

## Guidance on making re-use requests and complaints

# Re-use of The Mental Welfare Commission’s Public Information, Re-use statement and guidance on making re-use requests and complaints

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### The Commission’s Re-use statement

The Mental Welfare Commission for Scotland (the Commission) complies with the Re-use of Public Sector Information Regulations (2015). We encourage the re-use of the information that we produce, hold and disseminate under our public task.

We are open and transparent, and treat all applications to re-use in a fair and non-discriminatory way.

This is how we meet our re-use responsibilities:

- (i) Re-use conditions, we have adopted the Open Government Licence
- (ii) At the moment, we do not charge for any of the information that we produce. Most of our information is free to re-use except that which is subject to valid exemptions.
- (iii) Our “Guide to Information” lists the majority of documents or types of documents we make available for re-use.
- (iv) We have explained in this guidance when you need to make a request to re-use our information and how to make a complaint under the 2015 Regulations if you are not satisfied with the response.

## **Under the Open Government Licence you are free to:**

- (i) copy, publish, distribute and transmit the information on our website (except for logos and insignia).
- (ii) adapt the information.
- (iii) exploit the information commercially and non-commercially.

*You must attribute us as the source of the information.*

Not all information is covered by the Open Government Licence and you are advised to read the terms in full.

## **[Open Government Licence - Guidance for users](#)**

### **Access to our information and re-use requests**

Access to information is how you obtain it: re-use is what you do with it when you get it. Re-use means using information for a purpose different from the purpose for which it was initially produced, held or disseminated.

- (i) Access to information is generally either through our publication scheme, Guide to Information or by making an information request under FOISA. You may also have been given it by a third-party.
- (ii) If you obtained the information from us, you should not normally need to make a request to reuse it. This is because most of the information we hold and subsequently publish or disclose is covered by the Open Government Licence.
- (iii) If you obtained information from a third-party, it is a good idea to check whether it is available on our website. If it is, you should not normally need to make a request to reuse it as information we publish is free to re-use subject to the terms of the Open Government Licence. If you are in any doubt, contact us for advice.

### **If our information is:**

- (i) not published, or
- (ii) refused under FOI, or
- (iii) it is not available for re-use under the terms of the OGL,

you have a right to make a request to re-use our information under the Re-use of Public Sector Information Regulations 2015.

You do not need to send a re-use request for information we publish; you can simply use it subject to the terms of the Open Government Licence.

The most likely reason for saying information cannot be re-used is that it is covered by third party copyright (or other intellectual property rights, including patents, trademarks, and design rights). If information is covered by such rights your re-use request must be made to the public sector body that produced or gave us the information, or holds the copyright. If that is not us, we will try to help you identify who it is if we have not already done so.

### **How to make a request to re-use the Commission's information**

The easiest way to make a request is to use our [Re-use Request Form](#). If you are not able to do this, call us and we will send you one.

It is important that you answer all of the questions as fully as you can. This is because the Re-use of Public Sector Information Regulations 2015 require re-use requests to include certain information. If you do not send us enough information, we may not be able to respond to your request.

The application requires you to explain in as much detail as you can what information you wish to re-use. It will help us to process your application quickly if you give us the full title of documents, web links, dates and so on. If you are able to send us copies of what you would like to re-use, that would also be helpful.

Even if we refuse to disclose information under FOI you may send us a re-use request. But please note that in order to agree to re-use we would need to first resolve the access issues.

Information may be supplied to you in the form originally produced or held (e.g., in paper rather than machine-readable digital format). We are not required to reformat the information to suit a request, but please ask us about this anyway as we may be able to help.

We will respond to your re-use request in 20 working days. For high-volume or complex requests, we can extend this but we will tell you within 20 working days if this is the case.

Most of the information we make available is free to re-use so if we are able to provide it we will do so without charging. Please note that the Commission may refuse to deal with requests for non-environmental information which would cost more than £600 to provide as this information would be exempt under FOISA.

### **Complaints about the Commission's approach to re-use**

You have the right to complain if you think we are not complying with any aspect of the 2015 Regulations. Re-use complaints can only look at issues about re-use: e.g., charging, what information falls within our public task, how we handled your request.

Your re-use complaint must:

- (i) be in writing (this includes by email)
- (ii) include your full contact details
- (iii) explain what you are complaining about, including, as far as possible, what sections of the 2015 Regulations you think we are not getting right and why
- (iv) say what you would like us to do to resolve your complaint.

Complaints about access to information are covered by FOI. If we have refused to disclose information and you are unhappy with our response, you may ask for a review under FOI.

If you are unsure about how to complain, contact us and we will help.

If you would like more detailed information about the re-use of public sector information, contact the National Archives on <http://www.nationalarchives.gov.uk/informationmanagement/re-using-public-sector-information/> , or Tel: +44 (0) 20 8876 3444.

**Contact us;**

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