

GIS Base Data

As all of our GIS/map data is derived from Ordnance Survey products, this means that we are subject to the terms and conditions of the Public Sector Mapping Agreement (PSMA) licence.

The Council considers these requests for information exempt from the general right of access under [Section 21](#) of the Freedom of Information Act. This is because the Ordnance Survey Licenced Data (whether in hard copy, raster or vector format) (**Base Data**), that has not had any additional information added or overlaid by the Council is reasonably accessible by other means e.g. from Ordnance Survey or its licensed distributors. This information can be found at: <https://www.ordnancesurvey.co.uk/>

Ordnance Survey Base Data will not generally fall within the definition of environmental information. Our mapping states the location of an object within the environment and what that object might constitute; it does not provide information on “the state of the elements of the environment” or “factors, such as substances, energy, noise, radiation or waste” (see [Section 2\(1\)](#) of the EIR). For example, an Ordnance Survey map will show the position of a river but will not state whether it is polluted or not. Therefore, a request for Base Data under the EIR will not usually fall within the scope of the legislation, and should be refused.

GIS Sensitive Data

The Council considers this type of requested information to be exempt under Section 43(2) of the Act. This is because the disclosure of a digital copy would be likely to prejudice the Ordnance Survey’s commercial interests.

Section 43 of the Freedom of Information Act states that information which is commercially sensitive is exempt from disclosure. This is a qualified exemption.

A qualified exemption means that a decision is made in light of the public interest in maintaining the exemption being weighed against the public interest in disclosure.

Public interest in disclosure

- **As a public body it is Eastleigh Borough Council’s duty to be transparent and accountable for its decisions**
- **It is Eastleigh Borough Council’s duty to comply with the principles of the FOIA and relay its benefits of transparency**

Public interest in applying the exemption

- **Disclosing the information would affect the Ordnance Survey from competing in a commercial market.**

Therefore, it is considered that the public interest in withholding the information outweighs that of the public interest in the disclosure of the information.