



Owen Boswarva <owen.boswarva@gmail.com>

RE: Addressing FOIs

1 message

[REDACTED] <[REDACTED]@os.uk>
To: Owen Boswarva <owen.boswarva@gmail.com>

19 August 2026 at 11:00

Dear Owen

We are now in a position to inform you that GeoPlace and OS do not object to the London Borough of Merton providing you with its Council Tax data on such terms as Merton decides in its own discretion. We will let you know if we become aware of any additional Council Tax address datasets that do not contain OS/GeoPlace IPR.

Kind regards

[REDACTED]

From: [REDACTED]
Sent: 17 August 2026 15:22
To: Owen Boswarva <owen.boswarva@gmail.com>
Subject: RE: Addressing FOIs

Dear Owen

Thank you for your email of 22 May, and apologies for the delay in responding.

We reserve our position generally in relation to your email, and respond inline, in bold, below to a small number of points.

Kind regards

[REDACTED]

From: Owen Boswarva <owen.boswarva@gmail.com>
Sent: 22 May 2026 16:50
To: [REDACTED] <[REDACTED]@os.uk>
Cc: FOI <FOI@os.uk>
Subject: Re: Addressing FOIs

External Email: Take care with attachments & links.

(FOI Team, I have copied in your inbox as requested by Lisa Simmons who I understand is on annual leave from next week. This email is not an information request.)

Dear [REDACTED],

I am engaging with your email of 8 May below, as requested, to update Ordnance Survey and GeoPlace LLP on actions taken following receipt of that email.

I have treated your email, received at 17:19 on 8 May 2026, as a "cease and desist" letter from OS and GeoPlace, with additional discursive content, and have replied in that vein.

I have understood the gist of your email to be that OS and GeoPlace claim that "except for Leeds City, Wigan and Bradford Councils, the address data published on [datadaptive.com](https://www.datadaptive.com) should be considered as containing the intellectual property of Ordnance Survey, GeoPlace and Royal Mail, and its continued publication constitutes infringement of our respective rights."

I have taken that to mean all of the address data in datasets linked from the landing page at <https://www.datadaptive.com/addr/>, as at the time of your email on 8 May 2026, with the exception of those disclosed by the three mentioned councils. For reference, none of those datasets have been stored or published on the [datadaptive.com](https://www.datadaptive.com) domain itself and none have been published after 1 May 2026 (i.e. in the "few days" prior to your email).

In the absence of clarification I have interpreted "address data" to include postcodes but not Unique Property Reference Numbers (UPRNs).

I note that the claim of infringement of rights is described broadly in your email. OS and GeoPlace have not identified to me any specific files or URLs related to that claim, have not identified by name any of the relevant councils in scope of the claim, and have not offered any specific analysis or evidence that would help me evaluate the claim. **[We have stated that we will inform you in the event that we become aware of any local authorities whose Council Tax address data does not contain OS/GeoPlace IPR. As we have already stated, OS/GeoPlace's position is that the overwhelming majority of local authorities' Council Tax address datasets contain the intellectual property of Ordnance Survey, GeoPlace and Royal Mail. We are confident in this position.]**

To date, only one of the relevant 57 councils in scope of the OS/GeoPlace claim of infringement has contacted me to notify me of any error in their grant of permission for re-use of the address data under the terms of the Open Government Licence or on similar open terms. That contact is very recent and I am in separate correspondence with the council.

None of the downloads published by me contain data from Council Tax property lists supplied by more than one council. Given the nature of the lists it is unlikely that there is any overlap in the address data supplied by different councils. Accordingly, to the extent that OS and GeoPlace can produce any evidence of infringement of third-party rights with regard to any particular Council Tax property list or download, that is unlikely to serve as evidence of infringement with regard to any other list or download.

In order to make out its claim of infringement in each case, OS and GeoPlace will need to establish not only that the relevant dataset contains the intellectual property of Ordnance Survey, GeoPlace, and/or Royal Mail, but also (a) that the council was not authorised to license the necessary third-party rights in the information, and (b) that publication of the dataset was a form of re-use for which permission was required. For the purposes of this reply I have assumed that the claim of infringement from OS and GeoPlace is intended to include those elements.

It is not completely clear from your email whether OS and GeoPlace are claiming infringement of copyright as well as database right. While copyright is widely observed around the world, whether re-use infringes database right will depend in part on the territory in which the re-use takes place.

With regard to the specific requirements in your email:

"1.Remove from [datadaptive.com](https://www.datadaptive.com) all Council Tax address data other than that provided by the three local authorities identified above."

This action has been completed effective 12:00 on 12 May 2026. I have interpreted the above as a requirement to remove from the public web any relevant datasets linked from the [datadaptive.com](https://www.datadaptive.com) domain (and from other public locations under my control). This action has involved the removal of address datasets disclosed, with clearly documented permission for re-use under the terms of the Open Government Licence v3 (or compatible open terms), by 57 local authorities.

"2. Cease any further reproduction, re-use, distribution, or publication of the address data that has been removed."

This action has been completed effective 12:00 on 12 May 2026, to the extent of my involvement in any such activity. This is not an indication of any previous re-use, for commercial purposes or otherwise.

"3. Include a notice on [datadaptive.com](https://www.datadaptive.com), in a prominent position where it would be seen by anyone looking for Council Tax address datasets, making it clear that you had published, purportedly under the terms of the OGL, Council Tax address data from various local authorities, which data you are now informed contains the intellectual property rights of Ordnance Survey, GeoPlace and Royal Mail. Therefore, to the extent that anyone has downloaded or otherwise used such data, they should note that it is subject to such third party intellectual property rights, and cannot be used without express consent from Ordnance Survey, GeoPlace and Royal Mail."

This action has been completed effective 12:00 on 12 May 2026. A notice to that effect has been published prominently on <https://www.datadaptive.com/addr/>. That is the landing page for Council Tax address datasets and the only page on the [datadaptive.com](https://www.datadaptive.com) domain where any have been linked.

I will keep that notice up for a reasonable period (and probably longer, for my own reasons) but do not commit to maintain the notice, the landing page, or the Datadaptive site in perpetuity.

I agree it is good practice to make potential re-users aware of claims of IP infringement, substantiated or not. To that end I have also highlighted the OS/GeoPlace claim to interested parties via a range of public and private channels, and am continuing to do so.

"4. Contact, to the extent you have relevant contact details, any organisations or individuals who have downloaded the data from [datadaptive.com](https://www.datadaptive.com) and inform them that the data contains third-party intellectual property and may not be further reproduced, re-used, distributed or published without the express permission of Ordnance Survey, GeoPlace and Royal Mail."

This action has been completed effective 19:00 on 15 May 2026. I have made any such organisations or individuals aware of those claims and requirements as from yourselves (while not adopting them as my own assessment), where I understand or have a well-founded belief that they have downloaded relevant data.

"5. Preserve any records evidencing where the address datasets have been downloaded from [datadaptive.com](https://www.datadaptive.com), including the names of individuals or organisations and IP addresses, as we may need to investigate potential downstream infringements."

This action has been completed effective 13:00 on 16 May 2026, to the extent that such records are held by or accessible to me. As mentioned no Council Tax address data was ever stored or published on the [datadaptive.com](https://www.datadaptive.com) domain itself, but I have interpreted this requirement as applicable to relevant files linked from that domain (and from other public locations under my control).

You should not infer that I hold any significant amount of information that would be useful in identifying individuals or organisations who may have downloaded the relevant datasets. It is in the nature of open data that the publisher or licensor normally has no need to track or monitor the activity of potential re-users.

I consider that the above actions constitute complete compliance with the five requirements set out in your email of 8 May, based on my best understanding of those requirements. OS and GeoPlace may place reliance on those actions to the extent that they or Royal Mail have (as a matter of fact and law) IP rights in the address data in specific relevant datasets that the relevant council were not authorised to license to me on the open terms communicated by them.

Nothing in this email should be interpreted as an admission of involvement in the infringement of any intellectual property rights, wittingly or otherwise, by myself or any other party known to me, or as an endorsement of any claims of ownership of rights in any of the Council Tax datasets, or as relinquishment of any legal rights. Currently I am not in a position to reconcile conflicting accounts offered by the relevant councils and OS/GeoPlace with regard to ownership or licensing of address data or with regard to any contractual obligations of those parties.

If OS or GeoPlace subsequently discover or realise that their claim of infringement of rights is mistaken in whole or part, or has been communicated or enforced in an overly broad manner, they should notify me with further details as that may help mitigate any detriment or costs incurred by myself and/or other parties as the result of this regrettable action by OS and GeoPlace. **[We are now in a position to inform you that we have held discussions with Barnet Council, and Barnet has provided an explanation as to why it considers its Council Tax address data does not include the intellectual property of Ordnance Survey and GeoPlace; as a result of those discussions,**

GeoPlace and OS does not object to Barnet Council providing you with its Council Tax data on such terms as Barnet decides in its own discretion. As noted in my email of 8 May, if we become aware of any additional Council Tax address datasets that do not contain OS/GeoPlace IPR, we will inform you of this.]

In the remainder of this email I outline why I think the approach taken by OS and GeoPlace, to discourage the availability and open re-use of address data in Council Tax property lists, is problematic. I also suggest some of the pitfalls of that approach.

It appears that the original approach taken by OS/GeoPlace, in the form of interventions to councils as anticipated in the email that your colleague [REDACTED] sent to me on 22 January, has been broadly unsuccessful. A clear majority of the 34 councils that had released their Council Tax property lists as open data at that time have not informed me of any change in their position on the licensing. Evidently most of those councils have also not confirmed to yourselves whether the address data in those lists is "Authority Owned Data" – the proxy concept that OS/GeoPlace are relying on to infer whether the address data contains third-party IP rights.

The term "Authority Owned Data" is not very helpful in understanding whether the address data in a Council Tax property list might contain third-party IP rights as a matter of law. The term has not been consistently defined in the OS emails to me. You have described it in your email of 8 May as meaning "created and maintained entirely independently of their LLPGs and without reference to Ordnance Survey, GeoPlace or Royal Mail intellectual property". Your colleague described it in their email of 22 January as "defined in the DCA" and essentially meaning "data not derived from/not containing IPR from Ordnance Survey, GeoPlace or Royal Mail" (with some caveats).

I understand that the [Data Co-operation Agreement](#) (DCA) is a GeoPlace contract, underpinned by the PSGA member licence, that councils are required to sign and under which they have rights to re-use AddressBase and other national address products that contain third-party IP rights belonging to OS, GeoPlace, and/or Royal Mail.

From my own reading of a public version of the DCA it appears that "Authority Owned Data" is defined more or less as described by your colleague. The full definition in the DCA is "means any data included within the Authority Updates, to the extent they are not derived from and do not contain IPR from the Supplied Data".

Reliance on that definition for purposes outside the contractual scope of the DCA creates difficulties, because "Authority Owned Data" is not straightforwardly equivalent to address data that does not contain third-party IPR. It must also not be "derived from" any of the third-party address datasets ("Supplied Data"). Unfortunately "derived from", and the related concept of "derived data" that OS has promoted for many years to its licensees, are not clearly defined in terms of their relationship to acquisition of IP rights – and have not been developed in case law.

I think it is likely that council staff understand "Authority Owned Data" not as an easily interpreted contract term but as an amorphous quasi-legal concept promoted and interpreted with advice and guidance from OS/GeoPlace, much of which will have been communicated informally. Based on internal correspondence disclosed to me, it appears that some council staff are under the impression that local address data cannot be "Authority Owned Data" if it is derived from, copied against, checked against, cleansed, or maintained using any OS/GeoPlace/RM datasets or with reference to data in the council's LLPG. In other words, more in line with the description in your own email of 8 May.

You will be aware that re-use of a data product licensed from a third party to perform operations on a dataset does not automatically mean that the third party will acquire IP rights in that dataset. It is also my understanding that neither the PSMA member licence nor the DCA provide for any contractual transfer or assignment of ownership of IP rights between the parties.

Accordingly, I think it is likely that many of the routine processing operations that might remove local address data from the understood definition of "Authority Owned Data" do not map cleanly to concepts (such as "extraction", "re-utilization", and "consultation") that have been established in statute and case law. Those processing operations may not necessarily involve the extraction of a substantial part of the contents of any third-party database, or otherwise meet any legal test for acquisition of third-party IP rights.

All of this means that whether particular address data is thought to conform to the definition of "Authority Owned Data" is a poor guide to understanding whether that data is solely owned by the council or contains third-party IP rights, as a matter of law outside the Potemkin village of GeoPlace's contractual framework.

For my purposes, whether OS/GeoPlace understand that the address data in a Council Tax property list is "Authority Owned Data" is useful only as an indication that OS/GeoPlace are less likely to raise a claim of infringement to block open re-use of that data. Even so, OS/GeoPlace have now grudgingly identified three Council Tax property lists that are "Authority Owned Data", among the 34 that had been released as open data prior to their interventions in late January. I hope OS/GeoPlace will recognise that – even based on their own narrow standard of acceptance – there are likely to be many more such cases to be discovered among the 300 or so councils that maintain Council Tax property lists.

The 57 councils in scope of the OS/GeoPlace claim of infringement includes a clear majority of the 34 authorities that I understand OS/GeoPlace contacted in late January about their handling of my requests. Those authorities in particular have had ample time to review their position and notify me of any error in their grant of permission for re-

use. Given that I understand from information provided by yourselves that you will have urged or prevailed upon those authorities to contact me to correct any error, it is reasonable for me to infer (in the absence of further contact) that those authorities in particular are confident in their sole ownership of rights in the address data disclosed to me. **[We do not consider this to be a reasonable inference. As stated in my email of 8 May, we informed the local authorities of our assumption regarding the intellectual property position with respect to their Council Tax address data, and notified them that we would be contacting you to inform you of OS/GeoPlace copyright and database rights in the data, unless the relevant local authority contact us by a given date to confirm that it is confident that the disclosed addressing data is Authority Owned Data, providing details as to how it has assured itself of this.]**

Your offer to inform me if you "become aware of any additional Council Tax address datasets that are entirely 'Authority Owned Data'" is welcome but suggests that, in most cases, OS and GeoPlace have not substantiated their claim of infringement even to their own satisfaction.

I do not place any great weight on the position of OS and GeoPlace that the "overwhelming majority" of Council Tax property lists contain third-party IP, or on the proposition that reference to licensed data held in a council's Local Land and Property Gazetteer (LLPG), in the course of the compilation or maintenance of such a list, will necessarily involve the creation of third-party rights in the list. I am not obliged to adopt the assertions of OS and GeoPlace as either facts or my own working assumptions.

At this point I have corresponded with more than 200 councils about their Council Tax property lists. That body of correspondence has reinforced my earlier understanding that those lists are often compiled and maintained separately from the operation of LLPGs. In many cases I have corresponded directly with staff in the service area that administers the billing of Council Tax.

That does not mean I think that all Council Tax property lists are necessarily maintained without any reference to additional records available in LLPGs. But I note that many councils have difficulty supplying the UPRNs that correspond to properties on their Council Tax lists – a problem I would not expect if processes for maintaining those lists were closely integrated with LLPG processes.

As you know, infringement of copyright and database right are strict liability torts in the UK. Nevertheless you have stated in your email that OS and GeoPlace consider that I "have been well aware for a considerable time that the address data disclosed by local authorities is very likely to contain third-party intellectual property." To the extent that this statement is intended to refer to any of the published address data in scope of the claim of infringement, and to the extent that it is intended to refer to third-party IP that the councils were not authorised to license for re-use, that additional allegation is false and offensive.

I imagine it might be possible to take a view, based on technical analysis, on whether a disclosed Council Tax property list contains address data copied or derived from a third-party source. But that would require, for comparison, both a copy of any relevant address data held by the council that has not been tainted by third-party data and a bulk copy of any relevant third-party address datasets. None of those input sources have ever been accessible to me.

Many of the Council Tax property lists disclosed to me are quite messy, with spelling errors and inconsistencies in format. But even where an address dataset is regular in appearance, that is no guide to whether it contains third-party IP. Two lists of addresses for the same properties, compiled independently using different sources and methods, may appear identical on the page (or in the spreadsheet) because they both been formatted to the same technical standard e.g. a BS7666 structured address format. That process of standardisation does not, by itself, have any effect on the ownership of IP rights in the address data.

In any case, for purposes of detecting infringement of IP rights in any of the disclosed Council Tax property lists, the relevant question is not whether the user can detect third-party IP in the address data but whether the user can recognise third-party IPR that the council was not authorised to license for re-use. In the context of information disclosed under the FOI Act with permission for re-use granted following a formal re-use request, the user is entirely dependent on statements from the council itself.

As I think you are aware, every re-use request that I have submitted for a Council Tax property list has included the following: "If any third party owns intellectual property rights in any of the above requested information which the Council is not authorised to license, please specify the relevant information and the name of the third party." For many years that has been a standard element in re-use requests I have submitted to public sector bodies under the terms of the Re-use of Public Sector Information Regulations 2015 (RPSI), regarding all sorts of datasets.

In each case I have only published a Council Tax property list once I have documented clear permission from the council for re-use of the disclosed information on open terms. The address datasets disclosed by the 57 councils in scope of your infringement claim include cases where the council had engaged conspicuously with questions of IP ownership, others that are covered by permission for re-use communicated to me by local government lawyers, and many others where permission was granted following internal reviews carried out by senior staff.

I do not think OS/GeoPlace can credibly find fault with myself, and other potential re-users downstream, for relying on a council's statement of permission for re-use. It is apparent from both your email of 8 May and your colleague's email

of 22 January that OS and GeoPlace themselves, with far better access and within closer working relationships under the DCA, are mainly reliant on councils to tell them whether a published address dataset contains third-party IP rights. **[We are often asked for advice on this, and are happy to work together with local authorities to help in resolving difficult questions.]**

I would also point out that, were it feasible for me to establish for myself whether a particular Council Tax property list contains third-party IP, it is likely that in at least some of the cases where OS/GeoPlace have prevailed on councils to change their position on the licensing I would have challenged those decisions by making complaints to the Information Commissioner's Office (ICO).

I am confident that in all cases where a council has disclosed their Council Tax property list to me with permission for re-use on open terms they have done so in good faith. To the extent that council staff may have in error given permission for re-use of third-party IP rights that a council was not authorised to license, I think it is likely that the quality of advice provided by OS/GeoPlace on intellectual property issues and/or the inadequacy of efforts by OS/GeoPlace to disseminate that advice will have contributed to those errors. If councils do not even understand the contractual rules around their re-use and sharing of third-party address data, OS/GeoPlace must take the lion's share of blame for that. The opacity of OS's commercial licensing framework has been a running joke in the geospatial industry for decades, and I doubt PSGA members are any better served.

Notwithstanding that OS and GeoPlace may now regret those decisions, there may be an argument that council staff were acting within the latitude of authority given tacitly or ceded to them by OS and GeoPlace if or when they authorised re-use of IP belonging to those third parties and/or Royal Mail.

In many cases, in correspondence, I have signposted the ICO's [RPSI guidance](#) to council staff where I think it might be helpful to them. But it is not any part of my obligations, as an unaffiliated member of the public exercising my statutory rights, to educate public authorities on the subject of intellectual property or to advocate for the commercial interests of third parties. I would be alarmed to think that councils might take advice from me on how to formulate their responses to statutory requests, given that the FOI process is supposed to be applicant-blind and the RPSI process is supposed to be non-discriminatory. I reject the implication that council staff in general are easily led – that is not consistent with my experience.

On the other hand, I remain concerned by the extent to which OS and GeoPlace LLP appear to be steering council responses to statutory requests for public sector information. Where commercial interests and third-party rights are engaged, I do of course expect the council to consult the relevant third parties – as advised in ICO guidance. But that process should be led by the council, and the council should have space to form its own view on disclosure of information and ownership of IP rights.

It is possible that some of the practices I have seen, in internal correspondence disclosed to me, may be looked upon as suggesting a risk of the appearance that OS/GeoPlace may have induced or procured councils to misunderstand the ownership of IP rights in local datasets, to the advantage of the commercial interests of OS/GeoPlace and to the detriment of the councils and the wider public interest in open address data. I imagine that a potential re-user with a more commercial stance than my own, or a regulator, might take a dim view of that behaviour from the perspective of competition law.

I am in favour of councils taking independent expert advice on these matters, if they perceive gaps in their in-house knowledge or are concerned by conflicts of interest. But they may not learn the lessons that Ordnance Survey and GeoPlace LLP want them to.

Kind regards,

Owen Boswarva

----- Forwarded message -----

From: [REDACTED] <[REDACTED]@os.uk>
Date: Fri, 8 May 2026 at 17:19
Subject: Addressing FOIs
To: owen.boswarva@gmail.com <owen.boswarva@gmail.com>
Cc: support@geoplace.co.uk <support@geoplace.co.uk>

Dear Owen

This email is sent on behalf of both Ordnance Survey and GeoPlace. As you may be aware, Ordnance Survey and GeoPlace have contractual obligations to Royal Mail in respect of Royal Mail's intellectual property rights in address data. Royal Mail has therefore been briefed on this matter.

We note that you have not responded to our email of 22 January, save by publishing selective passages from our email, together with your comments on it, on your blog on 23 January ([Owen Boswarva's blog](#)).

Intellectual property position

Our position on the intellectual property in Council Tax address data was set out clearly in our previous email. To summarise briefly: the overwhelming majority of local authorities' Council Tax address datasets contain the intellectual property of Ordnance Survey, GeoPlace and Royal Mail, because such datasets are created and maintained using data from LLPGs, which themselves incorporate OS/GeoPlace/Royal Mail addressing data licensed by the local authorities under the PSGA Member Licence. As we noted previously, Council Tax address datasets which do not contain intellectual property rights of Ordnance Survey, GeoPlace or Royal Mail are the exception rather than the rule.

The litigation between Ordnance Survey/GeoPlace and 77M Limited, and the more recent proceedings involving Royal Mail and Codeberry Limited, confirmed that address data of the kind at issue here attracts database right protection, and that the reproduction or re-publication of such data without the consent of the rights holders constitutes infringement. Those judgments are publicly available for review.

Communications with local authorities

We have now contacted most of the local authorities whose Council Tax address data is or was listed on [datadaptive.com](#). Where we have not contacted such local authorities, it is because their address data was only published by you during the last few days (and note that GeoPlace will be contacting these authorities shortly).

As you know, a number of these local authorities requested that you remove the address data from [datadaptive.com](#).

Of the other authorities we have contacted, only two, namely Wigan Council and Bradford Council, have confirmed that their Council Tax address data constitutes "Authority Owned Data", i.e. created and maintained entirely independently of their LLPGs and without reference to Ordnance Survey, GeoPlace or Royal Mail intellectual property. As you know, we have already discussed the position of Leeds City Council.

We have informed the other local authorities of our assumption regarding the intellectual property position with respect to their Council Tax address data, and notified them that we would be contacting you to inform you of OS/GeoPlace copyright and database rights in the data, unless the relevant local authority contact us by a given date to confirm that it is confident that the disclosed addressing data is Authority Owned Data, providing details as to how it has assured itself of this. Since this date has now passed, we are contacting you directly.

This means that, except for Leeds City, Wigan and Bradford Councils, the address data published on [datadaptive.com](#) should be considered as containing the intellectual property of Ordnance Survey, GeoPlace and Royal Mail, and its continued publication constitutes infringement of our respective rights. If, further to communications with other local authorities, we become aware of any additional Council Tax address datasets that are entirely "Authority Owned Data", we will inform you of this.

Response to your published comments

We have read your comments published on [datadaptive.com](#) in response to our 22 January email carefully, and feel it is important to correct two points.

First, you state that it is "*not clear*" how Ordnance Survey and GeoPlace formed their working assumption regarding intellectual property in Council Tax datasets. On the contrary, the basis for our position was explained at length in both our 22 January email and the K-Hub guidance. Our position arises from the fact that LLPGs, from which the overwhelming majority of Council Tax address datasets are derived, are created and maintained using data licensed under the PSGA Member Licence, and contain the intellectual property (namely database rights and copyright) of Ordnance Survey, GeoPlace, Royal Mail and the relevant local authority. Your suggestion that local authorities "*quite commonly*" maintain their Council Tax property lists separately from their LLPGs is inaccurate; we know this as GeoPlace monitors the process of local government address systems integration.

Second, you characterise the guidance issued to local authorities as "*very one-sided in favour of the commercial interests of Ordnance Survey and GeoPlace*." The guidance was produced to assist local authorities in understanding their legal obligations in relation to third-party intellectual property rights. Far from being one-sided, the guidance expressly acknowledged that some local authorities may hold Authority Owned Data and that, in those cases, they are free to disclose it. It is the responsibility of any organisation or individual (public or private) to respect the intellectual property rights of others, and Ordnance Survey and GeoPlace assisting local authorities to do so is entirely proper.

We would add that, given your evidently sophisticated understanding of the addressing landscape and intellectual property framework, we consider that you have been well aware for a considerable time that the address data disclosed by local authorities is very likely to contain third-party intellectual property. We would ask that your future communications to local authorities on this point reflect your sophisticated understanding. It is possible that some of

your previous communications on this subject may be looked upon as your inducing or procuring local authorities to infringe OS/GeoPlace and Royal Mail intellectual property rights, e.g. statements such as "*I understand from correspondence that Leeds consulted Ordnance Survey and established that there were no third-party licensing barriers to OGL licensing of the addresses and UPRNs*", which might be read as implying that there is no third party concern with the licensing of Council Tax address.

We would like to be clear that copyright and database rights continue to exist after disclosure. Any person who receives information/data under a Freedom of Information request is still obliged to respect the rights of a rightsholder (for example, with database rights, making the contents of a database available to the public requires a licence from the owner(s) of the relevant intellectual property rights (here, Ordnance Survey, GeoPlace and/or Royal Mail)). As the National Archives' guidance on access and re-use makes clear: "*provision of information under this access legislation does not mean that the recipient has an automatic right to re-use it, for example to publish it, or adapt it in some way. Most information supplied in response to an access request will be protected by copyright and permission to re-use it will be required.*"

Our requests

In our 22 January email, we requested that where you are notified by a local authority/us that a local authority had disclosed the addresses in error, you remove the same from your website. Further to our communications since that date with local authorities as referenced above, we set out below our updated requests:

1. Remove from datadaptive.com all Council Tax address data other than that provided by the three local authorities identified above.
2. Cease any further reproduction, re-use, distribution, or publication of the address data that has been removed.
3. Include a notice on datadaptive.com, in a prominent position where it would be seen by anyone looking for Council Tax address datasets, making it clear that you had published, purportedly under the terms of the OGL, Council Tax address data from various local authorities, which data you are now informed contains the intellectual property rights of Ordnance Survey, GeoPlace and Royal Mail. Therefore, to the extent that anyone has downloaded or otherwise used such data, they should note that it is subject to such third party intellectual property rights, and cannot be used without express consent from Ordnance Survey, GeoPlace and Royal Mail.
4. Contact, to the extent you have relevant contact details, any organisations or individuals who have downloaded the data from datadaptive.com and inform them that the data contains third-party intellectual property and may not be further reproduced, re-used, distributed or published without the express permission of Ordnance Survey, GeoPlace and Royal Mail.
5. Preserve any records evidencing where the address datasets have been downloaded from datadaptive.com, including the names of individuals or organisations and IP addresses, as we may need to investigate potential downstream infringements.

We ask that you take steps 1, 2 and 3 above within 2 working days of the date of this email, and step 4 within 10 working days.

As before, we remain happy for you to otherwise retain the data subject to the database rights and copyright of Ordnance Survey, GeoPlace and Royal Mail (and you can also continue to make reasonable use of the same for your own non-commercial research purposes, private study, or any other uses permitted under the Copyright, Designs and Patents Act 1988).

Invitation to engage

It is clear from your work that you care about the accessibility and quality of address data in the UK. We share many of the same objectives (including better data for the public benefit). As outlined above, whilst Ordnance Survey is commercially funded through its licensing system, it is publicly owned and therefore any "commercial" gain is retained within the public sector (either through reinvestment into national geospatial infrastructure or returned to government).

As we proposed in our 22 January email, we are very willing to arrange a call or meeting in person to discuss this matter directly, to help each of us better understand the other's position and have a face to face discussion on the general issues related to this subject. If you are open to this, please let me know and I will make the arrangements.

What happens if you choose not to engage with this email?

We have no desire to engage in adversarial proceedings where a sensible resolution can be reached, and wish to emphasise that litigation is not our preferred outcome.

However, if you do not comply with the above requests, Ordnance Survey and GeoPlace will have no alternative but to consider our other options, which will include formal legal proceedings to protect our intellectual property rights.

We look forward to hearing from you.

Kind regards

Head of Legal - Legal Services



Adanac Drive, Southampton, SO16 0AS, United Kingdom

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