

2 March 2010

**Response to consultation on  
“Policy options for geographic information from Ordnance Survey”**

Dear Sir/Madam,

This is a personal response to your current consultation “Policy options for geographic information from Ordnance Survey” from Tom Hughes.

I am a software developer with a long standing interest in, and involvement with, open source software projects. More recently I have been involved with several open data projects, and in particular with the OpenStreetMap project for which I act as a software developer and system administrator as well as a mapper and collector of open geographic data.

Whilst my first instinct would probably be to support option 2 and release all data freely, this does involve a significant risk that, over time, the quality of the data available would fall, as the collection and maintenance of the data would be likely to be more or less wholly dependent on government funding and hence very vulnerable to being cut back as time passes and successive governments look to make savings in public expenditure.

On balance therefore I would say that I am in favour of option 3 as striking a suitable middle way between maintaining an income stream to help fund collection and maintenance of the data and releasing sufficient data to provide a useful boost to innovation and to resolve many of the problems which the current extraordinarily complicated Ordnance Survey licensing schemes seem to lead to.

I also have a number of specific points which I should like to make in response to some of the specific questions posed in the consultation.

**Products under consideration for release (Q5)**

Of the products suggested for release the ones which I consider most important (in no particular order) are the 1:50000 Scale Gazetteer, Code-Point, Boundary-Line and Meridian 2.

The key point about these data sets is that they contain fairly raw data and it is this sort of raw data that most lends itself to new, transformative and innovative use of the type which this initiative wishes to encourage.

Release of the Boundary-Line data is to my mind, particularly important as it is data which it is often difficult or impossible to gather on the ground, as it exists only as a theoretical concept and has no physical manifestation that can be mapped. Furthermore the current lack of access to this data raises basic questions about the nature of a democratic society where access to the basic data describing the structure of the system of political representation is restricted.

There is much less of an argument for releasing raster data such as the 1:25000 and 1:50000 Scale Colour Raster data sets – indeed it could be argued that releasing these is likely to lead to less innovation than if they are not released as third parties are more likely to simply republish this data (possibly with extra data overlaid) than to produce new, innovative maps which cater to specific end user communities and explore the full space of possible cartographic styles.

Not releasing the raster data sets would, of course, also keep another revenue stream available to Ordnance Survey to help continue to fund their data collection activities. Of course they will be quite likely to face additional competition in this sector from the use of their released vector data to create alternatives which might lead to a reduction in revenue from this source.

Raster data can, and should, continued to be supplied through the existing OpenSpace portal. Indeed I would encourage Ordnance Survey to add the 1:25000 Scale Colour Raster data set to that portal.

### **Additional products for consideration (Q5)**

In addition to the products discussed in the consultation document as possible candidates for release I would like to suggest that access to Ordnance Survey's aerial photography be included.

Whilst the photographs themselves could, and probably should, remain copyright the important change would be that data derived from these images could be freely used and reused without restrictions. This would encourage innovation in the creation of geographic data sets by allowing the surveying, from aerial photographs, of all sorts of features which cannot be easily surveyed on the ground.

By definition both vector and raster data sets created by the Ordnance Survey contain only those things which they feel it is worthwhile surveying, while aerial imagery contains (subject to limitations imposed by the resolution of the images) everything which exists in a given location. Allowing the surveying of those things which the Ordnance Survey choose to not to survey is a clear path to innovation in this area.

Allowing tracing and other derivation from these images whilst not releasing the images themselves should however limit the damage done to competing suppliers of aerial imagery.

### **Licence chosen for free release (Q7)**

Although I understand the reasons for proposing to use a Creative Commons license – it is the most well known source of open content licenses and is therefore something that potential users are likely to already be familiar with – it is important to note that there are significant questions about the applicability of such a license to data sets, especially where those data sets contain primarily factual information.

In fact Creative Commons themselves have repeatedly advised against the use their licenses for such data sets as the licenses work through the use of copyright alone and copyright has limited applicability to collections of factual data.

To date OpenStreetMap does use a Creative Commons license (CC-BY-SA) but we have been working for some time to move away from this as we recognise that it does not work well for such data sets. To that end we have worked with Open Data Commons on the development of the Open Database License which aims to use a full set of tools – copyright (primarily in jurisdictions where “sweat of the brow” is recognised as giving rise to copyright protection), database right (primarily in the European Union) and contract – to fully protect the openness of the data.

The alternative, in my mind, to a license such as those offered by Open Data Commons, which is specifically designed to operate in this area is a public domain dedication (in the US sense) such as the CC0 declaration offered by Creative Commons as their preferred solution for situations such as this.

### **Licensing of derived data (Q7)**

Regardless of the license chosen for whatever data is released, and of what data is released, I feel it is important to give consideration to the question of significantly relaxing (or preferably removing) the current restrictions on deriving data from Ordnance Survey data.

My understanding is that at present Ordnance Survey essentially claims (either inherently via copyright and database right, or through contractual restrictions) the right to control more or less any derivation of data from their products – if I can see a building on one of their aerial photographs and read off the geographic

coordinates then they would assert control of those coordinates as derived information. This would also extend to knowing that, say, a telephone box was located at a particular road junction and using one of their map products to read off it's coordinates.

The result of this policy is almost any data set available in this country, and especially any produced by central or local government, which includes geographic information of any sort tends to be "infected" by Ordnance Survey data and often can't be released as open data even if the organisation which produces it wishes to do so.

### **National Address Register (Q9)**

I believe that there would be significant benefit to the release of an address product, if only to try and break the current deadlock that apparently exists in government and avoid the current crazy situation where different branches of government appear to be competing with each to maintain their own address databases.

Perhaps the craziest product of this infighting is the decision of the Office for National Statistics to create (at a cost of at least 12 million pounds) yet another address database in order to deliver the 2011 census. They then propose to discard that database once the census is complete.

I hope these comments have been helpful, and look forward to further developments in this area.

Yours faithfully,

Tom Hughes