To: [Redacted - personal information]; Grant Kelly  
Cc: [Redacted - personal information]  
Subject: RE: Telegraph Greenbelt map

Hello [Redacted - personal information],

I had a meeting with Grant and [Redacted - personal information] before Christmas - the OS position remains that the release of this data is unlicensed, it should have been accompanied by a Public Sector Mapping Agreement (PSMA) End User Licence (EUL) stating the purpose of use by the Telegraph- this purpose of use would need to be linked back to DCLG's government business.

However - OS have taken a lenient approach to this situation - the PSMA has an exemption process allowing derived data to be treated as equivalent to the open data licence - in this case regularising what has already happened....

The open data terms would require an OS copyright acknowledgment.

I have had a meeting with [Redacted - personal information] and licensing colleagues - it is highly likely that if an exemption request is made by DCLG for this greenbelt data then OS would grant that exemption.

The complication is that there is additional IP in the dataset (ONS and Local Authorities). I have been in contact with ONS and they are happy with the data being made available as equivalent to open data under the exemption process.

My understanding is that DCLG would work with [Redacted - personal information] of LGA to get approval from the relevant LA's to make the exemption request to OS.

To date no exemption request has been received.

[Redacted - personal information] can you say who has asked this question?

Best regards

[Redacted - personal information]

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