



# National Offender Management Service

## CROWN COPYRIGHT AND LICENCES

<b>This instruction applies to:</b>		<b>Reference:-</b>
NOMS HQ Prisons Providers of Probation Services		<b>AI 29/2014</b> <b>PSI 46/2014</b> <b>PI 62/2014</b>
<b>Issue Date</b>	<b>Effective Date</b>	<b>Expiry Date</b>
15 December 2016 <b>(Revised)</b>	22 December 2014	N/A
<b>Issued on the authority of</b>	NOMS Agency Board	
<b>For action by</b>	<p>All staff responsible for the development and publication of policy and instructions and employees of service providers NOMS contracts with:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> NOMS HQ</li> <li><input checked="" type="checkbox"/> Public Sector Prisons</li> <li><input checked="" type="checkbox"/> Contracted Prisons*</li> <li><input checked="" type="checkbox"/> National Probation Service (NPS)</li> <li><input checked="" type="checkbox"/> Governors</li> <li><input checked="" type="checkbox"/> Heads of Groups</li> <li><input checked="" type="checkbox"/> NOMS Rehabilitation Contract Services Team</li> <li><input checked="" type="checkbox"/> Community Rehabilitation Companies (CRCs)</li> <li><input checked="" type="checkbox"/> Other Providers of Probation and Community Services</li> </ul> <p><i>* If this box is marked, then in this document the term Governor also applies to Directors of Contracted Prisons</i></p>	
<b>Instruction type</b>	<b>Legal compliance</b>	
<b>For information</b>	All staff	
<b>Provide a summary of the policy aim and the reason for its development / revision</b>	<p>All NOMS information, policy, material – including training manuals - products and services – are Crown copyrighted and represent valuable intellectual property rights. NOMS is keen to protect such rights, by actively managing them and being alive to the opportunities for commercial exploitation. This policy introduces mandatory processes to report requests for reuse of Crown copyrighted information, as well as complaints and breaches of Crown copyrighted information to the NOMS Licensing Hub, which acts as a single point of contact for Crown copyright and licensing issues. This policy sets out mandatory processes to inform NOMS Licensing Hub, copying Intervention Services Group, of Crown copyright issues concerning offender interventions, tools and services, including accredited programmes. Additional, non mandatory guidance and information is also provided in the Annexes.</p> <p><b>Update December 2016</b> - This policy revises previously introduced mandatory processes to enable NOMS: to meet responsibilities under its accreditation to The National Archives' Information Fair Trader Scheme (IFTS), implementing the Re-use of Public Sector Information Regulations (2015);</p>	

	to protect Crown copyright, which represents valuable intellectual property rights, by actively managing such rights; to ensure that interventions and programmes - and any other materials covered by Crown Copyright - are delivered in accordance to their purpose and design and confidently challenge their unapproved delivery.
<b>Contact</b>	Francesca Emmett, <a href="mailto:Francesca.emmett@noms.gsi.gov.uk">Francesca.emmett@noms.gsi.gov.uk</a> , International Relations and Commercial Manager Tel: 01925 423400 (extension 445) and Mobile: 07530264231.
<b>Associated documents</b>	Intervention Services SLB March 2014.
<b>Replaces the following documents which are hereby cancelled:</b> None	
<p><b>Audit/monitoring:</b> Deputy Directors of Custody and Controllers will monitor compliance with the mandatory actions set out in this Instruction.</p> <p>The Director of NPS in England, Director of NOMS in Wales and NOMS Director of Commissioning and Contract Management will monitor compliance with the mandatory requirements in this instruction.</p> <p>NOMS contract management will hold providers to account for delivery of mandated instructions as required in the contract.</p>	
<b>Introduces amendments to the following documents:</b> None	
<b>Notes:</b> <i>All Mandatory Actions throughout this instruction are in italics and must be strictly adhered to.</i>	

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## **1. Executive Summary**

### **Background**

- 1.1 All NOMS information, policy, material – including training manuals - products and services – are covered by Crown copyright and represent valuable intellectual property rights. NOMS is keen to protect such rights, by actively managing them. This policy revises previously introduced mandatory processes to report requests for reuse of Crown copyrighted information, as well as complaints and breaches of Crown copyrighted information, to the NOMS Licensing Hub, which acts as a single point of contact for Crown copyright and licensing issues. It sets out mandatory processes to inform NOMS Licensing Hub or any requests for reuse of information, policy and material (copying Intervention Services Group where offender interventions, tools and services, including accredited programmes managed by this Group are specifically concerned). Additional, non mandatory guidance and information is also provided in the Annexes. Revisions amount to deleting as opposed to adding text, and do not affect the purpose and objectives of the instructions. Reasons for the revisions are as follows:
- 1.2 The original version of the PSI mentions that new legislation would come into force and sets out expected changes to the policy regime. The revision aims at tidying up relevant paragraphs, deleting reference to previous legislation and replacing it with new legislation. The mandatory instruction itself is not affected by the new legislation, except for the following: new legislation requires the Information Commissioner Office (ICO) to investigate complaints against public bodies where requestors feel that reuse has not been appropriately addressed. It was previously the Office of Public Sector Information (OPSI) based in The National Archives. Annex E (Complaints process flowchart) is therefore also revised to reflect the ICO role.
- 1.3 The instruction makes reference to NOMS' being alive to commercial opportunities arising out of trading Crown Copyrighted information internationally to generate income. It mentions that such commercial opportunities should be channelled through Just Solutions international, an internal unit in NOMS, and describes the governance structure for this area of work. In September 2015 the new ministerial team decided that JSi should cease to operate and that NOMS should not engage in further commercial international activities. This decision is reflected in the revised instruction by deleting reference to NOMS being alive to commercial opportunities; deleting the role of JSi and obsolete governance structure (NOMS JSi Group). New Governance, approved by the Director of Commissioning and Contract Management, is described: Crown Copyright and Licensing issues report to the Commissioning Sub Committee.
- 1.4 Changes to the name of the Directorate responsible for overseeing Crown Copyright and licensing work, now called the Directorate of Contracted Services, and to the signatory of Licence Agreements, now in Ministry of Justice Commercial and Contract Management.
- 1.5 The revision offers the opportunity to include reference (for further information) to the new NOMS web page for Crown Copyright and Licensing activities, hosted on the Gov.uk web site, that went live on the 4<sup>th</sup> of January 2016. This does not add any new items to the instructions.

### **Desired outcomes**

- 1.6 The desired outcomes include:

- Compliance with Information Fair Trader Scheme (IFTS) principles.
- Compliance with the Re-use of Public Sector Information Regulations (2015)
- Protecting Crown copyright administered by or on behalf of NOMS, preventing NOMS staff and employees of Community Rehabilitation Companies, Private Contractors and Electronic Monitoring Providers, attempting to transfer Crown copyright outside this framework
- Protecting the integrity of offender interventions, tools and services by encouraging the use of materials under licence
- Increased use and reuse of Crown copyright administered by or on behalf of NOMS under licence and reduced instances of breach
- Compliance with NOMS complaints procedure in case of complaints on use and reuse of Crown copyright administered by or on behalf of NOMS.

### Application

- 1.7 This instruction applies to all NOMS employees.
- 1.8 It is entirely possible that NOMS will also acquire intellectual property rights that will be administered on behalf of the Crown under a variety of other contract arrangements with third party providers. The extent of which intellectual property rights can be established is and will be governed by relevant contracts. As a result, this instruction also applies to Community Rehabilitation Companies, Contracted Prisons and Electronic Monitoring providers acting through their employees and in accordance with their contracts with NOMS.

### Mandatory actions

1.9 *All NOMS employees, must:*

- *report any requests (national and international) to use and reuse NOMS information (policies, practice, materials, manuals, products, instructions and services) to the following functional email address:  
[crowncopyright@noms.gsi.gov.uk](mailto:crowncopyright@noms.gsi.gov.uk),  
listed on the quantum directory as Crown Copyright and Licences*
- *report any alleged breaches of Crown copyright (including in the community within and outside the justice system) to [crowncopyright@noms.gsi.gov.uk](mailto:crowncopyright@noms.gsi.gov.uk).*
- *report alleged breaches of NOMS offender interventions, tools and services to the Crown Copyright and Licences functional email address:  
[crowncopyright@noms.gsi.gov.uk](mailto:crowncopyright@noms.gsi.gov.uk)  
and copy Intervention Services' own functional email address:  
[Interventions\\_businessenquires@noms.gsi.gov.uk](mailto:Interventions_businessenquires@noms.gsi.gov.uk)*
- *In case of receipt of a complaint on use and reuse of NOMS information they must report the complaint to the functional email address:  
[crowncopyrightcomplaints@noms.gsi.gov.uk](mailto:crowncopyrightcomplaints@noms.gsi.gov.uk) listed on the quantum directory as Crown Copyright Complaints*
- *Where there is no access to the internet and intranet, alternative contact details must be used ([Annex A](#) lists postal and telephone contacts)*
- *Where NOMS has or will acquire intellectual property rights by contracting with Community Rehabilitation Companies, Contracted Prisons and Electronic Monitoring Providers, the extent of these rights will be governed by relevant contracts with NOMS. Employees of Community Rehabilitation Companies, Contracted Prisons and Electronic Monitoring Providers must treat these intellectual property rights in accordance with this instruction.*

- *Community Rehabilitation Companies employees, employees of Contracted Prisons, and employees of Electronic Monitoring providers must act, in the event of any alleged breaches of Crown Copyright, in accordance with their contractual obligations.*

Mandatory actions for the Licensing Hub

1.10 *The Licensing Hub (Directorate of Contracted Services) must:*

- *Consider requests for reuse of Crown copyrighted information in conjunction with relevant policy and business leads to adequately inform decision making, including Security Group for security sensitive information or to assess security risks*
- *Operate within the approved governance structure for NOMS' commercial and licensing activity (cross reference with paragraph 2.20 and [Annex C](#))*

Resource Impact

1.11 There is no resource impact in implementing the instruction.

(Approved for Publication)

**David Hood**  
**Director of Contracted Services, NOMS**

## 2. Operational instructions

### Reporting requests for reuse of Crown copyrighted information

- 2.1 *All NOMS employees, and employees of providers as per paragraphs 1.3 to 1.5, in receipt of requests to reuse NOMS information must forward them to the Licensing Hub using the dedicated functional email address: [crowncopyright@noms.gsi.gov.uk](mailto:crowncopyright@noms.gsi.gov.uk), listed on the quantum directory as Crown Copyright and Licences. In the absence of internet access, all NOMS employees must refer to [Annex A](#) for alternative contact details.*
- 2.2 In 2011 NOMS was successfully accredited to the Information Fair Trader Scheme (IFTS), run by the Office of Public Sector Information at The National Archives. Background to NOMS IFTS accreditation is included in [Annex D](#) – Policy and legislative context and information. As an IFTS accredited body, NOMS has delegated authority from The National Archives to allow the reuse of its official materials and information and to set out the terms and condition for reuse within Licence Agreements.
- 2.3 *NOMS must be confident that the information made available for reuse is suitable for transfer and that reuse will not pose security risks. Any request to reuse NOMS' information must be carefully evaluated.* This is the job of the Licensing Hub located in the Directorate of Contracted Services in NOMS HQ, in conjunction with relevant policy leads. Once the Licensing Hub evaluates requested information and assesses it as being suitable for reuse, it will share it under terms and conditions set out in a Licence Agreement. Paragraphs 2.22 to 2.26 detail mandatory actions pertaining to the Licensing Hub, requiring the involvement of relevant functions across the organisation and the delivery of activities within approved corporate governance structures.
- 2.4 All NOMS employees could potentially be approached by members of the public (individuals, companies, agencies) from the UK and overseas (including Governments) and asked to transfer NOMS information, or provide a service that might rely on such information. All should be alert to the wide opportunities for information transfer: requests could be submitted in person, by phone, in writing. Requests may, as an example, take place during official meetings, visits, conferences and events, training sessions, or may be referred to NOMS by other Government Departments. The policy makes responding to requests an organisational responsibility as opposed to an individual responsibility. *NOMS employees approached for advice, consultancy, assistance and transfer of information, must follow the instruction's mandatory actions and must not respond as individuals in their own private capacity.* Line managers are required to be alert to employees' requests to conduct consultancy work entailing the transfer or reuse of Crown copyrighted information by their staff in a private capacity, even in the event of employees conducting work in their own time.
- 2.5 The mandatory process is the same whether the information requested for reuse is owned by NOMS alone or jointly between NOMS and other Government Departments and public bodies, such as Ministry of Justice and Department of Health.
- 2.6 This instruction applies to cases where the applicant wishes to reuse Crown copyrighted information as opposed to information in our possession which is not owned by the Crown (for example where the Intellectual Property Rights belong to a

non Crown body or a private organisation, or if the information is not for NOMS to share).

- 2.7 Also, this instruction applies to cases where information is requested for reuse. Reuse is allowed under terms and conditions detailed in a Licence Agreement. There are various types of Licence Agreements available to NOMS depending on the intended reuse of Crown Copyrighted information, for instance for commercial or for education and research purposes, attracting, where applicable and according to legislation, fees and cost recovery charges for gathering and producing the information. The Licensing Hub will be able to advise.
- 2.8 There is a difference between a request to reuse NOMS information and a request for information under the Freedom of Information Act 2000. The Freedom of Information Act 2000 is concerned with a citizen's statutory right to access information. It does not include permission for individuals, public or private entities to reuse that information. *In case of doubt, all must follow reporting requirements as per this instruction.*

#### Reporting alleged breaches of Crown copyrighted information

- 2.9 All NOMS employees must report any alleged breaches of NOMS copyright (including in the community within and outside the justice system) to the functional email address [crowncopyright@noms.gsi.gov.uk](mailto:crowncopyright@noms.gsi.gov.uk).
- 2.10 As an IFTS accredited public body, NOMS is required to identify and appropriately challenge breaches of Crown copyright. Challenging breaches supports NOMS' duty to protect Crown copyrighted information. The granting of a licence is designed to prevent third parties copying/amending them or making commercial gain through unregulated delivery.
- 2.11 It is in NOMS interest to rely on legal action as a last resort. Most breaches occur unintentionally and NOMS is keen on encouraging reuse of its information by granting Licence Agreements to those in breach, redressing lack of compliance amicably.
- 2.12 Breaches take place in a variety of ways, from quoting Crown copyrighted policies and materials administered by NOMS in research publications without prior approval, to the development and delivery of training material for offenders or other groups in society (for instance NHS patients) plagiarising NOMS own training. The potential for breach is great and NOMS capacity to identifying cases of breach is limited. This instruction encourages all NOMS employees, and employees of service providers NOMS contracts with (including Communities Rehabilitation Companies and Private Contractors by virtue of the contracts that are in place with these Private Contractors) to be alert to the variety of ways and settings in which breaches can occur. Where an alleged breach is suspected, the instruction makes the reporting to the functional email [crowncopyright@noms.gsi.gov.uk](mailto:crowncopyright@noms.gsi.gov.uk) mandatory, triggering investigation procedures according to governance (see para 2.14).
- 2.13 In the case of Community Rehabilitation Companies, their duty to contact NOMS is in accordance with their contractual obligations under the Service Agreements. More specifically, they are required to notify [crowncopyright@noms.gsi.gov.uk](mailto:crowncopyright@noms.gsi.gov.uk) of any:
- actual, suspected or threatened infringement of Crown copyright administered by or on behalf of NOMS (hereafter in this paragraph, Crown copyright);
  - actual or threatened claim that Crown copyright is invalid;



- actual or threatened opposition to Crown copyright;
- claim made or threatened that the use of Crown copyright infringes the rights of any third party;
- form of attack, charge or claim to which Crown copyright may be subject.

2.14 Challenge takes place upon agreement of the IPR Reference Group and could culminate in NOMS taking legal action if approved by the Information Commissioner's Office and authorised by NOMS Business and Planning Executive Committee, including in correspondence if speedier (see [Annex C](#) Non mandatory information, with organisation charts for Crown Copyright and licensing work).

#### Reporting breaches of NOMS accredited programmes and interventions

2.15 *Alleged breaches of NOMS accredited programmes and interventions must be reported to the [crowncopyright@noms.gsi.gov.uk](mailto:crowncopyright@noms.gsi.gov.uk) address, copying the dedicated Intervention Services email address: [Interventions\\_businessenquires@noms.gsi.gov.uk](mailto:Interventions_businessenquires@noms.gsi.gov.uk)*

2.16 NOMS Intervention Services (IS) provide a range of Correctional Services Accreditation & Advice Panel (CSAAP) accredited, offending behaviour programmes. Delivered widely across custody and in the community, NOMS programmes were designed by its specialist staff and are protected by Crown Copyright. NOMS encourage the wide use of its material but only under licence, enabling NOMS to protect the integrity of its programmes. *If aware that an offending behaviour programme being developed or delivered by another provider resembles a HMPS/NOMS programme, all must contact the Crown Copyright and Licences functional email address [crowncopyright@noms.gsi.gov.uk](mailto:crowncopyright@noms.gsi.gov.uk) and additionally copy Intervention Services by using the functional email address: [Interventions\\_businessenquires@noms.gsi.gov.uk](mailto:Interventions_businessenquires@noms.gsi.gov.uk), as investigation will follow strict rules.* Alternative contact details in case of lack of internet and intranet access are contained in [Annex A](#).

2.17 In due course, NOMS will develop other interventions, services or tools that it will wish to protect by Crown copyright, to which this instruction will apply.

#### Reporting complaints to NOMS on Crown Copyright and Licensing

2.18 *In case of receipt of a complaint on use and reuse of NOMS information, all NOMS employees must report the complaint to the functional email address: [crowncopyrightcomplaints@noms.gsi.gov.uk](mailto:crowncopyrightcomplaints@noms.gsi.gov.uk) listed on the quantum directory as Crown Copyright Complaints. This functional email address must not be used to report suspected breaches of Crown Copyright.*

2.19 NOMS has a stringent policy in place to address and resolve complaints on the reuse of its Crown Copyrighted information and the granting of Licences. As part of NOMS accreditation to IFTS, NOMS Chief Executive Officer has made a commitment to making sure that any complaints are investigated thoroughly and equitably. A complaints process flowchart (included as additional information under [Annex E](#) also available on: <https://www.gov.uk/government/publications/national-offender-management-service-noms-copyright-licensing-information> NOMS Complaints procedure) details the steps NOMS will take in case of a complaint. This instruction makes the reporting of any complaints to the dedicated functional email address mandatory:

[crowncopyrightcomplaints@noms.gsi.gov.uk](mailto:crowncopyrightcomplaints@noms.gsi.gov.uk), listed on the quantum directory as Crown Copyright and Complaints.

#### Use of alternative contact details to NOMS functional email addresses

- 2.20 *Where there is no access to the internet and intranet, alternative contact details must be used ([Annex A](#) lists postal and telephone contacts).*
- 2.21 The use of the functional email addresses for Crown Copyright and Licences and for complaints are meant to assist colleagues in reporting requests for reuse of NOMS information in informing NOMS of complaints. In the absence of internet or intranet access, this instruction makes it mandatory to use alternative contact details. These are listed in [Annex A](#).

#### Detailed instructions for special cases: Mandatory actions for the Licensing Hub

2.22 *The Licensing Hub must:*

- *Consider requests for reuse of Crown copyrighted information in conjunction with relevant policy and business leads to adequately inform decision making, including Security Group for security sensitive information or to assess security risks*
- *Operate within the approved governance structure for NOMS' licensing activity (cross reference with [Annex C](#))*

2.23 Mandatory action under paragraph 2.22 ensures that the Licensing Hub does not take decisions in isolation and in the absence of the professional expertise and advice from NOMS' relevant business areas. Explicit reference is made to Security Group to demonstrate the importance of security considerations (including risk) for an organisation such as NOMS. However, the explicit mention of Security Group does not limit the application of this mandatory action to this area of the business. Additional Guidance provided in [Annex B](#) suggests that all Directorates consider the identification of a dedicated point of contact to liaise with the Licensing Hub. This suggestion is directed particularly to those Directorates, or groups within them, which are most likely to receive requests for reuse of Crown copyrighted information, and are most likely to benefit from the Licensing Hub's support and assistance.

2.24 *Mandatory action under paragraph 2.22 refers to the governance structure within which the Licensing Hub must operate for decision making on NOMS' licensing activity.* The structure is contained in [Annex C](#), which describes the reporting arrangements on licensing activities. The Licensing Hub discusses requests at the Crown Copyright and Intellectual Property Rights (IPR) Reference Group, which escalates issues of a corporate nature to the Business Planning and Executive Committee in NOMS.

2.25 Licensing Agreements are signed by colleagues in Commercial and Contract Management, within the Ministry of Justice, further to the Licensing Hub's advice and, where applicable, that of The National Archives and Legal. .

2.26 Together, mandatory actions under paragraphs 2.22 add transparency to the policy for both its recipients and potential requesters of reuse of Crown copyrighted information. Both also provide mechanisms for robust assessment to evidence concerns, if any, arising out of requests for reuse, including where sharing information would pose a security risk.

**3. Policy and Strategic Context**

- 3.1 The legislative and policy context is set out in [Annex D](#), which outlines the requirements of IFTS accreditation and related regulatory context.

**4. Guidance**

- 4.1 Non-mandatory guidance is contained in [Annex B](#). In brief, non mandatory guidance suggests that Groups may want to designate a point of contact on Crown Copyright and Licensing work to liaise with the Licensing Hub.

## **Annex A - Mandatory detailed process information**

*In the absence of internet or intranet access, all must use alternative contact details to functional emails as set out below.*

### Contact details for Licensing Hub (International Relations and Commercial Manager)

Francesca Emmett – Head of the NOMS Crown Copyright and Licensing Hub  
Directorate of Contracted Services  
Unit 1100, Daresbury Business Park,  
Warrington, Cheshire, WA4 4GB

Telephone: 01925 423400 (ask for extension 445)  
Mobile phone: 07530264231

### Contact details for Intervention Services, NOMS HQ

Gina Pearce  
Head of Commercial Development and New Business  
Intervention Services Group,  
Level 4, Clive House  
70 Petty France, London  
SW1H 9HD

Telephone: 03000476920  
Mobile: 07747037584

## Annex B - Non-mandatory guidance

### Identification of a single point of contact to liaise with the Licensing Hub in NOMS

Groups, establishments and employees of service providers may want to identify a single point of contact to liaise with the Licensing Hub, Directorate of Contracted Services. This is recommended to groups and functions in receipt of frequent requests for reuse of their policy and materials. The designated point of contact will be best suited to assist NOMS with the assessment and mitigation of any risk intrinsic to reuse of Crown copyrighted information; with approvals of reuse from relevant policy leads; with the gathering and supply of information approved for reuse and estimate of the cost of gathering and supplying the information for cost recovery purposes.

This is also recommended to functions, which foresee an increased activity on licensing activity in the future, linked for example to the work of the Community Rehabilitation Companies (CRCs).

A few Groups in NOMS have already provided the Licensing Hub with a designated point of contact and the exercise is proving helpful. It increases awareness of NOMS Crown Copyright and Licensing responsibilities beyond the Licensing Hub, mainstreaming knowledge to an increased number of colleagues; increases co-ordination of activity in NOMS; releases capacity within Groups by swiftly referring work under the Crown Copyright and Licensing sphere to the Licensing Hub. Amongst these Groups it is worth mentioning Security Group, which assists with risk management; Intervention Services for accredited programmes and interventions; Offender Management and Public Protection Group frequently contacted to supply parts of OASys for reuse for education and research purposes. Beyond NOMS. MoJ Legal services have also provided the Licensing Hub with a single point of contact to support with the legal angle of NOMS' mandatory responsibilities.

Provided capacity exists to do so, the designated points of contact in Groups, establishments and CRCs are invited to attend the IPR reference Group (described in [Annex C](#) - Non mandatory information) which assists the NOMS Licensing Hub in making decisions and identifying risk connected with Crown copyright and Licensing.

### Innovation

Groups not currently in receipt of frequent requests for reuse of Crown copyrighted information may also want to designate a point of contact to liaise with the Licensing Hub to encourage innovation - namely NOMS' identification of new information suitable for reuse under licence. Innovation, as well as serving the purpose of offering increased reuse of information to the public, also broadens the scope for income generation for the organisation through commercial activity. Proactive identification of new information suitable for reuse under licence meets one of the IFTS principles (see [Annex D](#) for a list of the six principles). Potential new areas of information available for reuse are discussed at the IPR Reference Group (see [Annex C](#) Non mandatory information).

For informal discussions on new products and material suitable for reuse and for additional information on any aspects of Crown copyright and licensing activity, including to clarify whether a request falls within the scope of this instruction, colleagues are welcome to contact the designated point of contact in NOMS by emailing [crowncopyright@noms.gsi.gov.uk](mailto:crowncopyright@noms.gsi.gov.uk) or, in the absence of access to email, by using alternative contact details described in [Annex A](#).

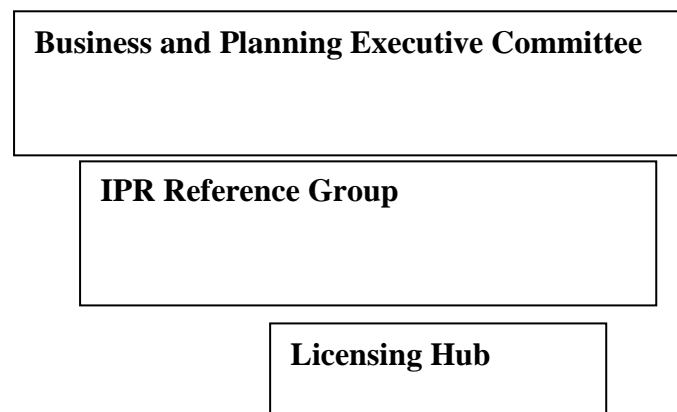
List of Crown copyrighted assets managed by NOMS

The Licensing Hub maintains a list of assets (intellectual property rights) managed by NOMS on behalf of the Crown, which NOMS is able to offer to external requestors for reuse under appropriate Licence Agreement. For further information, contact the Licensing Hub. Exclusion of assets from the list does not automatically mean that assets are not Crown copyrighted; it simply confirms suitability for reuse under IFTS rules.

## Annex C – Non-mandatory information

This Annex provides non mandatory information on NOMS' corporate governance for Crown Copyright and Licensing activities.

### Organisation chart and reporting



### Crown Copyright and IPR Reference Group

This Group (full name: Intellectual Property Rights Reference Group) is chaired by the Head of the Licensing Hub and it gathers the designated points of contact from NOMS' various functions and the MoJ to:

- drive and co-ordinate Crown Copyright and Licensing work on behalf of the organisation;
- raise awareness of Information Fair Trader Scheme responsibilities at the corporate level;
- prepare recommendations/ highlight risk escalate issues (e.g. Breaches) to Business and Planning Executive Committee.



## Annex D – Policy and legislative context and information

### Community Rehabilitation Companies (CRCs) and reporting breaches

Mandatory action under paragraph 1.4 to: *report any alleged breaches of Crown copyright administered by NOMS (including in the community within and outside the justice system) to [crowncopyright@noms.gsi.gov.uk](mailto:crowncopyright@noms.gsi.gov.uk)* is also directed to CRCs' employees. This action is in line with contractual arrangements in place with the CRCs.

### Information Fair Trader Scheme (IFTS)

NOMS allows the reuse of its official materials with a Licence Agreement. To demonstrate its commitment to achieving this NOMS has obtained accreditation from the Information Fair Trader Scheme (IFTS). This scheme sets and assesses standards for public sector bodies. It requires them to encourage the reuse of information and reach a standard of fairness and transparency.

Any public sector body may apply to become IFTS accredited.

Accreditation is based on a full audit of information trading activities and is intended for bodies who wish to meet a very high standard of compliance with IFTS principles and the **Re-use of Public Sector Information Regulations 2015** (<http://www.nationalarchives.gov.uk/documents/information-management/guide-to-applying-the-re-use-of-PSI-regulations.pdf>)

Further information on NOMS IFTS accreditation can be found at the following link, hosted on the Gov.uk web site:

<https://www.gov.uk/government/publications/national-offender-management-service-noms-copyright-licensing-information>

### What accreditation means

To be recognised as an accredited Information Fair Trader, a public sector body will:

- make a commitment to information fair trader principles
- have the commitment independently verified
- investigate complaints that the commitment has not been met

### IFTS principles, for NOMS abidance

1. Maximisation: an obligation to allow re-use
2. Simplicity of processes, policies and licences
3. Transparency of licence terms and conditions and charging information
4. Fairness: NOMS should not use its market power to compete unfairly/ All customers to be treated the same for the same type of re-use
5. Challenge: A robust complaints process in place to reconsider licensing decisions/ OPSI (Office for Public Sector Information at The National Archives) can investigate NOMS decisions if they appear to be wrong
6. Innovation: NOMS explores new methods to help re-users innovate

### Additional information: Frequently asked questions on IFTS and the Re-use of Public Sector Information Regulations (2015)

The following frequently asked questions are drawn from The National Archives' web site and will help with setting out the policy and regulatory context for this instruction. (See

[www.nationalarchives.gov.uk](http://www.nationalarchives.gov.uk)). Additional comments relevant to NOMS are included in the text.

**Q. Why do we need IFTS if we already comply with the Freedom of Information Act 2000?**

A. The Freedom of Information Act is concerned with a citizen's right to access information. It does not include permission for individuals, public or private entities to re-use that information.

**Q. Why are most government departments not members of IFTS?**

A. For most government departments licensing is not a significant part of their work. The National Archives is therefore responsible for most of the licensing process for these departments, using the Open Government Licence (OGL).

**Q. What is delegated authority?**

A. Delegated authority covers those cases where the Controller of HMSO has authorised a government department or agency to license the re-use of Crown copyright material on Her Majesty's behalf. This takes place where there is sound policy or practical benefits in doing so. All government trading funds and IFTS accredited bodies are encouraged to apply for delegations.

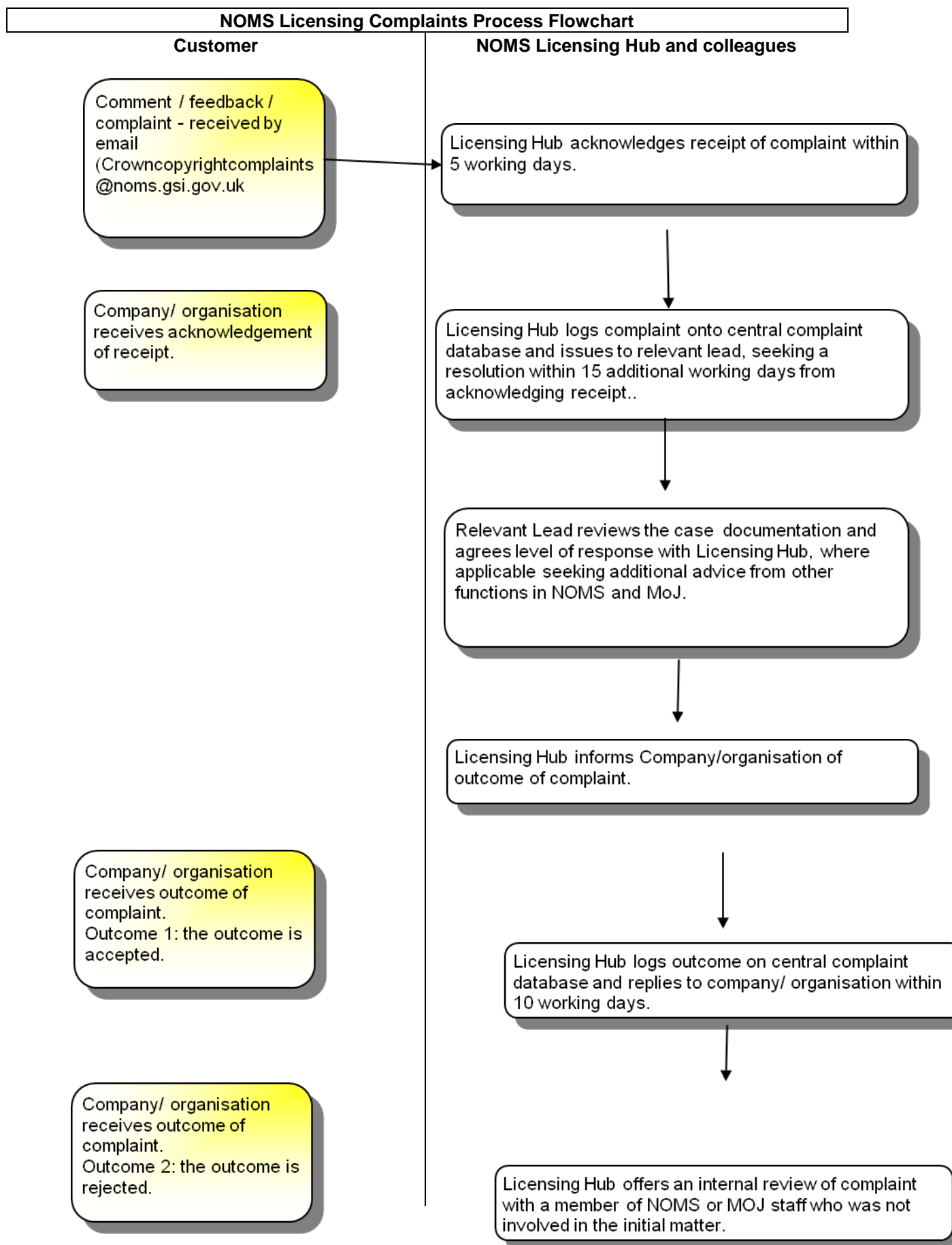
**Q. What are the advantages of IFTS accreditation for an organisation?**

A. IFTS accreditation provides independent validation of an organisation's information trading activity. It reassures organisations that their processes and policies are compliant and consistent with government policy on information trading and that they meet the needs of existing or potential customers.

**Q. What if the processes in place do not support a fair trader commitment?**

Accreditation may be delayed until adequate administrative processes are in place to support the IFTS commitment. Alternatively, if the organisation is a Crown body, the Information Commissioner's Office may revoke the delegation and licensing will revert to being conducted through The National Archives.

Annex E - Complaints process flowchart



Company/ organisation receives outcome of independent review.

Company/ organisation is advised to contact the Information Commissioner's Office

If the outcome is accepted the Licensing logs the outcome on a central database and closes the case.

If the outcome is not accepted, the Licensing Hub advises Company/ organisation to contact the Information Commissioner's Office (ICO)



Licensing hub keeps Senior Management and governance groups informed as it works with ICO to find a resolution to the complaint.



A resolution is reached and Licensing hub logs it on the central complaints database.



Licensing hub reviews the case documents lessons learned / identifies any potential changes required. It provides regular updates to senior management and governance groups.