

From: Katie Benn <Katie.Benn@ordnancesurvey.co.uk>
Date: 29 August 2013 17:12
Subject: Response to Request for Information - FOI13387
To: "Owen.boswarva@gmail.com" <Owen.boswarva@gmail.com>

Dear Mr Boswarva

Request for information – FOI13387

Thank you for your e-mail of 3rd July 2013, requesting the following information from Ordnance Survey in accordance with the Freedom of Information Act (FOIA) 2000:

I understand from the synopsis report released last month that an independent Study "Assessing the Value of Ordnance Survey OpenData (OS OpenData™) to the Economy of Great Britain" was commissioned by Ordnance Survey on behalf of the UK Government from ConsultingWhere Limited and ACIL Tasman, and that subsequently a Full Study Interim Report was prepared for Department of Business, Innovation and Skill.

Please provide a copy of the Full Study Interim Report.

I confirm that Ordnance Survey does hold the information you have requested, and we attach a copy of the report in response to your request. We regret the delay in providing this document. This was necessary due to needing to address the involvement of third parties in the preparation and drafting of the document. In the event this work has been resolved quicker than anticipated yesterday and so it is now possible to release it to you.

As you correctly anticipated, this Full Study Interim Report includes material that falls under one or more exemptions in accordance with the FOIA. Following consideration of the exemptions and having consulted with the report authors we have redacted some of the information, as we further detail:

Section 40 – Personal Information

The information we have redacted under 'version history' and 'further information' from the inside front cover and footer of page 30 has been withheld under the Personal Information exemption.

Section 40 (2) (a) together with section 40 (3) (a) (i) of the FOIA apply to information where disclosure would contravene any of the data protection principles under the Data Protection Act 1998. This exempts information constituting the personal data of living individuals, the release of which would be in breach of the Data Protection Principles.

In applying this exemption, we have considered whether disclosure of the personal data in question would be 'fair'. We have given particular consideration to the likely expectations of the data subject regarding the disclosure of their information.

We have concluded that disclosure of the personal information of those with responsibility for compiling this report and the actions they have personally undertaken within the report is unfair. We also consider that the disclosure of the names of Ordnance Survey individuals who are referenced, but are not Senior Civil Servants (SCS), to be unfair and that there is no expectation for them to be publicly referenced in this manner.

The use of Section 40 (2) constitutes an absolute exemption and no public interest test is required

in respect of this.

Section 41 – Information provided in confidence

ConsultingWhere and ACIL Tasman produced the report using a number of case studies which were the result of communications with many individuals/organisations.

The names of the organisations who took part in the cases studies and any reference to the information they supplied as part of this process has been redacted from page 17, section 4.1.3, section 4.1.4, section 7.3, section 7.4, section 7.6, section 9.1 and Appendix E, F and G of the report.

This is because the case study material supplied by various individuals/organisations has been identified and highlighted within the report as being ‘highly commercially sensitive’ by the authors, and assurances have been given to these organisations regarding confidentiality of the information they have supplied.

As this information is subject to a duty of confidence, and disclosure of the information would constitute an actionable breach of confidence, we have reached the view that it is exempt from disclosure in accordance with Section 41 of the FOIA – information provided in confidence.

As you are aware, to ensure that such confidentiality is maintained and that readers may not infer company and individual names from the detail of the full report, a synopsis of the report’s approach, methodologies, headline analysis and the conclusions and recommendations was prepared to support wider dissemination of the message from the full study interim report. This synopsis is, as notified to you in our previous FOI response to you, already in the public domain.

Section 41 is an absolute exemption and no public interest test is required.

Section 43 – Commercial Interests

Whilst, the total amount Ordnance Survey receives under the OS OpenData contract is already in the public domain, information relating to the internal breakdown of the contract value is not, as this is commercially sensitive to Ordnance Survey, because it relates to our internal business, product and general commercial arrangements.

We acknowledge there is public interest in the disclosure of information regarding accountability, transparency of decisions and the decision making process, however, this has to be balanced against the public interest in withholding information to allow government departments (such as Ordnance Survey) to compete fairly and with integrity along-side other organisations.

We are satisfied that given the commercial environment in which Ordnance Survey operates and the narrow markets in which we compete, that there is greater public interest in withholding the information detailed under Section 6.2 and Section 11.1 of the report, in accordance with Section 43 (2) of the FOIA, to ensure the business is able to fulfil our public task and our obligation under the Open Data agenda.

Internal Review

Your enquiry has been processed according to the Freedom of Information Act (FOIA) 2000. If you are unhappy with our response, you may request an internal review with our FOI Internal Review Officer, by contacting them as follows:

FOI Internal Review Officer
Customer Service Centre

Ordnance Survey
Adanac Drive
Southampton
SO16 0AS

E-mail: foi@ordnancesurvey.co.uk

Please include the reference number above. You may request an internal review where you believe Ordnance Survey has:

- Failed to respond to your request within the time limits
- Failed to tell you whether or not we hold the information
- Failed to provide the information you have requested
- Failed to explain the reasons for refusing a request
- Failed to correctly apply an exemption or exception

The FOI Internal Review Officer will not have been involved in the original decision. They will conduct an independent internal review and will inform you of the outcome of the review normally within 20 working days in line with the Information Commissioner's guidance.

The FOI Internal Review Officer will either: uphold the original decision, provide an additional explanation of the exemption/s applied or release further information, if it is considered appropriate to do so.

Appeal to Information Commissioner's Office (ICO)

If, following the outcome of the internal review you remain unhappy with our response, you may raise an appeal with the Information Commissioner's Office at:

The Case Reception Unit
Customer Service Team
The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

E-mail: mail@ico.gsi.gov.uk

Telephone helpline: 0303 123 1113 or 01625 545745 for advice, Monday to Friday.

Thank you for your enquiry.

Yours sincerely

Katie Benn, on behalf of Julie Sellers, Corporate FOI & Support Officer

Katie Benn
Corporate Governance Manager, Ordnance Survey

From: Owen Boswarva <owen.boswarva@gmail.com>
Date: 28 August 2013 19:07
Subject: re: FOI13387 - Extension
To: Julie Sellers <Julie.Sellers@ordnancesurvey.co.uk>

Dear Ms Sellers,

Thank you for your e-mail. I would like to register my disappointment that Ordnance Survey have again extended the response time for this information request.

While it is true that the Information Commissioner refers to "reasonable time" in these circumstances, the Information Commissioner has also said in good practice guidance that "in no case" should the total time exceed 40 working days.

I would appreciate a new estimate of the date by which Ordnance Survey expects to provide a substantive response. "As quickly as possible" seems unwontedly vague. Whether or not an extension beyond 40 working days is reasonable, an indefinite extension surely cannot be.

Best regards,

Owen Boswarva

From: Julie Sellers <Julie.Sellers@ordnancesurvey.co.uk>
Date: 28 August 2013 11:32
Subject: FOI13387 - Extension
To: "owen.boswarva@gmail.com" <owen.boswarva@gmail.com>

Dear Mr Boswarva

Request for Information: FOI13387

I refer to your recent information request to Ordnance Survey, allocated the above reference number, which is being dealt with under the Freedom of Information Act (FOIA) 2000.

Whilst I still confirm that Ordnance Survey does hold the information you have requested, in order for us to further consider the complexity of the information where the public interest test is concerned, we are unable to provide you a full response by the date previously notified. As per our initial acknowledgement, it is only in exceptional circumstance that we are required to extend response times.

There is a provision in the Freedom of Information Act, at section 10(3), which allows the 20 working day time limit to be extended where an authority is required to apply the public interest test, because one of the 'qualified' exemptions applies. We do aim to respond within 40 working days when it is necessary to extend, but the Information Commissioner does not stipulate a time and instead refers to 'reasonable time' in these instances. On this occasion it will take Ordnance Survey

longer than 40 working days to respond to your information request.

As we will be engaging Section 43 (2) of the FOIA 'Commercial Interests' which is a qualified exemption, additional time is required to further consider the public interest test and to fully consult with third parties. We will endeavour to respond to your information request as quickly as possible.

Should you need to contact Ordnance Survey regarding your request at any time, please continue to quote the allocated reference number: FOI13387.

Yours sincerely

Julie Sellers
Corporate Governance Manager, Ordnance Survey

From: Julie Sellers <Julie.Sellers@ordnancesurvey.co.uk>
Date: 30 July 2013 11:40
Subject: FOI13387 - Time Extension
To: "owen.boswarva@gmail.com" <owen.boswarva@gmail.com>

Dear Mr Boswarva

Request for Information: FOI13387

I refer to your recent information request to Ordnance Survey, allocated the above reference number, which is being dealt with under the Freedom of Information Act (FOIA) 2000.

Whilst I can confirm that Ordnance Survey does hold the information you have requested, in order for us to fully consider the complexity of the information where the public interest test is concerned, we are unable to provide you a full response within the standard 20 working day time limit.

There is a provision in the Freedom of Information Act, at section 10(3), which allows the 20 working day time limit to be extended where an authority is required to apply the public interest test, because one of the 'qualified' exemptions applies.

In this instance we consider Section 43 (2) of the FOIA – 'Commercial Interests' will apply to some of the information you have requested. This is because the report contains information which is commercially sensitive to Ordnance Survey and the competitive market in which we operate. Whilst some of this information would have been made available via the synopsis which is already in the public domain, not all of the information has been made available in the format which the Full Study Interim Report adopts.

Consequently, we require additional time to allow us to consider the public interest in relation to this qualified exemption in full.

As per our initial acknowledgement, it is only in exceptional circumstance that we are required to extend the twenty working day limit. We will endeavour to respond to your information request as quickly as possible but in any event we will be able to provide a full response to you by 29th August

2013 latest, this being forty working days in total from receipt of your information request.

Should you need to contact Ordnance Survey regarding your request at any time, please continue to quote the allocated reference number: FOI13387 in your correspondence.

Yours sincerely

Julie Sellers
Corporate Governance Manager, Ordnance Survey

From: Julie Sellers <Julie.Sellers@ordnancesurvey.co.uk>
Date: 5 July 2013 17:38
Subject: FOI Acknowledgement - FOI13387
To: "owen.boswarva@gmail.com" <owen.boswarva@gmail.com>

Dear Mr Boswarva

Request for information – FOI13387

Thank you for your e-mail of 3rd July 2013, which will be considered by Ordnance Survey in accordance with the Freedom of Information Act (FOIA) 2000.

We acknowledge your request to be:

I would like to submit the following new request for information under the Freedom of Information Act:

I understand from the synopsis report released last month that an independent Study "Assessing the Value of Ordnance Survey OpenData (OS OpenData™) to the Economy of Great Britain" was commissioned by Ordnance Survey on behalf of the UK Government from ConsultingWhere Limited and ACIL Tasman, and that subsequently a Full Study Interim Report was prepared for Department of Business, Innovation and Skill.

Please provide a copy of the Full Study Interim Report.

I appreciate per the synopsis that the Full Study Interim Report includes case study material that is commercially sensitive and/or subject to an obligation of confidence, and that Ordnance Survey may therefore need to redact some parts of the report that are exempt from disclosure under FOI.

As your request was received by Ordnance Survey on 3rd July 2013 we will provide to you a full response within 20 working days, as required by the Act, meaning by the 31st July 2013.

In exceptional circumstances it may be necessary for Ordnance Survey to extend this date, to consider a complex public interest argument, if engaging a qualified exemption. In such cases we will notify, and confirm with you, the revised date we would expect to provide a full response.

Should you need to contact Ordnance Survey regarding your request at any time, please quote the allocated reference number: FOI13388 in any correspondence.

Thank you for your enquiry.

Yours sincerely

Julie Sellers
Corporate Governance Manager, Ordnance Survey

From: Owen Boswarva <owen.boswarva@gmail.com>
Date: 3 July 2013 13:03
Subject: Freedom of Information request: OS OpenData Full Study Interim Report [previous subject: FOI Response - FOI13378]
To: Julie Sellers <Julie.Sellers@ordnancesurvey.co.uk>

Dear Ms Sellers,

Thank you for your e-mail. I was aware of the release of the synopsis report on 19 June, but appreciate the confirmation that this is the same report mentioned in the minutes of the Data Strategy Board's April meeting. I am happy to consider the release of this report as a complete and satisfactory response to my FOI request.

I would like to submit the following new request for information under the Freedom of Information Act:

I understand from the synopsis report released last month that an independent Study "Assessing the Value of Ordnance Survey OpenData (OS OpenData™) to the Economy of Great Britain" was commissioned by Ordnance Survey on behalf of the UK Government from ConsultingWhere Limited and ACIL Tasman, and that subsequently a Full Study Interim Report was prepared for Department of Business, Innovation and Skill.

Please provide a copy of the Full Study Interim Report.

I appreciate per the synopsis that the Full Study Interim Report includes case study material that is commercially sensitive and/or subject to an obligation of confidence, and that Ordnance Survey may therefore need to redact some parts of the report that are exempt from disclosure under FOI.

Many thanks for your attention to this request.

Best regards,

Owen Boswarva

From: Julie Sellers <Julie.Sellers@ordnancesurvey.co.uk>
Date: 2 July 2013 15:30
Subject: FOI Response - FOI13378

To: "owen.boswarva@gmail.com" <owen.boswarva@gmail.com>

Dear Mr Boswarva

Request for information – FOI13378

Thank you for your e-mail of 6th June 2013, requesting the following information from Ordnance Survey:

'According to the action record of a Data Strategy Board meeting held on 24 April 2013 available here: <https://www.gov.uk/data-strategy-board> there exists a "recently published OS OpenData™ Evaluation Report".

The DSB action record indicates this report has been circulated outside Ordnance Survey but I am unable to find it on the OS website or elsewhere online. I would be grateful for a copy of this report, including any appendices or other attachments related to the report'

I confirm that Ordnance Survey does hold this information, however your request falls within the 'information accessible to applicant by other means' exemption under section 21 (1) of the Freedom of Information Act (FOIA) 2000.

We consider this exemption applies because the report you have requested, and which is referred to in the Data Strategy Board Action Log entitled 'Assessing the Value of OS OpenData to the Economy of Great Britain synopsis' is already publicly available at this link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/207692/bis-13-950-assessing-value-of-opendata-to-economy-of-great-britain.pdf

Internal Review

Your enquiry has been processed according to the Freedom of Information Act (FOIA) 2000. If you are unhappy with our response, you may request an internal review with our FOI Internal Review Officer, by contacting them as follows:

FOI Internal Review Officer
Customer Service Centre
Ordnance Survey
Adanac Drive
Southampton
SO16 0AS

E-mail: foi@ordnancesurvey.co.uk

Please include the reference number above. You may request an internal review where you believe Ordnance Survey has:

- Failed to respond to your request within the time limits (normally 20 working days)
- Failed to tell you whether or not we hold the information
- Failed to provide the information you have requested
- Failed to explain the reasons for refusing a request
- Failed to correctly apply an exemption or exception

The FOI Internal Review Officer will not have been involved in the original decision. They will conduct an independent internal review and will inform you of the outcome of the review normally within 20 working days, but exceptionally within 40 working days, in line with the Information Commissioner's guidance.

The FOI Internal Review Officer will either: uphold the original decision, provide an additional explanation of the exemption/s applied or release further information, if it is considered appropriate to do so.

Appeal to Information Commissioner's Office (ICO)

If, following the outcome of the internal review you remain unhappy with our response, you may raise an appeal with the Information Commissioner's Office at:

The Case Reception Unit
Customer Service Team
The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

E-mail: mail@ico.gsi.gov.uk

Telephone helpline: 0303 123 1113 or 01625 545745 for advice, Monday to Friday.

Thank you for your enquiry.

Yours sincerely
Julie Sellers
Corporate Governance Manager, Ordnance Survey

From: Julie Sellers <Julie.Sellers@ordnancesurvey.co.uk>
Date: 11 June 2013 10:31
Subject: FOI Acknowledgement - FOI13378
To: "owen.boswarva@gmail.com" <owen.boswarva@gmail.com>

Dear Mr Boswarva

Request for information – FOI13378

Thank you for your e-mail of 6th June 2013, which will be considered by Ordnance Survey in accordance with the Freedom of Information Act (FOIA) 2000.

We acknowledge your information request to be:

According to the action record of a Data Strategy Board meeting held on 24 April 2013 available here: <https://www.gov.uk/data-strategy-board> there exists a "recently published OS OpenData

Evaluation Report".

The DSB action record indicates this report has been circulated outside Ordnance Survey but I am unable to find it on the OS website or elsewhere online.

I would be grateful for a copy of this report, including any appendices or other attachments related to the report.

As your request was received by Ordnance Survey on 6th June 2013 we will provide to you a full response within 20 working days, as required by the Act, meaning by the 4th July 2013.

In exceptional circumstances it may be necessary for Ordnance Survey to extend this date, to consider a complex public interest argument, if engaging a qualified exemption. In such cases we will notify, and confirm with you, the revised date we would expect to provide a full response.

Should you need to contact Ordnance Survey regarding your request at any time, please quote reference number: FOI13378 in any correspondence.

Thank you for your enquiry.

Yours sincerely

Julie Sellers
Corporate Governance Manager, Ordnance Survey

From: Owen Boswarva <owen.boswarva@gmail.com>
Date: 6 June 2013 13:42
Subject: Freedom of Information request: OS OpenData Evaluation Report
To: customerservices@ordnancesurvey.co.uk

Hello,

According to the action record of a Data Strategy Board meeting held on 24 April 2013 available here:

<https://www.gov.uk/data-strategy-board>

there exists a "recently published OS OpenData Evaluation Report".

The DSB action record indicates this report has been circulated outside Ordnance Survey but I am unable to find it on the OS website or elsewhere online.

I would be grateful for a copy of this report, including any appendices or other attachments related to the report.

Please treat this as a Freedom of Information request.

If the report has been updated subsequent to its circulation by the DSB Secretariat, please provide

the latest version of the report held by Ordnance Survey.

If you are unable to determine precisely which report the DSB action record refers to, please provide a copy of any information held by Ordnance Survey that fits the description of a report evaluating the OS OpenData programme. For the avoidance of doubt I am not seeking copies of technical guidance or specifications for the OS OpenData products themselves, except to the extent that such material is included in the abovementioned report or reports.

Many thanks for your attention to this request.

Best regards,

Owen Boswarva