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Terms and Conditions of Data Supply and Usage

Thank you for your request for copies of data held by the West Yorkshire Ecology Service (WYES). To help us deal with your request please ensure that you respond to the e-mail or letter sent out with this document. In responding to this e-mail/letter clients confirm that they have read and understood the terms of supply and conditions of data usage and recognise that their organisation/company is entering into a legally binding contract with WYES in commissioning the data search.

Conditions of use

1. The data may not be copied to third parties, published in any form, placed on the World Wide Web or supplied to the recipient's client without written permission from WYES except in the circumstances given below.
2. Reports that include the data supplied by WYES may be provided to the recipient's client and to consultees provided that any special arrangements made in respect of confidential data are adhered to and full acknowledgement is given in the report to WYES and, where appropriate, the original recorders. Any specific copyright conditions attached to the data, including Crown Copyright, must be strictly adhered to.
3. The data are supplied for the purpose of informing a short-term case study or research project and are not to be stored by the recipient for future use.
4. Permission to use data expires 12 months after approval. Applications to extend beyond this period should be made at least one month before the expiry date.
- 5 The data is used by the client on the understanding that reasonable steps have been taken to ensure the accuracy of the environmental information provided, but this does not make WYES or West Yorkshire Joint Services or its officers, supporters or associates legally responsible to the recipient of the data, their clients or others for any losses caused by any errors or omissions in the environmental and associated information supplied.

6. WYES, through West Yorkshire Joint Services, is registered under the Data Protection Act 1998 and undertakes to manage personal information in line with this, and all subsequent data protection legislation. Names may be included as part of biological records with the consent of the original recorder. All other personal data is considered confidential and will not be passed to data users except with the individual's explicit consent.

7. The data is used by the client on the understanding that reasonable measures have been taken to ensure that WYES is vested with the necessary authority to distribute the data provided. Provision of the data does not confer on the data user any form of data custodianship; the data at all times remaining the intellectual copyright of the original data collector/observer.

Lodging data with the West Yorkshire Ecology Service

WYES requests that, wherever possible, other biological data collected by the enquirer relating to West Yorkshire during the course of the project is lodged with WYES at the end of the project or as soon as possible after the project. This helps to build an improved picture of biodiversity in the UK, enables WYES to provide a more comprehensive service to all users and is in the best interests of all parties. (Please refer to the IEEM Professional Code of Conduct for further details.)

WYES retains the right not to supply data to clients at its discretion. The release of data will normally be agreed unless it falls within one of the following categories:

1. All of the data identified in the search is considered to be confidential by WYES and the copyright holder of the data is unwilling for the data to be released for the proposed purpose. Data will be withheld if the release of the data may result in the copyright holder withholding data from WYES in the future.

2. The enquirer cannot agree to the conditions contained in this document, has not adhered to the conditions on a previous occasion and/or is not prepared to pay the extraction fee. Please note that consultants requesting access to sensitive and/or confidential WYES data will normally be required to show membership of an environmental professional body and operate within industry recognised codes of best practice.

3. The enquirer is seeking data that are out of proportion to the case, study or research project concerned. The geographical scope of the data supplied will be appropriate to the enquiry made. Complete data sets for West Yorkshire or a significant proportion of them will not normally be released, although context distribution maps for habitats and species across the county or country may be included where relevant.