

## DATA ACCESS POLICY

### 1. Introduction

Wiltshire and Swindon Biological Records Centre (WSBRC) promotes the gathering of environmental data for the region, is the custodian of this information, analyses it and makes it available in a range of formats to all who need to use it. This policy describes the access available to the records held at WSBRC, the circumstances in which access may be declined and the conditions placed on users. The accessibility of environmental records is critical to the ability of both public and private organisations to discharge their statutory environmental obligations.

Individuals and organisations can access WSBRC data for personal use at 10km resolution via the NBN Gateway or at greater resolution by making a direct request through the WSBRC data enquiry service (via [www.wsbrc.org.uk](http://www.wsbrc.org.uk)). The majority of WSBRC data is accessible unless the circumstances described in this policy apply. Non-funding or commercial organisations will be charged a fee at the point of use to reflect costs.

WSBRC will make this policy available to its regular data supplier and user organisations and to other individuals or organisations on request. The policy will be available for download from WSBRC's website.

In consultation with Wiltshire Wildlife Trust and the WSBRC Advisory Committee, WSBRC has agreed that this policy will be consistent with the Environmental Information Regulations 2004. The policy is believed to conform to the National Biodiversity Network Data Principles (<http://www.nbn.org.uk/Share-Data/Providing-Data/NBN-Data-exchange-principles.aspx>).

This policy does not attach a monetary value to data and the levels of charging are considered not to be at a level that is likely to prevent the use of data.

WSBRC has consulted the County Recorders and species recording groups in Wiltshire and Swindon and its key users through its Advisory Committee, on handling of sensitive species. The Data Access policy has been adopted by the WSBRC Advisory Committee, and will be kept under regular review. Data providers will be consulted directly and via the County Recorders and species recording groups.

### 2. General Data Access Statement

Any request for data must be made in writing, using an Information Request Form. Access to data will normally be agreed unless one or more of the following situations occurs. However, WSBRC retains the right not to provide access to data at its discretion.

- The data identified in the search cannot be released according to the wildlife confidentiality exceptions (see below).
- The enquirer cannot agree to the conditions of data use or has not adhered to the conditions on previous occasions
- The enquirer is not prepared to pay any charges that may be due
- The enquirer is seeking data that are out of proportion to the case, study or research project concerned

WSBRC holds information on a wide and growing range of environmental and biological datasets on the understanding that any bona fide user can access these for scientific, educational, environmental or planning work. The geographical scope of the data supplied will be appropriate to the enquiry made, complete datasets for Wiltshire and Swindon or a significant proportion of either will not normally be released, although context distribution maps for habitats and species across the county or country may be included where relevant.

Consultants and other commercially driven companies requesting access to WSBRC data will normally be required to show membership of the Chartered Institute of Ecology and Environmental Management, or similar professional body and operate within the Institute's Professional Code of Conduct.

WSBRC will supply to biological recorders on request copies of data that the recorder has supplied to it, with no restrictions or charge. Additional data can also be supplied under the terms of a Data Exchange Agreement between recorder and WSBRC.

### **3. Conditions of Use**

WSBRC endeavours to provide data that are valid and factual, however it does not advise on a particular course or action. The Environmental Information Regulations establish a right for individuals to access information but do not assert any permission beyond the applicant's own private use.

By using the data provided, the recipient is agreeing to the following conditions:

1. The data are still protected by copyright, and this is held by WSBRC unless otherwise stated.
2. The raw data may not be copied to third parties, published in any form, placed on the Internet or supplied to the recipient's client or consultees without written permission from WSBRC except as in the circumstances given below.
3. Reports which include an interpretation or summary of the data supplied by WSBRC may be provided to the recipient's client and consultees provided that:
  - Any special arrangements made in respect of confidential data are adhered to (see below)
  - Full acknowledgement is given in the report to WSBRC and where appropriate, the original recorders
  - Any specific copyright conditions attached to the data including Crown Copyright must be strictly adhered to
  - The data supplied by WSBRC is not amended in any way
4. The data must not be entered onto any permanent database or Geographical Information System without written permission from WSBRC.
5. Data from WSBRC will only be used for the purpose stated and will not be stored beyond the life of the project for which it was acquired or for longer than 12 months.
6. Whilst WSBRC takes all reasonable steps to ensure that the information supplied is validated and verified, it cannot be held liable for the accuracy or comprehensiveness of the data due to the varied sources and time periods that may apply to some of the original data and to the dynamic nature of biological recording. It therefore cannot accept liability for any consequential, incidental or indirect loss, damage or adverse effect arising from the use of the data.

## 4. Confidentiality

WSBRC accepts data which has to be kept confidential by reason of the species, but data which has to be kept confidential for other reasons will not normally be accepted. It is vital that WSBRC lay down procedures to avoid the abuse of records and to assure suppliers of records to WSBRC that their records will not be misused. There are two key reasons why biological records may need to be treated as confidential:

- Release of the data may endanger the species or habitats to which the data relates.
- The recorder has insisted that his/her records may not be passed to third parties.

### *1. Wildlife Confidentiality*

WSBRC must take all possible steps to avoid the use of its data for destructive purposes while at the same time ensure that wherever possible decisions that may affect wildlife are taken in full possession of the facts.

There are nature conservation benefits in WSBRC holding records of these species. This is because WSBRC is consulted, for example in the planning process, and so will be aware of potential threats to locations of sensitive species, which might well be unknown to the original holders of the records.

The following procedures are recommended to achieve this objective:

- a) WSBRC with the advice of County Recorders, species recording groups and conservation bodies, has compiled a list of those species that occur in Wiltshire for which release of data may put the species at risk. (See annex 1).
- b) For recorders of these confidential species WSBRC has comprehensive internal procedures to mark the records as confidential and prevent access to them. Records of these species may be included in reports and supply of data search results to third parties where the geographical precision of the record is made at least as imprecise as the level given in annex 1. Location detail may also need to be removed e.g. private addresses.
- c) An exception to this is made in the cases of:
  - Individual Local Authority Ecologists (or individuals who hold an equivalent role within the Local Authority), WWT or other Service Level Agreement holders plus individuals for whom a strong case is made, to whom at WSBRC discretion, details of confidential species records may be supplied. Provision of this data will be subject to restrictions on its use; methods and duration of storage; and methods of data disposal. All such restrictions will be specified within the Service Level Agreement (or equivalent agreement), and should be regarded as legally binding.
  - Records collected by WSBRC and third parties where consent has been given, the geographical precision may be given as that originally collected, at WSBRC's discretion.
- d) If detailed data is supplied to users in those special circumstances described above, WSBRC will first obtain a written commitment from the user not to disclose details of the data to others except in exceptional and specified circumstances.

### Access to records online

In making any records available to users online through WSBRC's own website or the NBN Gateway or any other platform, WSBRC will adhere to this policy and provide views of data only at the maximum geographical precision specified in this policy or lower precision.

Any confidential records made available will be marked as sensitive in the corresponding metadata table for each dataset within the NBN Gateway and access to these records restricted to selected organisations and individuals on request. Where this access cannot be given (for example where a data supplier has expressly stated this in the terms of their data exchange) the requestor will be directed to the data supplier themselves.

## **II. Recorder confidentiality**

County Recorders agree to the publication of their names, addresses and ideally telephone numbers and e-mail addresses in WSBRC publications and local authority websites. Exceptionally this may be simply "*Name c/o WSBRC*". Names or contact information for other recorders will not be provided to non-partners or the wider public unless their express permission has been obtained.

In most cases requests by recorders for their records to be kept confidential relate to concern over abuse of the records by users and threats to wildlife. These concerns should therefore be allayed by the procedures specified under wildlife confidentiality.

Occasionally, however, there may be other reasons. WSBRC will attempt to persuade the recorder in such cases that a restriction on use is not necessary. If this fails, the recorder's wishes will of course be respected. WSBRC will need to take a decision as to whether it is worthwhile holding the records at all.

There may be compromise positions such as time-limited restrictions or the inclusion of records in generalised compilations of records. In some cases it will be appropriate for WSBRC to collate such records into the system, appropriately marked. In other cases it will be better to archive the records for use at a future date as historical records.

## **5. Data supplied to WSBRC by external organisations**

As WSBRC collates large volumes of data from other organisations, each with its own confidentiality policies, these restrictions will need to be carried forward into WSBRC's procedures. WSBRC will seek to negotiate conformity with its own confidentiality policy in such cases in order to reduce the complexity of administration.

## ANNEX 1

### ***Species records which are regarded as confidential by WSBRC***

The maximum geographical precision of supplied records of certain species will be restricted to all data users (exceptions apply – see 4 above) as follows. In data search reports in cases where original grid references have been reduced as per the rules below this will be noted in the comments column.

Status	Restriction description
Confidential	Records of bird species marked 'Confidential' will not be provided at any time. WSBRC holds limited information for these species; enquirers will be passed directly to Wiltshire Ornithological Society (WOS).
10km	Species for which maximum precision of supplied records will be 10km at all times.
10km(b)/RR	Species for which maximum precision of supplied records for breeding or roosting sites or those indicating breeding activity will be 10km.
2km(b)	Species for which maximum precision of supplied records for breeding sites or those indicating breeding activity will be 2km.
1km	Species for which maximum precision of supplied records will be 1km at all times.
1km(s)	Species for which maximum precision of supplied records for breeding, roosting or other sensitive sites will be 1km (see table below for specific details).

### **Species List**

Group	Species name	Common name	Status	Restrictions which apply
Bird	<i>Accipiter gentilis</i>	Goshawk	Confidential	No access to records
Bird	<i>Circus macrourus</i>	Pallid Harrier	Confidential	No access to records
Bird	<i>Circus pygargus</i>	Montagu's Harrier	Confidential	No access to records
Bird	<i>Jynx torquilla</i>	Wryneck	Confidential	No access to records
Bird	<i>Lanius collurio</i>	Red-Backed Shrike	Confidential	No access to records
Bird	<i>Otis tarda</i>	Great Bustard	Confidential	No access to records
Bird	<i>Pernis apivorus</i>	Honey Buzzard	Confidential	No access to records
Bird	<i>Acrocephalus palustris</i>	Marsh Warbler	10km	10km - all records
Bird	<i>Asio flammeus</i>	Short-eared owl	10km(b)/RR	10km - for breeding or roosting records only
Bird	<i>Asio otus</i>	Long-eared owl	10km(b)/RR	10km - for breeding or roosting records only
Bird	<i>Burhinus oedicnemus</i>	Stone-Curlew	10km(b)/RR	10km - for breeding or roosting records only
Bird	<i>Circus cyaneus</i>	Hen Harrier	10km(b)/RR	10km - for breeding or roosting records only
Bird	<i>Coccothraustes coccothraustes</i>	Hawfinch	10km(b)/RR	10km - for breeding or roosting records only
Bird	<i>Corvus corax</i>	Raven	10km(b)/RR	10km - for breeding or roosting records only
Bird	<i>Falco columbarius</i>	Merlin	10km(b)/RR	10km - for breeding or roosting records only
Bird	<i>Falco peregrinus</i>	Peregrine Falcon	10km(b)/RR	10km - for breeding or roosting records only
Bird	<i>Lullula arborea</i>	Woodlark	10km(b)/RR	10km - for breeding or roosting records only
Bird	<i>Mergus merganser</i>	Goosander	10km(b)/RR	10km - for breeding or roosting records only
Bird	<i>Milvus milvus</i>	Red Kite	10km(b)/RR	10km - for breeding or roosting records only
Bird	<i>Phalacrocorax carbo</i>	Cormorant	10km(b)/RR	10km - for breeding or roosting records only
Bird	<i>Anas querquedula</i>	Garganey	10km(b)	10km - for breeding records only
Bird	<i>Ardea alba</i>	Great White Egret	10km(b)	10km - for breeding records only
Bird	<i>Ardea purpurea</i>	Purple Heron	10km(b)	10km - for breeding records only
Bird	<i>Botaurus stellaris</i>	Bittern	10km(b)	10km - for breeding records only

Group	Species name	Common name	Status	Restrictions which apply
Bird	<i>Circus aeruginosus</i>	Marsh Harrier	10km(b)	10km - for breeding records only
Bird	<i>Egretta garzetta</i>	Little Egret	10km(b)	10km - for breeding records only
Bird	<i>Emberiza cirius</i>	Cirl Bunting	10km(b)	10km - for breeding records only
Bird	<i>Ficedula hypoleuca</i>	Pied Flycatcher	10km(b)	10km - for breeding records only
Bird	<i>Grus grus</i>	Common Crane	10km(b)	10km - for breeding records only
Bird	<i>Locustella luscinioides</i>	Savi's Warbler	10km(b)	10km - for breeding records only
Bird	<i>Merops apiaster</i>	European Bee-eater	10km(b)	10km - for breeding records only
Bird	<i>Oriolus oriolus</i>	Golden Oriole	10km(b)	10km - for breeding records only
Bird	<i>Pandion haliaetus</i>	Osprey	10km(b)	10km - for breeding records only
Bird	<i>Panurus biarmicus</i>	Bearded Tit	10km(b)	10km - for breeding records only
Bird	<i>Poecile montana</i>	Willow Tit	10km(b)	10km - for breeding records only
Bird	<i>Phoenicurus ochruros</i>	Black Redstart	10km(b)	10km - for breeding records only
Bird	<i>Podiceps grisegena</i>	Red-necked grebe	10km(b)	10km - for breeding records only
Bird	<i>Podiceps nigricollis</i>	Black-Necked Grebe	10km(b)	10km - for breeding records only
Bird	<i>Recurvirostra avosetta</i>	Pied Avocet	10km(b)	10km - for breeding records only
Bird	<i>Regulus ignicapilla</i>	Firecrest	10km(b)	10km - for breeding records only
Bird	<i>Serinus serinus</i>	Serin	10km(b)	10km - for breeding records only
Bird	<i>Sylvia undata</i>	Dartford Warbler	10km(b)	10km - for breeding records only
Bird	<i>Alcedo atthis</i>	Kingfisher	2km(b)	2km - for breeding records only
Bird	<i>Charadrius dubius</i>	Little Ringed Plover	2km(b)	2km - for breeding records only
Bird	<i>Coturnix coturnix</i>	Quail	2km(b)	2km - for breeding records only
Bird	<i>Falco subbuteo</i>	Hobby	2km(b)	2km - for breeding records only
Bird	<i>Tyto alba</i>	Barn Owl	2km(b)	2km - for breeding records only
Lepidoptera	<i>Gelechia turpella</i>	Grand Groundling	10km	10km - all records
Lepidoptera	<i>Apatura iris</i>	Purple Emperor	1km	1km - all records
Lepidoptera	<i>Boloria euphrosyne</i>	Pearl bordered fritillary	1km	1km - all records
Lepidoptera	<i>Boloria selene</i>	Small pearl-bordered fritillary	1km	1km - all records
Lepidoptera	<i>Eurodryas aurinia</i>	Marsh fritillary	1km	1km - all records
Lepidoptera	<i>Hamearis lucina</i>	Duke of Burgundy	1km	1km - all records
Lepidoptera	<i>Hesperia comma</i>	Silver-spotted skipper	1km	1km - all records
Lepidoptera	<i>Hipparchia semele</i>	Grayling	1km	1km - all records
Lepidoptera	<i>Lysandra bellargus</i>	Adonis Blue	1km	1km - all records
Lepidoptera	<i>Pareulype berberata</i>	Barberry Carpet	1km	1km - all records
Lepidoptera	<i>Thecla betulae</i>	Brown hairstreak	1km	1km - all records
Mammals	<i>Chiroptera</i>	All bat species	1km(s)	1km - identified roost locations only
Mammals	<i>Lutra lutra</i>	Otter	1km(s)	1km - breeding/lying up sites only
Mammals	<i>Meles meles</i>	Badger	1km(s)	1km - sett records only
Orthoptera	<i>Decticus verrucivorus</i>	Wart biter	1km(s)	1km - all records & no site name (unless already in public domain, e.g. SSSI).
Plants	<i>Berberis vulgaris</i>	Barberry	1km	1km - all records