UK Data Service

Data Access Policy

Contents

Scope

This document covers the policy relating to data access for the UK Data Service, across all UK Data Service sites and access points. It does not cover access criteria relating to other UK Data Archive projects.

Definitions

CC

> Creative Commons

EUL

> End User Licence

OGL

> Open Government Licence

1   Introduction

The UK Data Service implements a generic, three-tier access policy. The three tiers are:

- Open
- Safeguarded
- Controlled

These categories are generic because they combine modes of access and conditions of use. The precise method of distribution/access will depend on the appropriate technical solutions to implement them.

2   Legal definitions

Open data and Safeguarded data are legally 'not personal' according to the relevant legislation, e.g., the *General Data Protection Regulation,* the *Data Protection Act 2018* and the *Statistics and Registration Service Act 2007*. Open data and Safeguarded differ in that Safeguarded data

may have a residual risk of disclosure, and Open data do not. Controlled data are data which can be defined as personal.

3   Prerequisites for access

3.1 Open data

Data licenced for use with an 'open licence' are data which are not personal and have relatively few restrictions to use. Registration is not a requirement for these data collections, and our explicit long-term goal is for open data to be available without registration or authentication. Where data products are embedded in closed systems, users will for the time being have to register and be given Shibboleth identifiers; where data products can be removed from closed systems we shall prioritise open access (i.e., no registration, no authentication and under the most appropriate open licence) .

By preference the Open Government Licence (OGL) should be used where data collections are Crown Copyright and Creative Commons Attribution License 4.0 should be used (when available) where data collections are copyright others, with the Open Data Commons Attribution License as an alternative. Exceptions will apply for some data collections. The recommended licence version is specified in the Data Access Strategy.

We do not need a depositors' licence to provide access (or preserve) to data licenced under these regimes, but in some cases we may have one.

We recognise that an additional support burden may result from opening more data. It is also expected that the number of user registrations will drop. It is acknowledged that the increase in use of these data is to be balanced by the reduction in the management information which we can collect and report.

3.2 Safeguarded data

Data licenced for use in this category are also not personal, but the data owner considers there to be a risk of disclosure resulting from linkage to other data, such as private databases. 'Safeguarded' is currently the ONS's preferred term for data which we provide under the UK Data Service's End User Licence (EUL). The safeguards include knowing who is using the data and for what purpose. The EUL outlines the restrictions on use for a particular data collection.

Safeguarded data may have additional conditions attached (special conditions, additional special agreements, depositor permission, limited to non-commercial or academic usage, specific forms of citation, etc.). The desired long-term goal is to minimise the different terms and conditions and to ensure that all safeguarded data are available to anyone and for any purpose. Redistribution must always be explicitly denied, however, since the audit trail provided by authentication would be broken.

Safeguarded data require registration/authentication. The UK Data Service is working towards reducing the information collected from users in these processes.

For safeguarded data distributed under the EUL, it is a requirement to have a depositors' licence or for the data to fall under the protection of a Concordat.

For clarity, there are occasions where we are also required to use the EUL in order to meet conditions imposed by a depositor which are unrelated to disclosure protection (e.g., for commercial use).

Some safeguarded data require an additional Special Licence for their use by Approved Researchers or Accredited Researchers.

3.3 Controlled data

Controlled data are data which may be identifiable and thus disclosive or potentially disclosive.

These data are only available to users who have been accredited as 'fit and proper' Approved Researchers under the terms of the *Statistics and Registration Service Act 2007* or Accredited Researchers, under the equivalent ESRC scheme, and their data usage approved by the relevant Data Access Committee. Controlled data require registration/authentication.

The UK Data Service checks applications for the use of controlled access data, and if data available at a lower level licence (e.g., Special Licence, EUL) could be used instead, researchers are encouraged to apply for alternative versions, providing significant efficiencies for researchers and the service.

For data where access is provided, a depositors' licence is required as is a secure access agreement. At present we have multiple secure access agreements to meet the multiple requirements of different data owners. The ultimate goal is to minimise and standardise the number of separate access agreement templates.

Where access is granted to controlled data, this will be through a physical or virtual secure environment, depending on the specific requirements of the data depositor. The user may also be required to undertake specific training as part of such access arrangements.

4 Other issues

4.1 Collections Development Policy implementation

All data selected for dissemination or access are assessed on explicit criteria, which do not include the access condition as a primary criterion. We expect all data owners to make their data available at the lowest level of access appropriate to the risks of disclosure and will advise them accordingly.

4.2 Metadata/documentation

All data distributed by the UK Data Service must be independently understandable by our primary user communities. Therefore Open data must be documented (where necessary) with the same level of detail as any other form of data collection. The UK Data Service has signed up to the Discovery Open Metadata Principles.

4.3 Ingest prioritisation

Data collections should be ingested in order of the priority judged by the Data Acquisitions Group and the Ingest Services Manager.

4.4 Support

All users should receive relevant support in the use of data supplied by the UK Data Service. Where resources are tight, support should be prioritised to researchers undertaking 'policy-relevant' research.

4.5 Registration

Registration is not a requirement for data provided under OGL/CC4.0/ODC, neither is it precluded. The ultimate goal is for data provided under an Open licence to be Open Access as well. The ultimate goal for Safeguarded data is to reduce the registration burden for users while maintaining adequate information for an audit trail and management information.

4.6 Public

We should avoid the term 'public' as much as possible as it may be confused with the Public Data Principles published by Data.gov.uk (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/78884/Open-Data-Consultation.pdf).

4.7 Commercial use/ Commercial users

This policy does not cover additional restrictions placed on commercial users or for the commercial use of data except to note the 'open' licences under which the Service may distribute materials include both.