

THE HERPETOLOGICAL CONSERVATION TRUST



Data Sharing Policy

Introduction

This document sets out how we, The Herpetological Conservation Trust (the HCT), intend to provide access to the amphibian and reptile data we record, receive, collate and hold. In keeping with National Biodiversity Network (NBN) guidelines, we have produced this policy to help guide our decisions regarding the dissemination of data to third parties.

HCT Database Aims and Objectives

The HCT records, collates, holds, analyses and disseminates conservation and biodiversity information. This relates mainly to field recording of the UK's amphibian and reptile species, and to habitat management data. Our database was set up primarily to help us to:

- Monitor species and habitat status, with reference to European reporting needs ('favourable conservation status'), SSSI common standards monitoring, BAP reporting, and other surveillance and monitoring needs
- Ensure proper consideration of herpetofauna in the planning process
- Inform land management and evaluate the effectiveness of conservation action
- Increase public awareness and appreciation of herpetofauna

What our database contains

As well as holding a large archive of data collected over the last 30 years, we collate data from a wide range of sources, including many organisations and individuals. Our archive records are progressively being entered onto our database, as are more recent datasets collected by third parties and by us. We coordinate surveillance and monitoring schemes for the rare herpetofauna species, but also collect widespread species data, especially from rare species sites. Our database is capable of holding complex attributes, including detailed parameters for weather, time of day, location, age, sex and lifestage, and other information.

The main categories of data currently held in the database are:

- 10 years of HCT reptile surveillance data for Dorset
- 12 years of HCT reptile surveillance data for Surrey/Hampshire Weald
- 35 years of natterjack data for Britain
- British Herpetological Society rare species data (up to 1999)
- Biological Records Centre rare species data (up to 2002)

We operate as the national custodians for rare amphibian and reptile data in the UK, and as a centre for expert advice and interpretation for the statutory agencies and others.

Data Sharing

Policy:

We work to encourage conservation, research, appreciation and better understanding of herpetofauna and its habitats. To further these aims, we promote the dissemination of information to all parties where it will benefit conservation, education, science and public appreciation of herpetofauna. To these ends, we will make data available wherever it may help the above aims, whilst encouraging users to seek the HCT's assistance in interpretation of data.

Position:

Whilst operating on a principle of openness and sharing, our provision of data to third parties will be governed by considerations of sensitivity, confidentiality, privacy, ownership and copyright. Personal Information associated with data will be dealt with in accordance with our *Privacy Policy* (see below). Before any information is released to individuals or organisations, the recipient must sign an agreement governing the subsequent use of the information. This may take the form of a one-off *Data Request Application* to be signed by the third party, or a mutual agreement between the HCT and the third party. Our *Data Sharing Policy* must be respected by third parties who

subsequently pass on information to other third parties. The table in Annex 1 shows broadly how we are likely to treat the provision of data to individuals and organisations, but this position may vary according to specific circumstances. If significant changes to this *Data Sharing Policy* are made, we will inform third parties with whom we have agreements. We will also display the most up-to-date version on our website. The HCT will use the NBN Gateway web service wherever appropriate to make data more widely available to the general public and other user groups identified in Annex 1. Administrative controls will be used to regulate online access to HCT data. Higher levels of access to view and use data may be given to agreed password-holders, but we encourage parties to contact us directly if they need specific information.

When we share data with third parties, we wish to be confident that its subsequent use is responsible and legal. For one-off provision of data, we request that third parties refer to our *Data Sharing Policy*, and obtain our permission before subsequently providing data to other third parties. For organisations with which we have signed *Data Exchange Agreements*, we ask that they respect our *Data Sharing Policy* when using and disseminating data subsequently.

Authority to hold and disseminate data

Policy:

In order to hold and disseminate information legally and properly, the HCT will endeavour to acquire the necessary authority in terms of ownership, copyright, confidentiality, sensitivity, and the Data Protection Act 1998 (DPA).

Position:

In order to clearly define our relationships with providers and users of the data that we hold, we are endeavouring to reach written agreements with partner organisations and individuals, to govern our collation, custodianship and provision of information. This will help:

- Clarify the roles and relationships between parties involved
- Protect the rights of those that have helped generate the data resources we hold
- Ensure responsible management of information

Our agreements are likely to be based on NBN guidance, but with variations to suit the parties involved. We have *Volunteer Working Agreements* and/or *Licence and Data Agreements* with our volunteers, staff and trustees; the latter accredits individuals under the HCT's organisational licences with the statutory agencies for monitoring protected species. Over a hundred and fifty recorders are included on our licences in this way each year. We aim to set up *Data Exchange Agreements* between the HCT and third parties holding herpetofauna information of interest to us, preferably in the form of simple Memorandums of Understanding wherein both parties agree to respect each other's *Data Sharing Policy*.

Environmentally Sensitive Data

Policy:

The HCT believes that responsible dissemination of information can help protect species and their habitats. However, unrestricted access could have negative effects, hence a balanced approach must be taken to maximise benefits and mitigate risks.

Position:

Although much of our data is recorded at a spatial accuracy of 1 m, the spatial resolution of information provided to the general public, and possibly to other third parties in certain circumstances, will generally be at 100 m to protect some sensitive recording locations. A resolution of 1 km may be imposed in some cases, such as threatened populations of the adder in London. Records can be flagged as confidential in our database to prevent dissemination, and they can be marked as sensitive to impose restrictions on resolution.

Personal Data

Policy:

We will manage Personal Data (and any information that we believe may be construed as Personal Data) in keeping with the requirements of the DPA.

Position:

Please refer to our Privacy Policy below.

Privacy policy

The DPA defines information referring to a living individual as Personal Data. We hold Personal Data on our electronic database and in other formats, therefore we are registered with the Data Protection Commissioner and our computer systems are password-protected and firewall-protected. In keeping with the DPA, we endeavour to make sure that all recorders have given us written permission to hold Personal Data on them. Personal Data will be managed diligently in keeping with the requirements of the DPA. All recorders can request the removal of their name from records when passed on to third parties.

What Personal Data do we ask for?

We ask recorders to provide us with their name and contact details (address, telephone, email) in order to communicate with them and manage their data. We also request some additional information from recorders in keeping with our Health & Safety Policy (emergency contact, special requirements).

How do we use the Personal Data provided to us?

We use this information to keep complete and accurate records, to correspond with recorders when necessary, and in case of emergency.

To whom do we disclose Personal Data?

Recorders' contact details and other information are not passed on to anyone else, and are kept in secure locations on digital and paper formats. Recorders' names are associated with database records and may be supplied to third parties unless perceived by us as inappropriate, or requested otherwise by the recorder(s). In case a person's name in association with a record constitutes Personal Data, we treat all records as carefully as we would Personal Data *sensu stricto*.

Metadata

Policy:

We aim to provide a sufficient level of contextual information (metadata) about the information we hold for users to confidently assess its appropriateness. Wherever possible, the metadata we provide will be in line with standards promoted by the NBN.

Position:

The HCT's database and recording activities are continually developing, and we will endeavour to maintain and disseminate accurate metadata. As well as welcoming the use of our data by third parties, we encourage third parties to contact us for further information or assistance. The HCT appreciates an intellectual involvement in decision-making processes that involve, or are influenced by, information that we provide. In particular, we hope that our expertise may be fully utilised in the development planning process, and for informing sympathetic land management.

Available Formats

Policy:

The HCT will endeavour to make data available using suitable media for users, especially electronic formats and the Internet, in order to facilitate greater accessibility in accordance with this *Data Sharing Policy*.

Position:

We normally provide data in electronic format, preferably by email, as MapInfo tables, Excel spreadsheets or jpeg images as required. Paper copy will also be available if required. Requests for data are likely to be influenced by the current workload and time constraints of HCT staff. Organisations with which we have *Data Exchange Agreements* will normally be provided with updates annually during the winter months (i.e. outside the herpetofauna recording season).

Securing and Allocating Resources

Policy:

In order to secure the continued collection, collation, management and dissemination of herpetofaunal information, the HCT will endeavour to secure resources from statutory and non-statutory partners that share our objectives, and where appropriate, from other supporters and data users. Wherever possible, the HCT will seek to secure long-term funding from Government and statutory bodies to ensure the sustainability of its activities and the free provision of data to all not-for-profit users.

Position:

The HCT is a non-profit-making charitable company, and without funding from charitable and statutory sources, we would not be able to provide a database and information service. We may make a charge for the provision of data, in order to cover costs. However, we will not normally charge not-for-profit organisations and private individuals operating on a non-commercial basis. We will normally charge for provision of data and advice to commercial enterprises such as ecological consultants, utilities companies and developers. The charge will normally be a minimum of £50, or £250 per day (*pro rata*). We aim to set up *Data Exchange Agreements* statutory agencies and other organisations where appropriate that will enable one-off exchanges of data rather than repeated requests.

Annex 1

User Group	Data Access Provided
<i>HCT staff and Trustees:</i>	Staff and trustees of the HCT will be given full access to the conservation and biodiversity information that we hold, as appropriate for carrying out the duties and aims of The HCT.
<i>Volunteers and students working for the HCT:</i>	Volunteers, including students, are defined here as individuals who carry out work for the HCT but who are not paid for their time and do not have an employment contract with us. They will be given access to information we hold at a level that is commensurate with the duties they are performing on our behalf.
<i>Landowners/ occupiers:</i>	Owners or occupiers of land will be eligible for full access to any information we hold relating to their land. Landowners may fall into other categories as well.
<i>Statutory agencies and Government departments:</i>	Subject to <i>Data Exchange Agreements</i> , the HCT will provide full data access to the Statutory Nature Conservation Organisations and Government departments.
<i>Local Record Centres:</i>	We wish to promote reciprocal exchange of information with LRCs through <i>Data Exchange Agreements</i> , preferably in the form of simple Memorandums of Understanding that set out shared objectives and agree to respect each other's <i>Data Sharing Policy</i> . We have also produced some <i>Data Interpretation Guidelines</i> that are available to LRCs for sending out when they supply herpetofauna data to third parties. By necessity, the information that LRCs hold on their databases is less complex than on our own. This reiterates the need for third parties to approach The HCT directly if they require more detailed information at greater resolution, and for interpretation and advice. For data passed from LRCs to third parties, the default accuracy will be one kilometre for information on protected species, except in specified cases. We aim to work with LRCs to develop ways in which we can aid each other's activities, whilst protecting their and our viability as custodians and providers of data and copyright holders.
<i>Local Planning</i>	Whilst our data may be available to local planning authorities via LRCs,

<p><i>Authorities:</i></p>	<p>we will provide them with full access to data for their respective administrative areas if needed, subject to <i>Data Exchange Agreements</i>. It is our aim to achieve full consideration of herpetofauna in the planning process through proper use and interpretation of species data.</p>
<p><i>Not-for-profit organisations</i></p>	<p>Not-for-profit organisations will normally receive full access to data if appropriate. We will normally provide one-off data requests as necessary, but would prefer a <i>Data Exchange Agreement</i> to be in place if requests are regular. We wish to promote reciprocal exchange of data with conservation NGOs, and to develop ways in which we can aid each other's data collection.</p>
<p><i>Ecological consultants</i></p>	<p>We will consider requests from consultants individually. Satisfactory completion of a <i>Data Request Application</i> is a pre-requisite for supply of data, and supply will be accompanied with a set of conditions and <i>Data Interpretation Guidelines</i>. In the interests of providing planning authorities and statutory agencies with as full a picture as possible for herpetofauna to receive proper consideration in the planning process, we aim to co-operate with professional consultants as much as possible. However, we reserve the right to restrict the resolution of information provided to consultants. Even where data are available through LRCs, we encourage consultants to approach the HCT directly for more detailed information, interpretation and advice. In order to help cover our costs, we charge consultants for the provision of information and advice.</p>
<p><i>Utilities companies and commercial enterprises:</i></p>	<p>We treat utility companies and other commercial enterprises essentially in the same way as ecological consultants working on behalf of commercial clients. We wish to promote good working relationships with such organisations, but we pay special attention to a good track record.</p>
<p><i>General public:</i></p>	<p>The primary considerations before releasing information to the general public are the intended use of the data, and their potential impact on site and species safety, animal welfare, data protection, and the viability of the HCT's scientific and monitoring activities. The HCT will deal with requests from members of the public (including students) on a case-by-case basis. We envisage that most requests from the public are directed to LRCs, with access increasingly being via the NBN Gateway. The HCT undoubtedly receives more data from members of the public than it disseminates to them via data requests. Students requiring information for projects are treated in the same way as the general public, but requests for more detailed data will be considered, particularly with the support of a project supervisor, if the project fits HCT research objectives.</p>
<p>Others not listed above:</p>	<p>Any organisations or individuals who do not fall into one of the above categories will be dealt with on a case-by-case basis, according to a general principle of openness but with a precautionary approach to sensitive information and data protection. Requests from organisations or individuals with whom we do not have an existing agreement, may require the satisfactory completion of a <i>Data Request Application</i>.</p>