

Agreement regarding LERC use of BTO data via the NBN Atlas.

Version 3.0 (5th October 2018, agreed by Andy Musgrove and Tom Hunt)

Preamble

The BTO is a major provider of biological records to the NBN Atlas (NBNA), originating from a range of schemes which it runs alone or in partnership with other organisations. Most of the records originate from volunteer observers.

Some of the records have been provided to the NBNA with the [Creative Commons Licence](#) CC-BY-NC, which specifies that the records should not be used for commercial purposes. This use of 'commercial purposes' is generally taken to mean that such records cannot be used in most of the work carried out by Local Environmental Records Centres (LERCs).

However, the BTO recognises the important role played by LERCs in distributing biological records and providing associated interpretation for local uses. Moreover, most volunteer observers contributing their data to the BTO would hope and expect that their records were used as evidence underlying local environmental decision making.

Therefore, the BTO wishes to provide this additional licence to accredited LERCs. It gives them permission to treat records on the NBNA that BTO has licenced as CC-BY-NC as if they were licensed as CC-BY instead, with the following conditions:

Accreditation

For a LERC to use this licence, it must be accredited (or working towards accreditation) by the Association of Local Environmental Records Centres (ALERC) at the time of use.

Large projects

Whilst wishing to enable LERCs to carry out local work efficiently, BTO reserves the right to undertake larger projects directly, or in partnership with LERCs, as these may have broader research or policy implications of interest to the Trust. Therefore, this licence is not valid when the request spans an area of more than 100 km² or maximum linear extent of over 10 km. (These parameters may be reconsidered in future in the light of experience.)

In such circumstances, LERCs wishing to make use of CC-BY-NC data from BTO on the NBNA should make a direct request to do so, by contacting the BTO's Data Request Coordinator, who would aim to acknowledge the query within five working days and provide a reply within ten working days.

Even in cases outside these scenarios, BTO wishes to encourage LERCs to consider opportunities for joint working on projects wherever this may be appropriate.

Wetland sites

Waterbirds at many inland and coastal wetland sites are systematically counted as part of the BTO/RSPB/JNCC Wetland Bird Survey (WeBS). A GIS layer of WeBS site coverage is available from BTO. WeBS data uploaded to the NBNA may be covered by this agreement, or may be licensed under Open Government Licence, but LERCs are reminded that in either case this may only include

information on the presence of waterbird species, and not the more detailed counts. For infrastructure projects that have the potential to have a major impact on wetland sites, such as major housing developments, marina, port or energy developments or any Habitats Regulations Assessment (or equivalent regulations post the UK leaving the EU) of a WeBS site, LERC clients are strongly recommended to submit a separate WeBS data request to BTO for complete, standardised and interpreted data on waterbird use of the site.

Additional data not held on the NBNA

The BTO holds significantly more data than that provided to the NBNA, and will continue to consider what to make available via the NBNA. For example,

- BTO holds records not yet provided to NBNA
- For some records provided to the NBNA, BTO holds additional attributes (over and above species/location/date, e.g. count, age or breeding status)
- For some sensitive records, BTO holds more precise details than those provided to the NBNA (e.g. 1 km resolution instead of 10 km resolution); also see below.

If LERCs require access to BTO data not held on the NBNA they are asked to contact BTO directly to discuss their requirements.

Sensitive records

A potential future development of the NBNA is that trusted organisations would be able to access higher resolution records of sensitive species. In the event of this functionality becoming available, BTO would anticipate making this available only to fully accredited LERCs.

Acknowledgement

All uses of BTO data downloaded from the NBNA will include the following acknowledgement:

Data provided via the NBN Atlas from the British Trust for Ornithology, on behalf of its volunteer observers and partner organisations.

Disclaimer

Whilst every effort is made to ensure data provided to the NBNA is correct, BTO (or its partners) cannot accept responsibility for any errors within the data. Additionally, BTO (or its partners) cannot be held responsible for any misuse or misinterpretation of its data.

Funding

For the period of this first agreement, BTO will not request any funding from LERCs in exchange for this enhanced data access. However, BTO reserves the right to negotiate a level of financial support from LERCs in future, to support data management systems, should this data-sharing initiative prove to be useful.

Feedback

Each LERC should provide an annual summary of their use of NBNA-derived BTO data. This would include a list of data requests serviced, including the location involved, a very brief description/categorisation of the project, and the number of records involved.

Renewal

This Agreement is made between BTO and ALERC, the latter on behalf of LERCs. It will be reviewed after 18 months with a view to renewal after 24 months in the first instance.

In the event of this Agreement not being renewed, any BTO data previously downloaded from the NBNA by a LERC can no longer be used under CC-BY licence, and reverts to CC-BY-NC.