

1. DEFINITIONS

- 1.1. Within this document, the terms '**data**' or '**dataset**' mean a collection of biological records or other relevant environmental data, for example habitat maps, statutory and non-statutory site boundaries relating to biological or geological features. Datasets may be stored in a variety of electronic or paper-based formats, often using a combination of several methods.
- 1.2. The term '**metadata**' is used to mean information about the data, such as collection methods used, purpose of data collection and sources of individual records.
- 1.3. Datasets are owned, collated or managed by a '**data supplier**'.
- 1.4. '**Data Transfer Agreement**' is used as a generic term for Data Exchange Agreements (which imply a two-way transfer of data) or Data Supply Agreements (which imply a one-way transfer of data).
- 1.5. Cofnod's information products and services are supplied to '**data users**' in response to '**data requests**' (see section 2.3)

2. POLICY STATEMENT

- 2.1. Cofnod (North Wales Environmental Service) is a not-for-profit company which provides environmental information products and services (particularly relating to biodiversity) to a range of users for the benefit of the environment of North Wales.
- 2.2. Cofnod is one of the four Local Environmental Records Centres making up [LERC Wales](#).
- 2.3. The information products and services provided by Cofnod are derived from data supplied freely by a range of partners, including individual recorders, recording groups and organisations. Cofnod aims to provide a range of services which will help to support data collection, in particular by voluntary recorders and recording groups.
- 2.4. Cofnod follows the guiding principles of Data Exchange as set out by the National Biodiversity Network. These 'Seven Data Exchange Principles' (outlined in Appendix 1) are formulated to guide organisations such as Cofnod to perform their role as data managers and encourage data suppliers to make their data available to a wider audience. Aspects of these principles are directly reflected and where possible shown in this policy.
- 2.5. At the heart of the principles is the view that by making data available it will help conserve the biodiversity interest which the data refers to. This is something Cofnod takes very seriously and we will therefore endeavour to make the data available to those who can influence the conservation of biodiversity.
- 2.6. Cofnod also recognises Principle 2 of the NBN Data Exchange Principles, and will apply restrictions to data where species, habitat or site information is deemed sensitive by the data supplier, or in certain cases, by Cofnod itself.
- 2.7. Cofnod is registered as a data controller under the Data Protection Act (1998) and will comply with its terms. Cofnod's Data Protection Statement is available from our [website](#), or a copy can be provided on request.
- 2.8. Cofnod will comply with the legal requirements of the Environmental Information Regulations (2004) and any other relevant legislation or regulations.
- 2.9. This policy describes the process by which Cofnod will source data from potential data suppliers, it also sets out how the data will be managed and used. It is implemented through the 'statement of procedure' below.

3. STATEMENT OF PROCEDURE

3.1. Sourcing and removal of data

- 3.1.1. Cofnod aims to store as much metadata as is readily available, about all relevant datasets within its geographical area of coverage, within its administration database ORCA. Metadata on datasets which Cofnod holds is available via the [My LERC](#) website.
- 3.1.2. Cofnod will approach potential data suppliers and negotiate the supply of data where possible.
- 3.1.3. When data is supplied assistance will also be requested from the data supplier to complete the metadata held by Cofnod.
- 3.1.4. Data suppliers will be encouraged to supply Cofnod with updates to their datasets and associated metadata on a regular basis. This can be timed to fit in with updates generated by field recordings, aiming to ensure the dataset held by Cofnod is as up to date as possible.
- 3.1.5. Cofnod downloads copies of relevant data held within other online databases, importing these into its database, where relevant permissions exist. These include the NBN Atlas, iRecord, RecordPool, eBird (Cornell Lab of Ornithology) and DataMap Wales.
- 3.1.6. Each time additional data is provided to Cofnod it is either in the form of a new 'Version' of the entire 'Dataset' or in the form of a new 'Module' comprising part of the entire 'Dataset' (e.g. one years' records only).
- 3.1.7. A data supplier may require Cofnod to cease use or distribution of all or part of their dataset. If the data supplier enters into a Data Transfer Agreement (DTA), the period of notice may be stipulated in the agreement. We would expect all those without a formal DTA to give us reasonable notice before withdrawing their data. In such a situation Cofnod will make no further use or distribution of their data, and will delete and destroy all copies that it holds. Any information products or services distributed by Cofnod before the data supplier's notice takes effect need not be retrieved.
- 3.1.8. *Data Transfer Agreements*
 - 3.1.8.1. Cofnod is happy to offer each data supplier either a Data Exchange Agreement (DEA) or a Data Supply Agreement (DSA), based on standard templates and tailored to the needs of the individual data supplier. Cofnod promotes the use of these agreements both to safeguard both parties, and formalise the transfer of authority to Cofnod, as required by Principle 4 of the NBN Data Exchange Principles (Appendix 1).
 - 3.1.8.2. DEAs will be promoted primarily to voluntary recorders/recording groups. As well as establishing the method by which data is exchanged between the data supplier and Cofnod and vice versa, DEAs include details of the services which Cofnod offers to those entering into the agreement (see section 3.3.1.2 for more details).
 - 3.1.8.3. If a data supplier does not wish to enter into a DEA/DSA then we will process, store and use their data in accordance with this policy.
 - 3.1.8.4. Even outside of a DEA, all voluntary data suppliers are welcome to request services from Cofnod.
- 3.1.9. *Ownership and copyright*
 - 3.1.9.1. When data is supplied to Cofnod, the ownership and copyright of each record remains with the original recorder, who may or may not be the data supplier.
 - 3.1.9.2. When data is supplied using a DEA/DSA, this specifies that a non-exclusive licence has been granted to Cofnod to use and distribute the Material subject to the terms of that Agreement.
 - 3.1.9.3. If a data supplier does not wish to enter into a DEA/DSA, then we will assume that the data supplier has transferred their authority to us to utilise the data as stated below.
 - 3.1.9.4. Cofnod expects its data suppliers to notify Cofnod of any change in copyright ownership pertaining to data they have supplied.
 - 3.1.9.5. Cofnod expects its data suppliers to notify Cofnod of any confidentiality, privacy or data protection issues pertaining to data they have supplied.

3.2 Data flow and management

- 3.2.1 Cofnod will comply with its policy on **Physical Security of Data** (available from [Cofnod's website](#) or on request).
- 3.2.2 Cofnod will copy and/or process data into other formats (including electronic formats) to aid data management, dissemination and use.
- 3.2.3 Data flow through Cofnod is carefully managed using 'ORCA'.
- 3.2.4 Data currently stored by Cofnod can be divided into three main types:
- Data submitted or accessed in electronic format
 - Data submitted on paper or in non-suitable electronic formats, which must be entered onto computer by Cofnod staff or volunteers using our Online Recording System (ORS)
 - Data entered directly via the ORS (including ad hoc records and records entered into specific datasets using custom forms)
- 3.2.5 For all datasets received in electronic formats, a copy of the data supplied is stored in our dataset archive. Hard copies of paper data may also be kept on file, if there is no electronic version available, unless they are returned to the data owner for archiving.
- 3.2.6 Associated metadata for all datasets will be stored in ORCA.
- 3.2.7 All data submitted outside the ORS will require some degree of pre-processing.
- 3.2.8 All non-ORS data will be imported into Cofnod's database, employing various validation checks (for more details see Cofnod's Policy on **Data Quality** (available from [Cofnod's website](#) or on request).
- 3.2.9 Each record is tagged with the appropriate Dataset ID (officially Dataset Module Version ID) so that it is linked to relevant Metadata.
- 3.2.10 Data quality will be assured through a variety of measures set out in Cofnod's **Data Quality** policy. Once relevant checks have been carried out data will be accessible for use in Cofnod's information products and services (see 3.3.1). Cofnod reserves the right not to use all or part of a particular dataset in producing particular information products and/or providing particular services.
- 3.2.11 Data is shared regularly with the all-Wales database held by LERC Wales, and also, where appropriate to do so, with the NBN Atlas. See Diagram 1 for more details on 'Data Flow To and From Cofnod'.

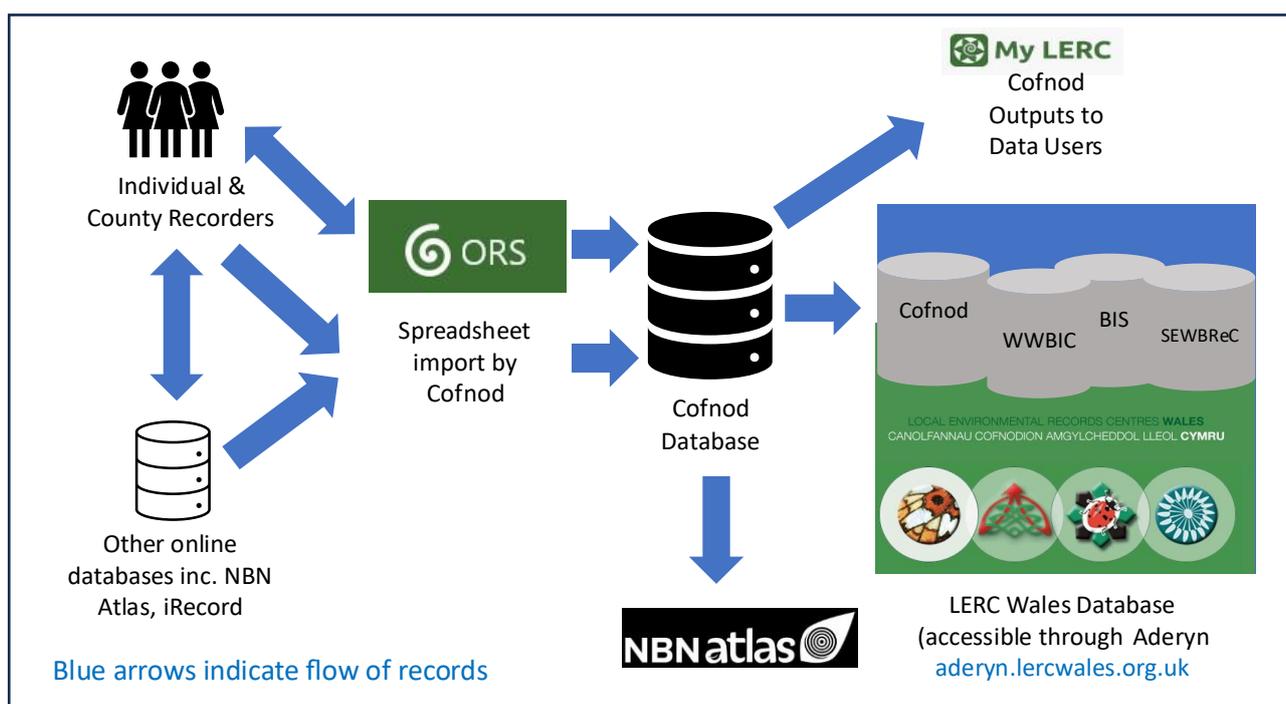


Diagram 1: Data Flow To & From Cofnod

3.3 Data use

3.3.1 *Products and Services*

3.3.1.1 Cofnod has developed a range of environmental information products and services derived from the data with which it has been supplied. Examples are:

- Checking planning applications contained in weekly planning lists and producing standard reports outlining relevant species and habitat information.
- Supplying information to support the preparation of Strategic Environmental Assessments and Environmental Impact Assessments.

3.3.1.2 Services which Cofnod offers to voluntary data suppliers in order to support recording in North Wales include the following (a list can be requested from Cofnod although this is by no means exhaustive).

- Provision of biological recording software (Recorder 6, MapMate, Cofnod Online Recording System), assistance with installation, basic training and basic technical support for users.
- Free access to all relevant records held on Cofnod databases to a data supplier acting as a collation point for records of a particular species or species group within a given geographical area (subject to any restrictions imposed by data supplier(s)).
- Assistance with paper record computerisation or transfer of data between databases.
- Provision of customised online recording on request (available to groups or to individuals) through the Cofnod ORS

3.3.1.3 The Cofnod ORS provides continuous password controlled access to relevant records for local and sometimes national species experts.

3.3.1.4 The LERC Wales database contains a copy of all data available for use in Cofnod data searches (with a few exceptions depending on restrictions applied by the data suppliers). These data are available through the web portal [Aderyn](#) and can be accessed by designated partner organisations with the appropriate access permissions. Summarised data can also be accessed by members of the public (up to 1km resolution distribution maps of single species/species groups or 1km square summaries). Records of sensitive species (see 3.3.3) are only available to the public at a maximum resolution of 10km or in a few cases, not at all).

3.3.1.5 Cofnod may make data available to the NBN Atlas, either where the data supplier has given specific permission or been advised that this will happen and has not objected. Cofnod will not supply data to the NBN Atlas which it believes to be already held there/to have an existing data flow route e.g. data held by National Schemes/Societies.

3.3.1.6 Unless otherwise specified by the relevant data supplier, Cofnod will act as the first point of contact for all enquiries regarding access to and use of datasets which it holds, and the primary source of advice and support for users. In particular Cofnod will act as the contact point for questions from the National Biodiversity Network regarding relevant datasets.

3.3.1.7 Complete datasets will not generally be supplied by Cofnod, except in certain cases to County Recorders/Specialist Groups/National Schemes/NBN Atlas, and with the expressed permission of the data supplier. The exception to this is the supply of 'Protected and Priority Species' records across the Cofnod area (or a substantial part of it) on a regular basis to a small number of relevant organisations. These data outputs could contain complete datasets of species/species groups with statutory protection e.g. bats, reptiles. More details are given in Appendix 2.

3.3.1.8 Cofnod will make relevant metadata available to users of its products, to enable them to identify the origin of individual pieces of data. This will include relevant Dataset Categorisation and Data Verification information (See Cofnod's policy on **Data Quality** for more details, available from Cofnod's [website](#) or on request).

3.3.1.9 Cofnod will, where appropriate and within the bounds of the Data Protection Act, acknowledge the data supplier and original recorder within its outputs to third parties.

3.3.2 *Data Requests*

- 3.3.2.1 All data requests must be received via the [My LERC](#) website.
- 3.3.2.2 Details of each data request will be stored in ORCA.
- 3.3.2.3 All data users must agree to abide by Cofnod's [Terms and Conditions](#) either as part of the process of submitting a data request or by signing a Service Level Agreement (SLA) with Cofnod.
- 3.3.2.4 Cofnod aims to respond to data requests within 3 working days of receiving a data request, or within the time period set out within the relevant Service Level Agreement. If the data request is large or if Cofnod is busy or short-staffed, Cofnod may contact the data requester to negotiate a mutually convenient extension to that 3-day period.
- 3.3.2.5 Cofnod will supply its products and services to a range of data users, in response to regular and ad hoc data requests. Potential data users include organisations which hold Service Level Agreements (SLAs) with Cofnod (e.g. statutory agencies, local authorities), commercial consultants and NGOs.
- 3.3.2.6 Cofnod reserves the right to supply data at their discretion and only to those who they believe will use it for conservation purposes or to aid decisions making which may affect the conservation of species. These data users we will term as 'Approved Users'.
- 3.3.2.7 If a data request comes from an organisation holding a current SLA with Cofnod, no further scrutiny of that organisation is required prior to supplying the relevant data.
- 3.3.2.8 Members of the public are not classed as 'Approved Users' and are asked to use [Aderyn](#) (see 3.3.1.4 above), although they can choose to submit a Public data request through [My LERC](#), which provides a species list of non-sensitive species (see 3.3.3) 500m from the search location.
- 3.3.2.9 Data are supplied to local County recorders/other experts and National Schemes and Societies in response to ad hoc requests, in some cases as part of an ongoing data flow set out within the terms of a DEA. They also have access to records via the ORS (see 3.3.1.3) and can request Cofnod to set them up with full record access through [Aderyn](#).

3.3.3 *Sensitive data*

- 3.3.3.1 Cofnod applies restrictions within products and services to all potentially sensitive species records, based on [guidance](#) from Natural Resources Wales (NRW), local recorders and other local and national experts. In acknowledging this, Cofnod recognises Principle 2 of the NBN Data Exchange Principles (Appendix 1).
- 3.3.3.2 The [Sensitive species list](#) used by Cofnod is standard across the Wales LERCs.
- 3.3.3.3 Records of species on this list will only be made available to the Public at a reduced resolution (usually 10km). Site names and comments are also withheld from all data supplied at public resolution. Cofnod can supply more details on request.
- 3.3.3.4 In addition to these 'standard' restrictions, additional restrictions can be applied at the request of the data supplier, to all or part of their dataset(s). Cofnod will at all times respect any restrictions placed upon the data.
- 3.3.3.5 Where possible, Cofnod encourages the use of DEA/DSAs to formalise restrictions. However where data suppliers do not wish to enter into a DEA/DSA, they should notify Cofnod of any relevant restrictions which should be applied.
- 3.3.3.6 Restrictions do not necessarily affect the data supplied to Cofnod. We are able to store the most detailed data, but apply restrictions to the way the data is supplied.

3.3.4 *Charging for services*

- 3.3.4.1 Cofnod will not sell, or permit others to sell, any of the data with which it is supplied, but may make appropriate administration charges to cover the cost of its supply within its products and services. Further details are included in Cofnod's [Charging Policy](#).
- 3.3.4.2 If a charge is likely to be incurred in response to a data request, Cofnod will quote for the work involved, which in turn must be agreed before Cofnod commences the work.

3.3.5 *Liability*

- 3.3.5.1 In order to protect data suppliers from any liability relating to the use of their data, Cofnod's [Terms and Conditions](#) state that:
- Cofnod cannot guarantee accuracy of data.
 - Past records of presence of a habitat or species do not guarantee continued occurrence.
 - Absence of records does not imply absence of a species, merely that no records are held by Cofnod.
- 3.3.5.2 Cofnod is under no obligation to take legal action on behalf of any data supplier or other rights holder in the event of breach of any intellectual property rights in data with which Cofnod has been supplied.

Appendix 1: Seven Data Exchange Principles

As included within: Data Exchange Principles. A framework of principles for the exchange of wildlife information within the National Biodiversity Network. Version 3.1 – Working Document. October 2001.

Principle One

Biodiversity data should be easily accessible to enable their use for decision-making, education, research and other public-benefit purposes.

Principle Two

Making biodiversity data available should reduce the risk of damage to the environment. If it is likely to have the opposite effect, availability may need to be controlled.

Principle Three

Biodiversity data suppliers should make available sufficient meta-data to allow biodiversity data users to assess the scope and potential uses of their information holdings. When biodiversity data are supplied, accompanying information (meta-data) on its ownership, methods and scale of collection and limitations of interpretation, should be provided.

Principle Four

A clear transfer of authority should be made when a biodiversity data resource is put together, to allow biodiversity data managers to act on behalf of the biodiversity data owners.

Principle Five

Managers of biodiversity data should make their framework of terms and conditions publicly available, allowing biodiversity data owners to have confidence that control will be exercised in the management and use of their data.

Principle Six

Personal data must be managed in accordance with the principles of the Data Protection Act 1998 and/or any subsequent legal provisions.

Principle Seven

- a) Managers and funders of biodiversity data should make basic facts freely available (except for handling charges if needed) for not-for-profit decision-making, education, research and other public-benefit purposes.
- b) Biodiversity data suppliers should try to arrange resourcing of information provision so that charges for not-for-profit uses are minimal and charges for commercial uses are realistic but do not prevent the use of biodiversity data.
- c) Biodiversity data users should expect to contribute to sustaining the provision of biodiversity data through contributing either in kind or financially to the collection, collation and management of biodiversity data, or at the point of use.

Appendix 2: Organisations provided with 'Protected and Priority Species' data outputs

The following organisations³ are provided with 'Protected and Priority' species records within the Cofnod area (or a substantial part of it) on a regular basis, within the terms of a Service Level Agreement. The records are provided in an electronic format. Protected & Priority Species are: Species with European and/or UK Legal Protection, Section 7 (Environment Act Wales 2016) Species, UK BAP Priority Species, Global Red List, British Red Data Book, Nationally Rare & Scarce, RSPB Red and Amber Birds, Welsh Vascular Plant Red Data List, Local Biodiversity Action Plan (LBAP) Species, Locally Important Species as identified by local experts.

- Conwy County Borough Council
- Denbighshire County Council
- Flintshire County Council
- Gwynedd Council
- Isle of Anglesey County Council
- Natural Resources Wales
- North and Mid Wales Trunk Roads Agent
- Snowdonia National Park Authority
- Welsh Government
- Wrexham County Borough Council

³ NB: This list is subject to change – for up-to-date information contact Cofnod