



OPW Oifig na
nOibreacha Poiblí
Office of Public Works

Flood Risk Management

Data Release Policy and Procedure

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PART 1 – DATA RELEASE POLICY

Policy for receipt and response to data requests

1 Introduction

The Office of Public Works (OPW) is the lead State body for the co-ordination and implementation of Government policy on the management of flood risk in Ireland. In this role, its functions include:

- Maintenance of Arterial Drainage Schemes completed under the Arterial Drainage Acts.
- Development, Design, Construction (and subsequent maintenance) of Flood Defence Schemes in partnership with Local Authorities.
- Coordination of the implementation of the EU 'Floods' directive, including the preparation of flood hazard and risk maps.
- Provision of funding to Local Authorities to undertake works or studies under the Minor Flood Mitigation Works & Coastal Protection Scheme.
- Consideration of applications for consent to construction or alteration of watercourses, bridges, weirs, embankments, dams, etc.
- Collection and dissemination of real-time and historic hydrometric data through its network of gauging stations, publicly accessible on the external website <https://waterlevel.ie/>.
- Provision and maintenance of the Flood Studies Update (FSU) Web Portal, <https://opw.hydronet.com/>, which provides a free-to-use suite of online design rainfall and flood estimation tools for Ireland.
- Collection and recording of information on flood events and their adverse impacts on human health, the environment, cultural heritage and economic activity; and dissemination of this information via the Web Portal www.floodinfo.ie.
- Operation of a Tidal & Storm Surge Forecasting System, and the issue of advisories, as appropriate to local authorities and other relevant stakeholders.
- Provision of information from the Irish Coastal Protection Strategy Study (ICPSS) and the Irish Coastal Wave and Water Level Modelling Study (ICWWS) to support decision making on the management of risks associated with coastal flooding and coastal erosion.

These functions give rise to the collection and creation of a large volume of spatial and non-spatial data by the OPW directly or by consultants working on behalf of the OPW on floods, flood risks and/or flood risk management related projects or works.

2 Purpose and Scope of this Policy

As a matter of routine, the OPW currently publishes on the internet much of the data that it creates and collects in relation to Flood Risk Management (e.g. hydrometric data, real-time water-level data, details of actual flood events, predictive flood maps and extent of areas protected by Flood Defence Schemes). This policy does not purport to be a full statement of legal responsibilities; consideration of any application for release of data should have full regard to relevant legislative provisions.

The purpose of this policy is to provide guidance to staff of Flood Risk Management Services on the process to follow to determine data licences, release or non-release of data, which is

requested and the required disclaimer information for data that is not already freely available and already published. The appropriate terms and conditions and disclaimer clauses for freely available data are already contained on the relevant OPW websites.

Nor is this a policy to cover data that is provided directly or proactively by OPW to

- a) tenderers as part of a tendering process, or Service Level Agreements (SLAs) etc., or
- b) consultants contracted to a project funded by the OPW

The appropriate terms and conditions and disclaimer clauses for these data shall be contained in the RFT documentation or SLAs accompanying that data etc., as appropriate. These are matters for the Section(s) responsible for a) and b) above.

3 Legal Provisions on Access to Information

The Freedom of Information Act 2014 grants members of the public the right to obtain access “to the greatest extent possible consistent with the public interest and the right to privacy” to information in the possession of public bodies, including the OPW. Requests for access to information must be considered under the terms of the Act and can be refused only in the specific circumstances detailed in the Act.

3.1 INSPIRE Directive

Directive 2007/2/EC of 14 March 2007 (the [INSPIRE Directive](#)) established an Infrastructure for Spatial Information in the European Community. One of the stated purposes of this Directive is “that spatial data are made available under conditions which do not unduly restrict their extensive use”. This Directive requires member states to create, not later than 28th May 2017, metadata (defined as “information describing spatial data sets and spatial data services and making it possible to discover, inventory and use them”) corresponding to a specified list of themes which includes “vulnerable areas characterised according to natural hazards”. Floods are included among a list of examples of natural hazards. The Directive further requires the establishment and operation of a network of services allowing the datasets to be searched, displayed, navigated, zoomed, panned, overlaid, downloaded, transformed; it specifies that these services shall be easy to use, available to the public and accessible via the Internet.

Access to datasets and services may be limited where such access may adversely affect:

- International relations, public security or national defence;
- The confidentiality of proceedings by public bodies, where such confidentiality is provided for by law;
- The course of justice, the ability of any person to receive a fair trial or the ability of a public body to conduct an enquiry of a criminal or disciplinary nature;
- The confidentiality of commercial or industrial information, where such confidentiality is provided by law to protect a legitimate economic interest;
- Intellectual property rights;
- The confidentiality of personal data and/or files relating to a person where that person has not consented to the disclosure of the information to the public, where such confidentiality is provided for by law;
- The interests or protection of any person who supplied the information requested on a voluntary basis without being under a legal obligation to do so, unless that person has consented to the release of the information concerned; or

- The protection of the environment to which such information relates, such as the location of rare species.

3.2 *INSPIRE Regulations*

The grounds for limiting access are to be interpreted in a restrictive way and the balance of the public interest must be considered in all cases. The INSPIRE Directive was transposed into Irish Law by the [European Communities \(Establishing an Infrastructure for Spatial Information in the European Community \(INSPIRE\) Regulations 2010 \(S.I. No. 382 of 2010\)](#).

3.3 *Access to Information on the Environment Regulations*

EU Directive 2003/4/EC of 28 January 2003 on public access to environmental information requires public authorities to make available environmental information held by or for them to any applicant on request and without having to state an interest. The definition of environmental information includes “*any information on the state of the elements of the environment such as air and atmosphere, water, soil, land, landscape ... and the interaction among these elements*” and “*policies, legislation, plans, programmes, environmental agreements and activities affecting or likely to affect*” these elements as well as measures and activities designed to protect those elements. This Directive was transposed into Irish law by the [European Communities \(Access to Information on the Environment\) Regulations 2007 \(S.I. No. 133 of 2007\)](#); these Regulations were amended by S.I. No. 662 of 2011 and S.I. No. 615 of 2014.

3.4 *Re-Use of Public Sector Information Regulations*

EU Directive 2003/98/EC on the re-use of public sector information sets out a harmonised framework within which public sector data from across the EU can be accessed. The Directive is intended to stimulate economic activity, innovation and competition and to assist the evolution of an information and knowledge-based economy and society. The Directive has been transposed into Irish law by the [European Communities \(Re-Use of Public Sector Information\) Regulations 2005 \(S.I. No.279 of 2005\)](#) which places an obligation on public sector bodies to provide information about material that they are prepared to release under the Directive. The Regulations also give powers to the Minister of Finance to require public sector bodies to supply information to the Minister and to specify the format.

4 *Open Data Initiative*

In July 2014, the Government published the Open Government Partnership National Action Plan. One of the prime purposes of this Plan is the promotion of Open Data and Transparency. The Plan states that opening up Government data has the potential to drive innovation and economic growth, improve public services, strengthen democracy, and increase transparency and accountability of government.

5 *Policy on Data Release*

In line with the legislative provisions and Government policy on Open Data, set out in Sections 3 and 4 above, it is the policy of the OPW to make all data in its possession and ownership freely available, except in cases where there are specific reasons for not releasing data. Reasons for non-release of data are set out in Section 6 below. Where data is released, an appropriate disclaimer should apply - see Section 9 below.

In general, only final data may be released. Draft data may be released to public bodies where there is a clear public interest in releasing it and the data has been examined by the OPW and deemed reasonable (even if further checks or consultation are outstanding). In such cases, the

disclaimer shall clearly state that the data is in draft format only and that the data may be used only for the purpose(s) specified in the release of the data.

Some OPW data has been derived from licenced data or data owned by others. In such cases, the conditions of the original data licence must be checked or the permission of the relevant data owner sought before release.

For the purpose of defining and assigning responsibilities internally, each dataset has three different role definitions attached:

- **Dataset Creator** – The OPW section and/or external organisation that physically created the dataset
- **Dataset Owner** - The OPW section that commissioned the creation of the dataset and/or managed the work programme. The dataset owner is responsible for decisions to update the data and quality assure the data.
- **Data Request Manager** – The OPW section responsible for managing internal and external data requests relating to a specific dataset.

5.1 Data Licences

According to the Open Data Unit, operating under the Department of Public Expenditure and Reform, a dataset must be associated with an Open Data Licence to be considered as Open Data. The Open Data Unit has stipulated that all data and metadata linked to the Government Open Data Portal, <https://data.gov.ie/>, shall use the Creative Commons Attribution (CC BY 4.0) Licence at a minimum. Where further restrictions are imposed, the dataset will generally not be considered as Open Data in the context of the Government Open Data Portal. The CC BY licence suite provides a number of levels of openness, see Figure 5.1 below, and the highest level of openness possible should generally be attributed to individual data.

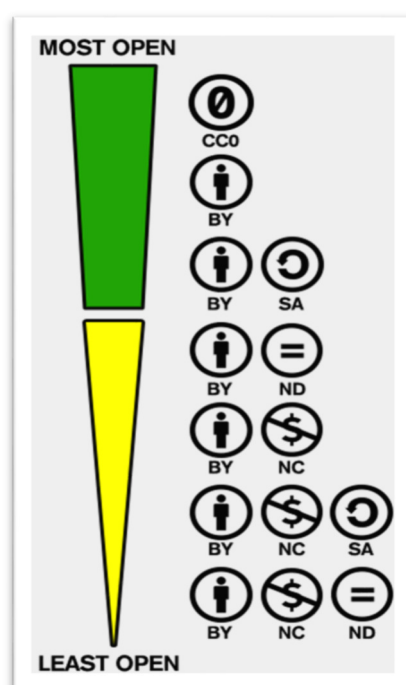


Figure 5.1 – Openness of Creative Commons Licences

(Source: creativecommons.org, CC BY-SA 4.0 <<https://creativecommons.org/licenses/by-sa/4.0/>>, via Wikimedia Commons)

Within the OPW, a number of commonly used licences include:

- **CC BY 4.0 – Attribution 4.0 International**

This licence is applied on data that is fully open and allows the freedom to copy and redistribute the data in any medium or format and remix, transform and build upon the material for any purpose.

- **CC BY-NC-ND 4.0 - Attribution-NonCommercial-NoDerivatives 4.0 International**

This licence is applied on data that is partly restricted but allows the freedom to copy and redistribute the data in any medium or format. The data may not be used for commercial purposes and any remix, transformation or building upon the original data may not be distributed.

- **OPW Project Specific Licence**

This standard licence is applied to data that is restricted for reasons stated in Section 6 below, where some limited usage will be permitted on a project specific basis and in line with the current data release policy.

The individual OPW managed data will be located on a continuum of openness, ranging from fully open to fully restricted, based on an individual assessment, see Figure 5.2 below.

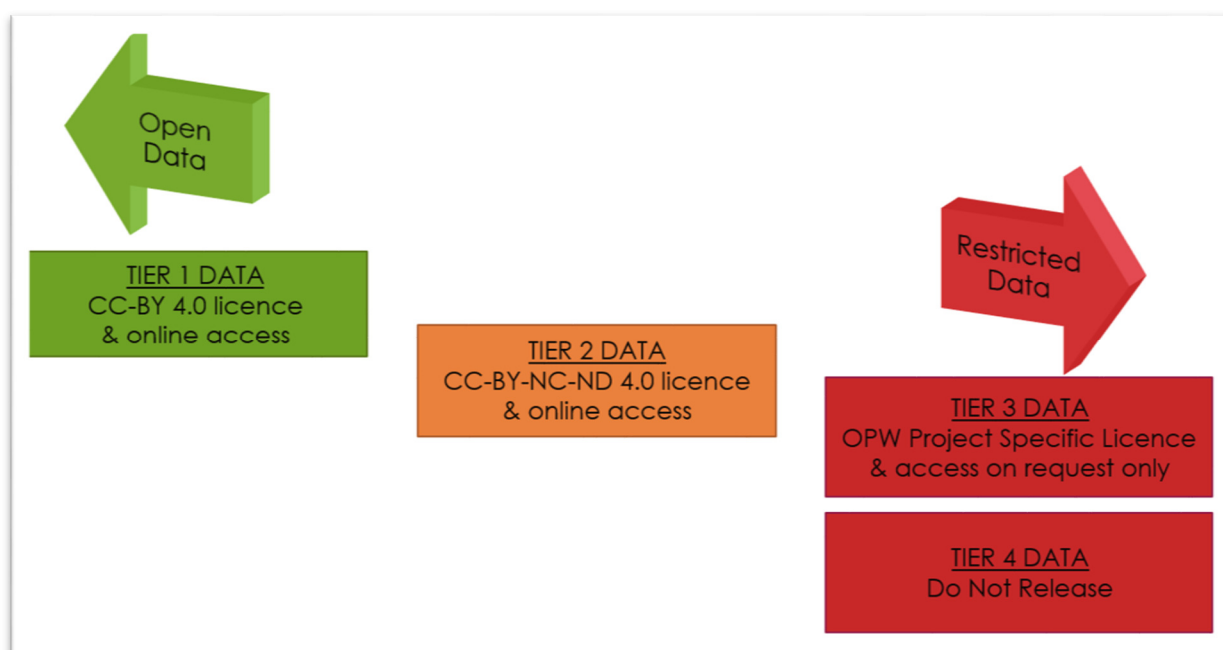


Figure 5.2 – OPW Tiers of Data Openness

6 Reasons for Non-release of Data

It is appropriate not to release data in circumstances set out in relevant legislative provisions, as listed in Section 3 above. Each dataset within the OPW shall be assigned an appropriate data licence, balancing the public interest in the data with the requirement to occasionally restrict the access to the data. The data licence shall be assigned by the Dataset Owner, in consultation with the Head of the Division concerned and the FRM Data Management Section.

A simplified visualisation of the process for selecting a licence for individual datasets is detailed in Figure 6.1 below.

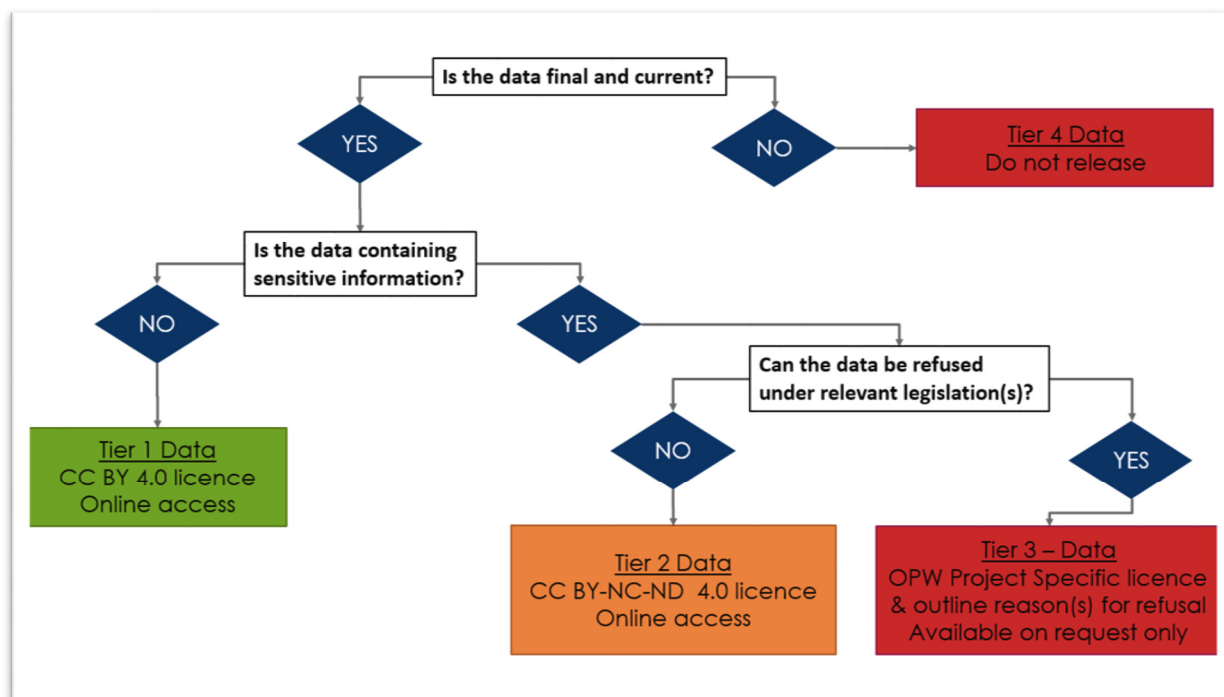


Figure 6.1 – Simplified Data Licence Process

Details and reasons for non-release of data are set out in the following paragraphs.

6.1 Personal Information

Personal information means information about an identifiable individual that would generally be known only to the person concerned or to their family or friends, or that is held by the OPW on the understanding that it is to be treated as confidential. It includes information on the person's title to any property.

Personal information may not be released without the consent of the person to whom it relates unless disclosure is necessary to avoid a serious and imminent danger to the life or health of an individual. However, personal information may be released where the public interest in disclosure outweighs the right to privacy.

6.2 Government Meetings

Data which has been, or is proposed to be, submitted to the Government or has been prepared solely for the purpose of business at a meeting of the Government must be handled in accordance with the provisions of Section 28 of the Freedom of Information Act 2014. The Section provides that, where the matter has been the subject of a Government decision within the previous 5 years, records may not be disclosed without prior consultation with the leader of each political party represented in that Government.

6.3 Deliberative Process

Data (other than factual information) may be withheld where it is the subject of a deliberative process and it would be contrary to the public interest to release it. It is on the basis of this provision, for example, that draft flood hazard and flood risk maps prepared under the CFRAM

programme were made available only in pdf format during the consultation process, while underlying data were withheld.

6.4 Tests, Investigations & Negotiations

Data may be withheld where its release could be reasonably expected to prejudice the effectiveness of tests or investigations being conducted by the OPW, to have a significant adverse effect on the performance by the OPW of its functions, or to disclose negotiating positions. The balance of the public interest must be considered in such cases.

6.5 Legal/Court Proceedings

Data must not be released where it is legally privileged, or where disclosure would constitute contempt of court.

6.6 Law Enforcement & Public Safety etc.

Sections 32 and 33 of the Freedom of Information Act 2014 sets out situations where access to information may be refused on the grounds of law enforcement & public safety and security, defence and international relations. These are not likely to be relevant to flood risk management data.

6.7 Information obtained in Confidence

Section 35 of the Freedom of Information Act provides certain protection for information obtained in confidence. It applies only where release of the information would constitute a breach of a legally binding duty of confidence or where all of the following conditions apply:

- the information was given to the OPW in confidence and on the understanding that it would be treated as confidential,
- disclosure would be likely to prejudice the giving of similar information in the future, and
- it is important to the OPW that it should be able to continue to receive similar information.

6.8 Commercially Sensitive Information

Section 36 of the Freedom of Information Act provides protection for:

- trade secrets,
- information whose disclosure could prejudice the outcome of contractual or other negotiations, and
- information whose disclosure could reasonably be expected to result in a material financial loss or gain to the person to whom the information relates, or could prejudice that person in the conduct of their business.

This could apply to economic damage data for individual properties or economic risk maps which are being used by the OPW for the development of flood defence schemes, where release of the data could affect the value of property.

6.9 Research and Natural Resources

Data related to research being (or to be) carried out by the OPW may be withheld where its disclosure before completion of the research would be likely to cause serious disadvantage to the OPW, to any person carrying out the research on its behalf or to the subject matter of the research. This also applies where disclosure of the data could reasonably be expected to

prejudice the well-being of a cultural, heritage or natural resource or a species of flora or fauna or the habitat of a species. The balance of the public interest must be considered before deciding to withhold data.

6.10 Financial and Economic Interests of the State

Section 40 of the Freedom of Information Act provides that access to records may be refused where it would involve premature disclosure of information that could reasonably be expected to result in undue disturbance of business in the State or where access to the records could reasonably be expected to:

- have a serious adverse effect on the ability of the Government to manage the national economy or the financial interests of the State,
- have a negative impact on business decisions to invest or expand in the State or on the State's industrial development strategy, or
- result in an unwarranted benefit or loss to a person or class of persons.

Here again, the balance of the public interest must be considered before deciding to withhold data.

7 Manner of Data Dissemination

Reference was made in Section 2 above to the fact that much of the data that is created and collected by the OPW in relation to Flood Risk Management is published on the internet as Open Data. In all cases where it is proposed to grant access to data which has been requested and which is not already available, online publication is to be considered as a means of granting access, including but not limited to open data, viewing on web-portals or as Web Map Service (WMS) for direct consumption in external Geographical Information Systems (GIS). This enables public access to the data disclosed, and should eliminate the need for staff to examine new requests for access to similar data.

Where online publication is not considered appropriate, the following considerations should be applied in deciding the format in which data is to be provided:

- In what format(s) is the data currently available within the OPW? Is this suitable for the needs of the requester?
- Are the access and user limitations of existing data format(s) allowing and suitable for releasing the data to the requester for the specified purpose?
- The cost and time spent on data provision should be kept to a minimum - changes to data format which entail use of OPW resources are to be avoided where possible.
- Is there a suitable disclaimer and terms and conditions available for the requested format?
- There must be a clear record of precisely what is provided - this is necessary to avoid any subsequent disputes or confusion where data provided may be edited or developed by the recipient or where the OPW may make subsequent changes to data in its possession.

Note that the creation of a derivative of a dataset is not considered a data format change. When a derivative product has been created, the appropriate licence and disclaimers for this new datasets should be determined separately in accordance with this policy and appropriate metadata created.

8 Data Catalogue and Metadata

All data intended for use within OPW's internal or external websites or to be disseminated internally and externally or form part of data requests should be included in the Flood Risk Management Services Data Catalogue. All datasets should be accompanied by appropriate metadata as specified in the Data Catalogue. The metadata shall be completed by the Dataset Owner, in consultation with the Head of the Division concerned and the FRM Data Management Section.

The Data Catalogue shall form a single central repository for Flood Risk Management data for the OPW. In general, the information contained on the system will include but is not limited to:

- Provenance information
- Available data formats and data location
- Data Creator, Data Owner and Data Request Manager
- Licence information
- Data refusal reason(s), if restricted data
- Data Release Matrix information
- Additional metadata fields (INSPIRE / ISO 19115)

9 Disclaimers

Appropriate disclaimers already apply to data published on OPW websites. Where access is granted to other data, it is to be accompanied by a disclaimer, which sets out:

- The provenance of the data (how it was generated, including base data used)
- Licence information, including any limitations in the allowed use and/or sharing of the data
- Limitations of the data (including, where relevant, a statement that the OPW cannot guarantee its accuracy, with reference to sensitivity analysis/uncertainty mapping)
- That the user must ensure for themselves that the data is fit for purpose for the intended use, and the Commissioners of Public Works in Ireland accept no liability for any use other than that for which it was developed.

Provenance information for disclaimers, terms and conditions and supporting information required for data requests and data published online shall be based on the information in the Flood Risk Management Services Data Catalogue.

10 Queries

Queries in relation to this policy shall be directed to the FRM Data Management Section using the email flood_data@opw.ie.

PART 2 – DATA RELEASE PROCEDURE

Procedure for receipt and response to data requests

1 Background

The purpose of this procedure is to set out processes to be followed for receipt of and response to data requests in Flood Risk Management Services. The procedure has been informed by consultations with sections and the compilation of a Data Release Matrix, which has been integrated within the Flood Risk Management Services Data Catalogue, and is underpinned by a new Data Release Policy.

A simplified workflow of the data request procedure and responsibilities, for general guidance, can be seen in Figure 1 below. This workflow does not purport to be a full statement of responsibilities and requirements and further details are provided in the sections below.

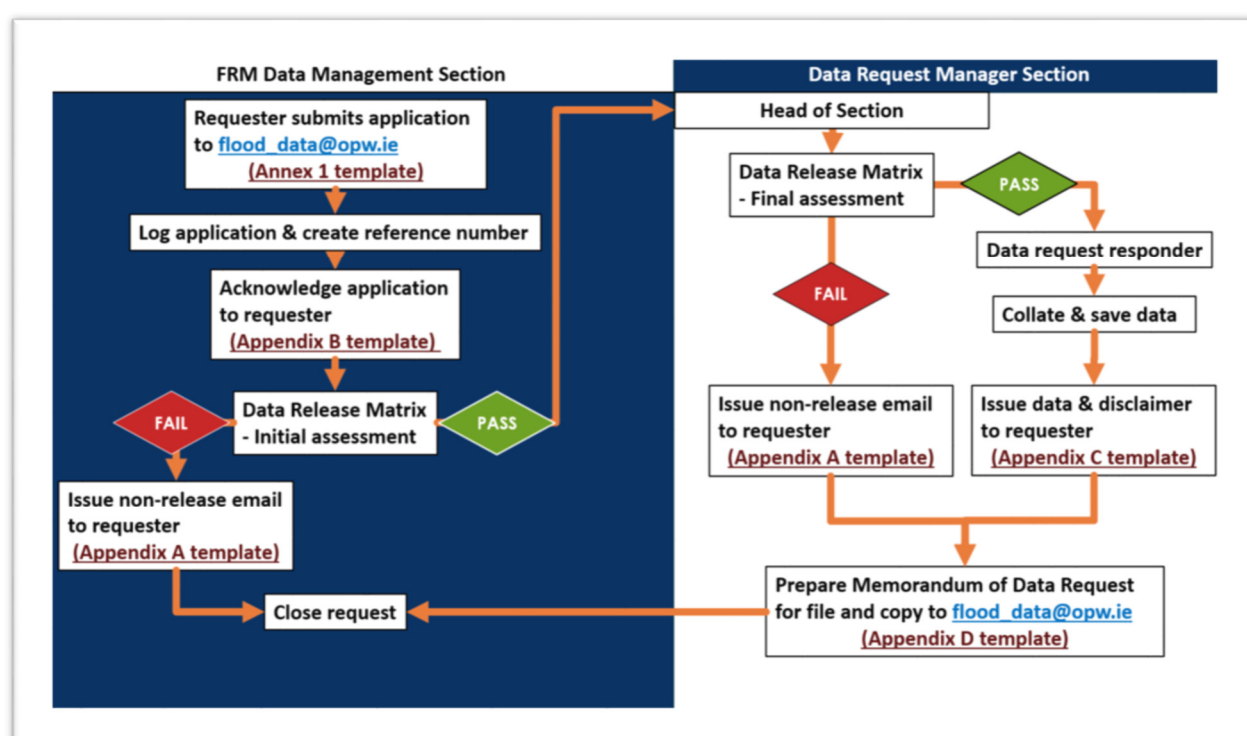


Figure 1 – Simplified Data Release Procedure

2 Flood Risk Management Services Data Catalogue

The Flood Risk Management Services Data Catalogue, <https://datahub.i.opw.ie/data-catalogue/>, identifies the main datasets held by OPW Flood Risk Management Services, and the organisations to which each dataset can or cannot be released, based on the Data Release Policy.

The organisations have been divided into two categories, A and B. The range of data that can be released to Category A is wider than Category B. The Requester is required to indicate on the Data Request Form what type of organisation they are requesting on behalf of.

It is to be noted that some organisations that would ordinarily be within Category B may be considered under Category A if they are acting as a Statutory Undertaker. The role of a Statutory Undertaker is defined in the Planning & Development Act (2000) as:

“a person, for the time being, authorised by or under any enactment or instrument under an enactment to:

- (a) Construct or operate a railway, canal, inland navigation, dock, harbour or airport,*
- (b) provide, or carry out works for the provision of, gas, electricity or telecommunications services, or*
- (c) provide services connected with, or carry out works for the purposes of the carrying on of the activities of, any public undertaking.”*

The Data Request Form requires any organisation acting as a Statutory Undertaker to describe that undertaking.

3 Data Request Form

A new data request form has been developed which must be completed in respect of all data requests with the exemption of the following situations:

- Data which is already freely available and already published as Open Data
- Data which is provided directly or proactively by OPW to
 - a) tenderers as part of a tendering process, or Service Level Agreements (SLAs) etc., or
 - b) consultants contracted to a project funded by the OPW

The data request form is available for download on the OPW website and on www.floodinfo.ie and internally on the FRM Data Catalogue, <https://datahub.i.opw.ie/data-catalogue/>. The form enables persons seeking data to set out the nature of and the detail of their request for data. The data request form is at Annex 1 to this procedure.

4 Consideration of Data Requests

All data requests received shall be routed to FRM Data Management Section, using the email flood_data@opw.ie, who will log the details of the data request on a central request register, assign a reference number and acknowledge the request by email (format at Appendix B).

Subsequently, FRM Data Management Section will carry out an initial assessment of the data request having regard to the data release information contained in the Data Catalogue and guidance in the Data Release Policy. Should this assessment determine that the request, or part thereof, is not relevant to OPW or the data may not be released, an e-mail (format at Appendix A) will be issued to the requester. Otherwise, the data request will be forwarded to a Head of Section in the relevant Section(s), as listed in the Data Catalogue, for attention and response, using a shared email address where provided.

If the data request is seeking data managed across a number of sections, the original request should be split to ensure that each requested dataset is submitted to the requester as soon as possible and without unnecessary delays.

Where there appears to be a non-standard request for data, the FRM Data Management Section may refer the request to the relevant Head of Section(s) for clarification, regardless of the data release information in the Data Catalogue.

The Head of Section concerned carries out a final assessment, having regard to the data release information contained in the Data Catalogue and guidance in the Data Release Policy. Where

it is determined that the data may not be released, or the request is not relevant to the OPW, the Head of Section or an assigned section staff member issues an e-mail to the requester identifying the non-release reasons in the email according to the format at Appendix A. If the data request require any additional clarification, the relevant Head of Section or an assigned section staff member should request such information directly from the requester.

Where a request is received directly from an agent working on behalf of a Category A organisation (e.g. a consultant), the agent is advised that the request is to be provided directly to the OPW from the Category A organisation, and not through the agent. The data is then issued, if determined that it may be released, to the Category A organisation, who may then pass such data on to their agent (e.g. a consultant) in accordance with clause 6 of the Terms and Conditions (Appendix E). The data may be provided directly to the agent if so requested by the Category A organisation in the data request form while copying in the requester from the Category A organisation in the data release communication.

5 Transfer of Data

Where it is determined, by a Head of Section, having regard to the data release information contained in the Data Catalogue and guidance in the Data Release Policy, that the data may be released, an assigned section staff member issues an e-mail to the requester granting the request in the format at Appendix C together with all relevant disclaimers, as applicable, noting the additional data release option for agents working on behalf of a Category A organisation above.

In the normal course, data shall ordinarily be provided by OPW file transfer.

6 Data Request Closing

The section submitting the data must keep a clear record of precisely what is provided - this is necessary to avoid any subsequent disputes or confusion where data provided may be edited or developed by the recipient or where the OPW may make subsequent changes to data in its possession.

On completion of each assigned data request, a Memorandum of the Data Request, including information such as; data issued, refusal reason(s) (if any) or non-availability of data, must also be completed in the format at Appendix D. This document should be retained on file by the relevant section and sent to the FRM Data Management Section (email: flood_data@opw.ie). Once the Memorandum of the Data Request has been received, the FRM Data Management section will close the request on the central data request register.

7 Appeals Procedure

Any appeals, queries or challenges to the data request decisions made by the requester shall be sent to the Dataset Owner, if different from the Data Request Manager, who in consultation with the Head of the Division will review the request and respond directly to the requester. In accordance with the Open Data EU Directive (2019/1024), the requester has a right to appeal a refusal to the Information Commissioner's office, <https://www.oic.ie/>. This right should be communicated to the requester at the time of refusing any data request, where the data otherwise is readily available to distribute but the release policy does not permit this release.

8 Timeframes for Decisions on Data Requests

Data requests, including any appeals, should be responded to as soon as possible. According to the Open Data EU Directive (2019/1024), the maximum timeframe for a data request completion is 20 working days from the date of receipt of the request. An additional 20 working days is allowed for extensive or complex requests and any such extension should be notified as soon as possible to the requester.

9 Queries

Queries in relation to this procedure shall be directed to FRM Data Management Section using the email flood_data@opw.ie.

PART 3 – TEMPLATES

ANNEX 1 – DATA REQUEST FORM TEMPLATE

DATA REQUEST TO THE OFFICE OF PUBLIC WORKS

To assist OPW to process your request, please complete this form according to the organisation (Category A or B, see below) requesting use of the data.

Category A Organisation	TICK
Please note: Requests for data by the organisations within Category A , as listed below, must be made by the organisations themselves to the OPW and not by agents working on their behalf.	
Local Authorities	
Government Departments, Offices and Agencies	
Academia/Research	
Statutory Undertakers* (including commercial / private and state-owned / semi-state companies acting as Statutory Undertakers)	
* Please provide a description of the Statutory Undertaking for which the data is requested:	
* A Statutory Undertaker is defined under the Planning and Development Act 2000 as ‘a person, for the time being, authorised by or under any enactment or instrument under an enactment to (a) construct or operate a railway, canal, inland navigation, dock, harbour or airport, (b) provide, or carry out works for the provision of, gas, electricity or telecommunications services, or (c) provide services connected with, or carry out works for the purposes of the carrying on of the activities of, any public undertaking’	
Category B Organisation	TICK
Please note: Requests for data by the organisations within Category B may be made by the organisation themselves to the OPW <u>or</u> by agents working on their behalf, for example, consultants or other contracted service providers.	
Commercial or private companies, including state-owned or semi-state companies not acting as Statutory Undertakers	
Insurance companies	
Private Individuals	
Media organisations	
Non-Government Organisations (NGOs)	
Service provider contracted to a Category B organisation**	
** Please provide the name of the organisation that you are working on behalf of:	

Data Requester Details	
Name of Requester / Contact Person	
Name of Organisation	
Address	
Email	
Phone number	
Additional Data Receivers, if different from the requester	<i>[Please list any additional data receivers or agents, for example, consultants or other contracted service providers, including their contact details, working on behalf of the requester or the requesting organisation and that you authorise the data to be <u>provided directly</u> to by the OPW for the purposes specified below.]</i>
Data Request Details	
Data Description	<i>[Please provide a detailed description of the data type requested, as ambiguous request forms will be returned for clarification.]</i>
Purpose of data request	<i>[Please provide a clear description of the purpose for the requested data to support the request.]</i>
Additional information ***	<i>[Please provide any additional information that is relevant for the assessment of the data request, including data format, area of interest or co-ordinates for the area.]</i>
*** Please attach a shapefile with the area of interest outlined, if possible.	

APPENDIX A - SAMPLE TEMPLATE E-MAIL NOT PROVIDING / REFUSING DATA

Sample Template E-mail - to data requester when not providing the requested data, or part thereof (either as a refusal or when a request is not applicable to OPW data).

[Insert Date]

[Insert Requester Name]

[Insert Requester Organisation and Address]

Re: Data Request No. [YYYY_XX_XX]

I refer to your request for data held by OPW. Your request sought:

[Quote requested data description and purpose for which data was sought here, or information as clarified with the requester]

I have considered your request for data and in line with the OPW Data Release Policy, I am unable to provide the following data requested for the reason(s) listed –

[In completing this part of the communication to the requester, the responder considers the refusal reasons in the Data Catalogue and lists these for each dataset refused]

or

[State that it is not a dataset relevant to, or held by the OPW, if applicable.]

Should you wish to discuss the above, please contact me at [Insert email address].

[or for refusals]

To appeal a refusal, in the first instance, please write to flood_data@opw.ie, clearly outlining the case reference number and the grounds of the appeal. The appeal will be forwarded to the relevant section within the OPW for a supplementary review. A decision to refuse the requested data may also be appealed to the Office of the Information Commissioner, <https://www.oic.ie/>.

Yours sincerely

[Insert Name]

[Insert Title]

APPENDIX B - SAMPLE TEMPLATE E-MAIL ACKNOWLEDGEMENT

Sample Template E-mail - to data requester when acknowledging a data request.

[Insert Date]

[Insert Requester Name]

[Insert Requester Organisation and Address]

Re: Data Request No [YYYY_XX_XX]

I wish to acknowledge receipt of your request, which was received on [Insert Date] for data held by OPW. Your request sought:

[Quote requested data description and purpose for which data was sought here, or information as clarified with the requester]

The matter is being dealt with and a further communication will issue to you as soon as possible. Please note that data requests are ordinarily dealt with within 20 working days but an additional 20 working days may be required for extensive or complex requests.

Yours sincerely,

[Insert Name]

[Insert Title]

APPENDIX C - SAMPLE TEMPLATE E-MAIL PROVIDING DATA

Sample Template E-mail - to data requester when providing the data requested.

[Insert Date]

[Insert Requester Name]

[Insert Requester Organisation and Address]

Re: Data Request No. [YYYY_XX_XX]

I refer to your request for data held by OPW. Your request sought:

[Quote requested data description and purpose for which data was sought here, or information as clarified with the requester]

I now attach the data, which you sought. Please note the terms and conditions, licences and the disclaimer governing the data which is also attached and that by accessing the data now provided you agree to be bound by these terms and conditions.

Should you wish to discuss the above, please contact me at [Insert email address].

Yours sincerely,

[Insert Name]

[Insert Title]

APPENDIX D – MEMORANDUM OF THE DATA REQUEST

Memorandum of the Data Request

Re: Data Request No. [YYYY_XX_XX]

Data Requester	
Name of Requester / Contact Person	
Name of Organisation	
Additional Data Receivers, if different from the requester	<i>[Please list any additional data receivers or agents, for example, consultants or other contracted service providers, including their contact details, working on the behalf of the requester or the requesting organisation that were authorised by the requester and the data <u>provided directly</u> to by the OPW.]</i>
Data Non-Release Reason	
Data Not Available	<i>[Please insert description of data not available within OPW, if applicable]</i>
Data Refusal Reason	<i>[Please insert data refused and refusal reasons, if applicable]</i>
Data Provided	
Data Description	<i>[Please provide a detailed description of the data provided, if applicable]</i>
Source of Data and Associated Technical Details	<i>[Please provide information required to uniquely identify a copy of the data issued and any technical information supplied. For data, this may for example include the location of where a copy of the data is held or the official version and timestamp of data creation or a unique data identification number]</i>
Additional information	<i>[Please provide any additional information that is relevant for the data request, if any]</i>

Date	<i>[Please insert the date that the data was provided to the requester /data receivers and/or email of non-availability/refusal sent to the requester]</i>
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Memorandum Completed by:

Date:

IMPORTANT NOTE: This form shall be retained on file and copied to Flood Risk Management Data Management Section (email: flood_data@opw.ie) to ensure that the request is closed on the central data request system.

APPENDIX E – PROJECT SPECIFIC TERMS AND CONDITIONS

Project Specific - Agreement to Terms and Conditions

The Commissioners of Public Works in Ireland (the "**Commissioners**") have developed the [**Insert Title of the Dataset, as specified in the Flood Risk Management Services Data Catalogue**] data for the Republic of Ireland for the purpose of:

[**Insert provenance information for the dataset, utilising the “Purpose section” of the datasets metadata, as specified in the Flood Risk Management Services Data Catalogue**].

It is a condition of use of this data that you agree to be bound by the disclaimer and other terms and conditions set out herein (together, the "**Terms and Conditions**"). You are required to read the Terms and Conditions. By accepting the Terms and Conditions, you are entering into a legal agreement with the Commissioners to waive any legal rights on your part in respect of the content provided. By proceeding to access, retrieve, view, read and/or download any content, you are agreeing unconditionally and absolutely the Terms and Conditions.

Information on the providence, method of capture and/or development, assumptions and uncertainties with regards to the requested data are provided on the relevant datasets Data Catalogue page on Floodinfo.ie or by request.

1. You accept, acknowledge and agree that the Commissioners make no representations, warranties, guarantees or undertakings, whether express or implied, that the information, without limitation, is accurate, complete, free from error, secure, up to date, free from bugs and/or viruses or other technologically harmful material that may infect your computer equipment, programs and/or system or fit for any particular purpose.
2. This data does not, and is not intended to, constitute advice. Professional or specialist advice should be sought before taking, or refraining from, any action on the basis of the information provided.
3. The Commissioners do not make any warranties, representations, or undertakings about the content of any website (including any website owned or operated by or on behalf of the Commissioners) that may be referred to or accessed by hyperlink within the data provided.
4. To the fullest extent permitted by applicable law, none of the State, the Commissioners nor any of its members, officers, associates, consultants, employees, affiliates, servants, agents or other representatives shall be liable for any loss or damage whether in contract, tort (including negligence) breach of statutory duty or otherwise arising out of, or in connection with, the use of, or the inability to use, the data provided, including, but not limited to, indirect or consequential loss or damage, loss of data, income, profit, or opportunity, loss of, or damage to, property and claims of third parties, even if the Commissioners have been advised of the possibility of such loss or damages, or such loss or damages were reasonably foreseeable.
5. You accept all and any liability and responsibility for the interpretation and use of the data provided, read or interpreted or used in any way by you or which arises out of any

content being passed to a third party by you. You agree that you shall not use the data provided for illegal purposes, and will respect all applicable laws and regulations.

6. Subject to the Terms and Conditions, you are free to use this data, provided that the following conditions are complied with:
 - The user of the data shall be deemed to have agreed to, and unconditionally accepted all of these statements and conditions and to have read in full, understood and accepted all of the guidance notes, disclaimer and statements concerning the preparation, limitations and use of the data.
 - The user acknowledges that the Data are copyright of the Commissioners.
 - The user agrees that the Commissioners have the absolute right to reprocess, revise, add to, or remove any of the information at any time, and that this will in no way render the Commissioners, the State or its servants or agents liable for any damage or cost incurred as a result of such acts.
 - The user agrees to use the data in an appropriate and responsible manner and in accordance with the guidance notes, disclaimer and conditions of use.
 - The user understands that the Commissioners do not guarantee the accuracy of the data.
 - The user agrees and accepts responsibility to independently verify and quality control any of the data used and to ensure that it is fit for the intended use by the user before it is used.
 - Nothing in this licence constitutes or may be construed as permission to assert or imply that You are, or that Your use of the Licenced Material is, connected with, or sponsored, endorsed, or granted official status by, the Licensor or others designated to receive attribution as provided in these Terms and Conditions.
 - The user agrees not to give, loan, share, hire, trade, sell, make available or otherwise distribute the data or any part of the data to any third party, other than the agent of the user that have been contracted by the user to undertake the intended use for which the data was requested. The user guarantees to the Commissioners and shall ensure that its agent shall not give, loan, share, hire, trade, sell, make available or otherwise distribute the data or any part of the data to any other party, shall not use the data for any purpose other than the intended use for which the data was requested and shall use the data in accordance with all other aspects and conditions of this Agreement.
 - The user agrees to delete this data from all digital-storage of the user or its agents upon completion of the intended use for which the data was requested.
 - The user accepts all responsibility for the use by them of the data and will in no way seek to hold the State or the Commissioners, its servants or agents liable for any damage or loss howsoever arising out of the use or interpretation of this information.
7. This licence applies for the term of the copyright and sui generis rights licensed here. However, if you fail to comply with the Terms and Conditions, your rights under this licence will terminate.
8. You agree to be fully responsible for any claim, expense, liability, loss and costs, including legal fees incurred by the Commissioners arising out of any infringement of the Terms and Conditions, by you.
9. You acknowledge that the Commissioners are the owners of, and/or have the consent to use, all intellectual property rights in the data provided and that such rights are protected by copyright laws and treaties worldwide. All such rights are reserved.
10. This document shall be governed by, and construed in accordance with, the laws of Ireland and you agree to the exclusive jurisdiction of the Courts of Ireland. If any

provision of the Terms and Conditions shall be unlawful, void or for any reason unenforceable, that provision shall be deemed severable and shall not affect the validity and enforceability of the remaining provisions.