



## DATA ACCESS POLICY

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This document sets out the principles and policies about Data Access. It should be read in conjunction with our Data Search Guidance, Standard Terms and Conditions and Charging Policy, all available on our website.

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### 1. Introduction

WSBRC are the Local Environmental Records Centre (LERC) for Wiltshire and Swindon and have been collecting, collating, managing and interpreting biological and geological data since 1975. This detailed information about the wildlife, sites, habitats and geology of Wiltshire and Swindon is shared widely with agreement holders, customers and the public. We help ensure that the data we hold is used to help protect the county's wildlife and habitats and improve its relevance, value and dissemination by providing a range of supporting services.

WSBRC is a not-for-profit organisation hosted by Wiltshire Wildlife Trust and supported by a range of partner organisations, volunteers and local nature groups. We are a member of the South West Local Environmental Record Centre's and Association of Local Environmental Records Centres (ALERC); the National network of Local Environmental Records Centres (LERCs).

This policy describes the issues around access to the data we hold, the circumstances in which access may be declined and the conditions placed on users. It has been developed and adopted in consultation with the County Recorders, local nature groups, our Advisory Committee and the Wiltshire Wildlife Trust's Board of Trustees's.

This document should be read in conjunction with our Standard Terms and Conditions Document which will apply to all Data Search clients and Agreement holders.

This policy will be kept under review and updated as and when required.

### 2. Types of Data available

The UK is lucky to have one of the richest sets of biodiversity data in the World and there are a very large range and number of datasets available from various organisations. Data can be characterised into three main types:

- Open Data - is data that anyone can access and use and excellent examples of this are the GIS data portals provided by MAGIC, Natural England, Historic England and the Forestry Commission.
- Shared Data – is data whose access is controlled and restricted to named individuals or organisations
- Closed Data – is data that can only be accessed by its owner, license holder or that requires payment

WSBRC support the principles of the Open Data Institute (ODI) and will strive to make access to our data as easy and open as possible and to actively seek Data Sharing Agreements with others in order to share data as widely as possible, increasing its relevance and value.

In promoting the use of our data and in support of Open Data, we will strive to supply data Free of Charge to:

- Academic and General public enquiries (up to 1 hour of time processing per request, more intensive investigations will be quoted for).
- Local Nature Groups and eNGOs
- Individual recorders

A Data Sharing Agreement must be in place for us to supply data.

### 3. Data Description

Credible and accurate biodiversity data is extremely valuable for use in planning and decision making, in informing environment reporting, agri-environment schemes, education, modelling trends in species and habitat distribution and research and policy making.

The information WSBRC holds spans a wide and growing range of environmental, geological and biological datasets. It is the County's environmental evidence base, a vital digital asset and a historic baseline. We aim to provide a one-stop-shop for a growing range of species, sites and habitat information as well as provide a range of supporting services to help enable the best use of WSBRC data, including:

County Wildlife Sites	Local Geological Sites
Protected Road Verges	Wiltshire Wildlife Trust Reserves
Notable Species by designation	Schedule 9 Invasive Species
Wiltshire Critical Species	UK Priority Habitats

We continually seek to improve our data, over the last few years we have added 288,022 records in 2020, a further 233,548 in 2021 and 229,227 in 2022. We currently hold nearly 3.5 million records.

Data requests can be made for Grids, Sites and Areas with and without buffer zones such as 500m, 1km or 2km. Requests for complete datasets for Wiltshire and Swindon or a significant proportion of either will not normally be provided via a Data Search. In these cases we may be able to provide data and other services through a Service Level Agreement.

Any supply of data must be recognised as a snapshot in time and given the very large annual increases in records, our policy is that WSBRC data must cease to be used after 12 months and a data refresh or new data request made for the latest available information.

### 4. Location Information

WSBRC Data, in common with many other UK data providers, is aligned to the British National Grid. This ensures our data is accurate and compatible with data from other UK environmental data providers such as Ordnance Survey and Natural England and the majority of UK GIS users. We work with and encourage recorders to work in BNG and provide as accurate a Grid Reference as possible for instance 8 or 10 figure.

### 5. Benefits of using LERC data

Numerous organisations from the Government to CIEEM all agree that biodiversity data must be obtained from credible sources to ensure that decisions and plans are based upon the best available information. CIEEM state in their professional guidelines "Any searches for biological data must always include the LERC where one exists".

Prompt, reliable access to high quality accurate information will enable timely, well-informed decision making, helping organisations comply with the law, statutory duties and thereby reduce risk and liability.

Biodiversity data is by its nature incomplete but nevertheless is the best information available at the time. We recognise that some species groups and locations are under-recorded, one of the reasons for this is access to private-land to collect data is often difficult. However, absence of data or evidence does not mean a species is not present. Our policy therefore is to encourage and promote the use of WSBRC and LERC data in general as the best available biodiversity information.

## 6. Contributing Data to WSBRC

WSBRC's policy is to constantly improve the quantity and quality of the data we hold and as such we require all our data clients and partners to contribute data to WSBRC to help grow the County's environmental evidence base. This is a vital resource and its importance will only grow over time, given the effects of climate change, declining species and degraded habitats will only grow over time.

It is a requirement of all our Data Search, Data Sharing and Service Level Agreements that agreement holders must share their data with WSBRC. Many Local Planning Authorities are already requiring that developers, or their appointed ecological consultants, share biodiversity data with all relevant LERCs on completion or consent of a planning application. DEFRA are also seeking to make this a requirement in planning law and a consultation was carried out in early 2023. CIEEM's guidance also expects this as part of a member's professional obligations; "It is expected that following the completion of surveys, all relevant biodiversity data obtained must be submitted to the relevant LERCs and other groups as appropriate, unless the client has expressly refused permission for this".

Once data is handed over to WSBRC then we assume co-ownership and the Intellectual Property Rights over the data. The ownership of the original raw data remains with the original recorder who is free to use and distribute as they see fit. WSBRC will seek to assert and protect the rights of the data owners.

## 7. Access Principles

We are extremely grateful for and value the expertise, effort and time spent by local groups, individuals and all who collect, verify and provide data records to WSBRC. This data is critically important as the environmental evidence base for Wiltshire and Swindon and WSBRC believe in as free and open access to this information as possible.

We strive to ensure we follow guidance from the Information Commissioners Office including GDPR, Open Data Institute principles and the general principles set out in [National Biodiversity Network Data Principles](#).

We recognise the data we hold is valuable to ourselves and many others in many respects and we will take steps to protect it from misuse. Any access granted to WSBRC data must comply with any wishes and instructions set out by our providers, licensing conditions and strictly adhere to the Terms and Conditions as set out in our Standard Terms and Conditions Document.

## 8. Data Access Restrictions

Any request for data must be made in writing, through either a Service Level Agreement, Data Sharing Agreement or using the Information Request Form (IRF) available from our website. We require to know who will have access to WSBRC data and what the data is to be used for (this is the agreed or intended purpose). Access to data will normally be authorised subject to the following conditions:

- The data supplier has stipulated certain conditions for instance, data only to be used for non-commercial use.
- Data cannot be released due to wildlife confidentiality exceptions (see below).
- The enquirer cannot agree to the conditions of data use or has not adhered to the conditions in the past
- The enquirer is not prepared to pay any charges that may be due

- The scope of the data requested is out of proportion or inappropriate for the stated use
- The amount of data or the amount of coverage is beyond the scope of a Data Search and a Service Level Agreement (SLA) is more appropriate for the request

In all respects, WSBRC retains the right not to provide access to data at its discretion.

The exact locations of any Protected Species are to be treated as confidential and must not be published in any form or reproduced on any maps.

## 9. Licensed Data Access

It is important to understand that WSBRC only issue time constrained licenses to access and use our data, we explicitly do not sell, grant or transfer ownership of data. The main ways that WSBRC license access to data are through:

- Long-Term or Large Scale Service Level Agreements (SLAs).  
SLAs are usually for 2-4years, cover large areas or the whole County and are for clients such as Corporates, Public Bodies and eNGOs. SLAs are often the most cost-effective way to access large-scale data.
- Data Exchange / Sharing Agreements (DSAs)  
DSAs are usually individually agreed with local or national wildlife organisations to exchange information.
- Data Searches

Data Searches can be requested by anyone by filling in and returning an Information Request Form available from our website [www.wsbrc.org/services/data-searches/](http://www.wsbrc.org/services/data-searches/)

Clients are licensed to use and access data via Data Searches for a maximum of 12 months. After this period Clients must either submit a new Data Search or delete our data and cease to use it. This is because with nearly a quarter of a million records added on average every year to our database, data quickly becomes out of date. There is a requirement that all users should be using the latest and best data available.

Consultants, contractors and other commercially driven users will normally be required to show membership of the Chartered Institute of Ecology and Environmental Management (CIEEM or similar professional body) and operate within their Professional Code of Conduct.

## 10. Charges and Fees

It is important to understand that WSBRC, like other LERCs do not make any charges for data. We are non-profit organisations and our income is reinvested for the continuity and improvement of the vital services we provide.

We do make charges as a contribution toward our time spent collating and managing data, administration and overheads to ensure that we as an organisation remain viable and sustainable in the long-term. As a non-profit organisation we will seek to minimise these costs where we can. Fees are dependent on the type of Client or end user, a fee may be applied for instance for commercial use but often we are able to provide services free or charge to local nature groups and recorders.

WSBRC also make charges for our time in providing bespoke requests such as reformatting data and for other services clients may request such as training or consultancy.

Details of our current charges are set out in our current Charging Policy document available by request or on our website, [www.wsbrc.org/services/data-searches/](http://www.wsbrc.org/services/data-searches/)

## 11. Conditions of Use

Data is supplied strictly under license as set out in our Standard Terms and Conditions Document (available from our website or by request) and any other special conditions we may impose. Users are deemed to accept the Terms and Conditions and you are strongly advised to read the full document and familiarise yourself with its requirements which include for instance:

- WSBRC data must not be published on the internet or any publicly available medium
- You must not allow access to or give WSBRC data to any third-parties
- You must comply with any special conditions made regarding confidentiality
- You must give WSBRC full acknowledgement in reports and documentation and on any every map and where appropriate, the original recorders
- The data supplied by WSBRC must not be edited or amended in any way
- Data from WSBRC must only be used for the stated intended purpose

These Terms and Conditions are legally binding and Clients must comply with them. If Clients break any Terms and Conditions or WSBRC suspect that Clients have done so, we may resort to legal action and seek damages. You may also be denied access to data in the future.

Clients who have or we suspect have breached these Terms and Conditions may also be reported to national governing bodies such as CIEEM and be banned from accessing WSBRC and possibly other LERC data in the future.

## 12. Warranty

WSBRC receives data from many sources and providers on a frequent basis. Species records will have been verified and validated and meet recognised national standards for accuracy and consistency. However, any data supplied should be viewed as a situational 'snapshot in time' which will become out of date over time.

Whilst WSBRC takes all reasonable steps to ensure that any information supplied is accurate, we do not offer any guarantee of accuracy or suitability for any particular intended use. Use or interpretation of data is entirely at the client's own risk and as such we do not accept any liability for any consequential, incidental or direct or indirect loss, damage or adverse effect.

## 13. Confidentiality

Some WSBRC site or species data has to be kept confidential for instance, to protect certain species from persecution or illegal hunting. It is vital that WSBRC protects data from abuse and misuse so all data providers and recorders that submit information to us can be confident that it will be properly protected at all times. 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/their records may not be passed to third parties.

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).

For recorders of these confidential species, WSBRC has robust internal procedures to tag the records as confidential and restrict access to them. Records of these species may be included in reports and supply of data search results to third parties but the geographical precision or resolution of the record is to be reduced or obscured. Similarly, location details may also need to be removed e.g. private addresses or grid references.

Provision of all WSBRC data is subject to restrictions on its use; methods and duration of storage; and methods of data disposal as set out in the Standard Terms and Conditions Document which is legally binding.

## 14. County Recorder confidentiality

County Recorders agree to the publication of their personal details such as names, addresses, phone numbers and e-mail addresses by WSBRC and partners such as Local Authorities.

## 15. Re-supply of External Data

WSBRC collates large volumes of data from other organisations and each has its own licensing terms, conditions and policies. In instances where WSBRC can re-supply this data to others, these restrictions will apply to clients and users and form an amendment to WSBRC's own Standard Terms and Conditions.

## 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>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>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 oedipnemos</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	10kmRR	10km - for 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
Bird	<i>Circus aeruginosus</i>	Marsh Harrier	10km(b)	10km - for breeding records only

Group	Species name	Common name	Status	Restrictions which apply
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>Berberis vulgaris</i>	Barberry	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).

For further information please contact WSBRC at:

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