

Copyright Policy

London Borough of Barnet

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Document Control

POLICY NAME	Copyright Policy		
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V04.00	03/03/2016	Sarah Laws	Annual Review, minor amendments

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1. Introduction

Copyright is a means of protecting intellectual property rights in material. It covers the expression of original ideas and thoughts and includes literary works, music, sound recordings and things such as advertising jingles or TV themes. It also covers policies (such as this one), procedures and other documents provided by council officers in the course of their duties. The copyright in documents etc. produced by council officers is owned by the council and not the officers who drafted or worked on the material.

Copyright is governed by the Copyright, Designs and Patents Act 1988 (CDPA), and automatically applies to items such as, but not limited to, documents, policies, photographs, music and sound recordings. There is no requirement to apply for copyright protection – it applies automatically. The usual symbol for copyright is ©.

When considering some aspects of copyright in photographs, data protection considerations may be relevant.

A copy of both of the Copyright, Designs and Patents Act 1988 and the Data Protection Act 1998 can be located on the Legislation.gov.uk website here:

<http://www.legislation.gov.uk/>

The council's Data Protection policies and guidance are available on our [intranet](#) and our [internet](#) .

2. Purpose

This policy is in place to ensure that the London Borough of Barnet (“the Council”) complies fully with its legal obligations under the CDPA and also protects the copyright it owns on its own documents.

This policy covers two aspects of copyright. Firstly it covers the regulation of other's copyright in documents, sound and music that the council and its officers and employees use during the course of council duties. Secondly it also covers the regulation and protection of the council's own copyright in its material. It is therefore both outward and inwards looking.

3. Scope

The whole of this policy applies to all council employees, temporary staff and contractors. Parts 6.2-6.4 (and no other parts) apply to staff located in schools, CSG and Re employees and any other employees of contracted out delivery units.

This policy will apply to councillors when they are undertaking council related work, but not when they act in their ward member or political capacity. However, they still

have a legal obligation to comply with the CDPA in their ward member and political capacities.

Those covered by this policy are termed “Everyone” in it.

4. Responsibilities

- Everyone must comply with the parts of the policy that apply to them (see part 3)
- Everyone must also comply with the council’s wider information management responsibilities and relevant policies and procedures which are available on [intranet](#) and our [internet](#) .
- Everyone must be made fully aware of this policy and of their duties and responsibilities under the Act by their line manager. This includes complying with the licence conditions in the CLA and NLA licences (see below), and not using TVs or radios unless a PSL and PPL licence has already been obtained.
- Everyone is also reminded of the council’s [Photographic and Filming Policy](#) .

Knowingly or recklessly contravening this policy may be considered a disciplinary offence as it may leave the council in breach of copyright law and at risk of legal action.

5. Policy Statement

The council will comply with its legal duties under the CDPA in respect of the copyright of third parties in material it uses in the course of council business.

The council will protect its own copyright in its own documents in a reasonable and proportionate way. Where a request is made from a third party to use council copyrighted material the council will consider each case on its individual merits, but will have regard to the guidelines below.

6. Practical Application of the Copyright Policy: the Council’s Copyright

6.1. Copyright Notices on Council Documents

It is recommended that council documents are copyright protected by the use of the recognised symbol ‘©’ and the words ‘Copyright of London Borough of Barnet’ and the year in the footer of each page of documents, or as a watermark, or in a convenient location in drawings, plans etc. See the watermark in this policy. It should be noted that a footer may not be compatible with page numbering in which case a watermark can be considered. The lack of a © and copyright notice does not mean there is no copyright protection, but it is helpful to include them.

6.2. Request From Others to use Council Copyright Protected Documents

Others eg local authorities, individuals, charities etc might wish to use council copyright protected material for example in a training course. To comply with the CDPA they cannot use council copyright material unless they receive our permission.

If members of staff receive a request from any person/ company to use council copyrighted material they should not agree or refuse but pass the request onto the Communications Team for advice.

Where a request is made from a third party to use council copyrighted material the council will consider each case on its individual merits, but will have regard to the guidelines in sections 6.3 and 6.4 of this policy.

The part of this policy covering the council's own copyright applies to everyone (as explained in 3 above) and also to those employed by contractors such as Re or CSG/Capita who draft and produce documents on the council's behalf.

6.3. Guidelines for Dealing with Requests to use Council Copyright Material

These are guidelines and are not prescriptive rules and so need not be followed if circumstances require an alternative course.

a) Photographs

There is a presumption that permission will not be given to reuse photographs where the copyright is owned by the council. Permissions are obtained from individuals to be included in council photographs and the terms of those permissions do not generally permit onward processing. In most cases the licensing of further use of council copyrighted photographs will constitute a breach of the Data Protection Act 1998 as the permissions obtained from individuals will be breached. For further details of photography see the council's [Photographic and Filming Policy](#)

Where permission is sought to use council copyrighted photographs that contain no recognisable person, this will be considered on a case by case basis. Any permission granted will require appropriate acknowledgement in the form specified in section 6.4 below. For any uses that are granted there will be a presumption in favour of a reasonable and proportionate charge for commercial use. Any queries regarding the use of photographs should be directed to Mark Harewood, Design Manager in Communications at mark.harewood@barnet.gov.uk .

b) All other forms of material

The default position in respect of permission depends on the category of requestor:

Charities and other third sector bodies, other local government authorities, and the press – there is a general presumption of approval of permission to reuse copyrighted material without charge, subject to prior approval being sought and appropriate acknowledgment as in section 6.4 being provided. In certain cases a reasonable and proportionate charge may be considered appropriate and the council

reserves the right to refuse permission where this would be an inappropriate use. (The press's rights to use copyrighted material in news reporting is unaffected by this policy).

For all commercial uses – the council requires prior permission to be requested and received before copyrighted material is used. These requests will be decided on their individual merits. Where permission is granted there will be a presumption in favour of making a reasonable and proportionate charge. All use must be appropriately acknowledged as set out in section 6.4 below.

Where reasonable attempts to obtain permission are not made, or where publication follows permission being refused the council will take the appropriate enforcement action, which may include legal action.

6.4. Copyright Acknowledgement Wording

Where the council has provided permission to a third party to use council copyright protected material appropriate wording must be used by the third party.

Approved wordings examples

- Information within this document © London Borough of Barnet
- With thanks to Barnet Council for allowing use of their content in this booklet / paper etc.
- The wording in xxx (insert page or section or appropriate reference) is © London Borough of Barnet
- This map/plan is © London Borough of Barnet

6.5. Enforcement of the Council's Copyright

The council expressly reserves the right to take any appropriate action, including legal action against those who wilfully or recklessly breach its copyright or who publish copyright protected material where permission has been refused, irrespective of their sector or commercial status.

7. Practical Application of the Copyright Policy: Third Parties' Copyright

Third party copyright is copyright which is owned by people who are not the council. This can be copyright protected books, newspapers, internet articles, TV programmes, music and other materials.

The third party copyright provisions do not apply to those employed by schools as the copyright law applying to schools is different and schools deal with this themselves.

The third party copyright provisions do not apply to employees of Re, CSG and any other external delivery unit as they are responsible for ensuring their own employees' compliance with the copyright laws.

7.1. The Council's Licences

7.1.1. Photocopying/ downloading from internet / scanning.

Copyright protected material may be photocopied, scanned, downloaded from the internet or otherwise reproduced **only** in accordance with the council's copying licence. Copyright licensing is overseen by the Copyright Licensing Agency (CLA).

The council has purchased a CLA licence to permit the lawful copying, downloading and scanning of third party copyrighted material.

This licence has [licence conditions \(click on public administration licence\)](#) conditions which must be adhered to. They are also displayed next to the MDF copying machines. This is a summary of the conditions:

- All copying/ scanning/ downloading from the internet etc. must be undertaken in accordance ONLY with the licence conditions. Pay special attention to the limits on copying.
- There is also a list of documents ([excluded works](#)) which are exempted from the CLA licence. This means that they cannot be copied under the CLA licence. Should you wish to copy items on this restricted list you will need to contact the individual publishers for permission. If you have an item you need to copy or scan that is on this list contact the Information Management Team (IMT) for advice before proceeding.
- To check whether you can copy from a particular title [use this link](#), and complete as many details as possible and then search. The response will tell you whether the council's licence permits copying. If copying is permitted it must be done in accordance with the licence conditions – see above. If copying is not permitted you MUST NOT copy and contact [IMT](#) for advice.

7.1.2. Newspapers

The copyright in newspapers is covered by the Newspaper Licensing Agency (NLA). The council has purchased a NLA licence which allows council employees to make copies from:

- UK national and regional newspapers
- newspaper websites
- certain specialist and foreign titles

There is a [list of titles](#) covered by the licence. Making copies includes photocopying, faxing, scanning and emailing.

7.1.3. Music from radios, TVs, and other music playing devices

Copyright applies to music and other copyrighted sounds emanating from a TV or radio. There is no need to have a licence to listen to the radio at home or to listen to sound from a TV at home (apart from a needing TV licence). However, in the workplace listening to the radio or the TV is a breach of copyright unless the relevant licences are obtained.

The council has purchased a PPL and PSR licence to cover the use of radio in:

- Mill Hill Depot sign workshop
- Mill Hill Depot vehicle maintenance garage and workshop
- Apart from services where an explicit permission has been given to have the radio on as background music, the radio (whether from a battery or mains device, DAB or analogue or internet) must not be played in the office so that it is audible to others.
- Private playing through personal earphones during lunch breaks (or during working hours if permitted by the service management) is permitted so long as it is not audible to any other person.
- If there are work areas where people want to be allowed to listen to the radio at work firstly they need to obtain their management's consent. Then they must contact IMT prior to radio usage to discuss the additional licensing requirements and payments.
- The council does not license the use of sound with any television. All televisions provided in council buildings, for example, in the atrium or communications area must be subtitles only. The use of the sound is strictly prohibited. If you have an occasion where you have a business need to listen to live TV you must contact IMT for advice in advance.

8. Review of the policy

This policy will be reviewed biennially or more frequently if required eg by changes in legislation.

9. Contact Information / Further Guidance

Further advice and guidance is available from the Information Management Team.

tel: (020) 8359 7080

email: foi@barnet.gov.uk

Queries regarding the use of council photographs should be directed to:

Mark Harewood

tel: 020 8359 7551

email: mark.harewood@barnet.gov.uk

Queries regarding applications for permissions to use council copyrighted © documents should be directed to the Communications Team

tel: 020 8359 7039

email: barnet.first@barnet.gov.uk