

Public Sector Data Call for Evidence

About you / your organisation (for context)

Are you responding:

on behalf of an organisation

Name of organisation:

Association of Geotechnical and Geoenvironmental Specialists (AGS) Digital Transformation of Ground Data Working Group

Organisation size (if applicable):

Don't know/Prefer not to say

Sectors you operate in (if applicable)

Professional, Scientific, Technical

Are you willing to be contacted by DSIT to follow up on your responses to this call for evidence in more detail?

Yes

Please provide a contact email:

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Questions related to the impact of current rules

What are the benefits and drawbacks of the current rules on charging for the re-use of public sector data?

This response is submitted by the Association of Geotechnical and Geoenvironmental Specialists (AGS) which is a trade organisation. Our members include the ground investigation contractors, geotechnical and geoenvironmental consultants (who advise on ground conditions, engineering behaviour of soils and rocks, contamination and groundwater-related risks) and specialist laboratories responsible for the majority of ground investigation undertaken in the UK. Ground investigation means the collection and interpretation of information about soil, rock, groundwater and ground-related hazards, typically through boreholes, trial pits, sampling, testing and monitoring. It is used to inform safe and cost-effective planning, design, construction and asset management. The AGS maintains the AGS data format which is the industry standard for electronic transfer of ground investigation data such as borehole logs, samples, laboratory test results, in-situ test results (meaning tests carried out on samples in a laboratory or directly in the ground) and monitoring records: some of this data, in AGS format, is shared with the National Geoscience Data Centre. Our members are therefore simultaneously among the largest contributors to, and the largest users of, the datasets on which we comment. That dual position underpins the evidence below.

Benefits

The principal benefit of the current rules in the ground engineering sector — the civil engineering discipline concerned with soil, rock, groundwater and geotechnical risk — is that they allow foundational geological reference data to function as national data infrastructure rather than as a discretionary information product. This distinction is important because charging for professional interpretation or packaged products is not the same as charging for the underlying foundational reference data on which the whole sector relies.

British Geological Survey borehole records, geological mapping and the core datasets made available through the BGS GeoIndex feed directly into geological and geotechnical risk assessments, planning and environmental submissions, infrastructure design, and specialist geotechnical and geological software.

These datasets are comparable in function to the foundational mapping provided by Ordnance Survey. Their greatest value arises from their widespread use across construction, infrastructure, planning, environmental management, research and property development, rather than from the direct sale of access.

Open access lowers barriers to entry and broadens the range of organisations able to use authoritative geological information. This includes major infrastructure organisations, SMEs, start-ups, local authorities, academic institutions, environmental professionals, planners, property specialists and individuals involved in relatively small developments. It also enables datasets to be incorporated into established digital workflows without the cost and uncertainty of negotiating separate licences.

The effect of open access is documented in the peer-reviewed literature by BGS staff: Wildman and Lewis (2022) report that when BGS scanned and released its legacy borehole collection as open data in 2009, monthly access increased almost immediately from approximately 2,000 records to 20,000. They also report that (as of 2022) approximately 130,000 borehole logs were accessed each month by the construction sector, that more than one million open boreholes were shared, and that more than ten million records have been accessed since the service was launched.

Wildman and Lewis (2022) compare this level of use with an estimated 2018 cost of approximately £4,000 to drill a 20 m borehole. Although accessing an existing record does not necessarily remove the need for a project-specific investigation, the scale of re-use indicates significant potential value through reduced duplication, better preliminary understanding of ground conditions, improved ground investigation scoping, and reduced project risk and uncertainty.

A second, less obvious benefit is that open access encourages reciprocal data deposition. Wildman and Lewis (2022) describe a “virtuous cycle” following the 2009 release of the BGS borehole collection. As access increased, clients and contractors recognised the wider benefits of data sharing and began donating their own borehole and site investigation records. The BGS Data Deposit Portal, launched in 2014, was built on and helped to facilitate this behaviour.

This reciprocal relationship is particularly important because a significant proportion of the ground investigation information held nationally was originally supplied by clients, ground investigation contractors and consultants. In many cases, the cost of collecting the data was met by infrastructure projects, developers or public bodies rather than by the BGS.

The national geological data ecosystem also depends on significant unpaid or indirectly funded contributions from industry specialists, professional groups and the general public. For example, the AGS data format used for ground investigation data transfer has been developed and maintained largely through voluntary professional effort and limited employer-supported time. Data rescue and citizen science initiatives have similarly relied on individuals digitising and submitting records without direct payment.

Charging for access to data and standards-enabled resources built partly on this collective contribution could undermine trust, weaken incentives for future data deposition and reduce participation in the collaborative activities that create national public value.

What are the benefits and drawbacks of the current rules on charging for the re-use of public sector data?

Open access therefore supports both sides of the national geological data ecosystem:

- users gain access to a larger body of authoritative ground information; and
- contributors have a greater incentive to deposit new data because they and the wider industry can benefit from the resulting national resource.

A charging regime that required contributors to purchase access to information that they or their clients had originally supplied would severely weaken this reciprocal arrangement and discourage future deposition.

Introducing charges for public-sector foundational datasets could also set a wider market precedent. If public bodies charge for access to data originally supplied by industry, contractors and other data owners may be less willing to deposit or share their own in-house datasets freely, and may instead seek to commercialise access to them. This could fragment the national ground investigation evidence base, reduce future data sharing and undermine the wider public value created by open aggregation of geological information.

The current rules also support interoperability. The Open Government Licence provides a common mechanism through which public bodies, businesses and other users can re-use and combine datasets without repeated case-by-case negotiations. This reduces licensing friction, supports consistent digital workflows and enables public data to be used in software, analytical services and emerging AI-enabled applications.

Any assessment should therefore consider not only the revenue that could be collected from organisations that continue to use a dataset, but also the wider economic and public value that could be lost if other users reduce or discontinue their use. In short, free to view is not the same as genuinely open for re-use.

Drawbacks

The principal drawback of the current rules is that open data is not cost-free to collect, curate, maintain or deliver. Public bodies require sustained investment to:

- preserve and quality-assure data;
- digitise historical records;
- maintain data infrastructure;
- update platforms and interfaces;
- provide machine-readable formats and metadata;
- manage data standards and identifiers;
- improve discoverability; and
- provide reliable long-term access.

The marginal cost restriction limits one potential funding mechanism that might otherwise contribute to these activities.

Wildman and Lewis (2022), writing from within the BGS, acknowledge this challenge directly. They explain that investment is always required to collect, curate and deliver data, and that releasing information without charge removes one potential funding lever for long-term maintenance. They also caution that removing licensing income may reduce the investment an organisation can direct towards maintaining its data, including where short-term funding is initially provided to compensate for the loss. We therefore do not suggest that BGS or comparable public bodies should be expected to maintain national reference data without adequate and sustainable funding. The question is not whether foundational geological data costs money to maintain. It plainly does. The relevant question is which funding mechanism produces the greatest net public value.

Our concern is that charging at the raw or foundational data layer could suppress the widespread re-use that generates the wider economic, societal and public-service return. Potential consequences include:

- reduced use of authoritative geological information;
- disproportionate effects on SMEs, start-ups, researchers and low-volume users;
- increased use of older, less complete or less reliable alternatives;
- reduced investment in products and services that depend on predictable access to public data;
- weaker incentives for clients and contractors to deposit new ground investigation records;
- circular transfers where one public body pays another public body for access to data collected or funded through public expenditure;
- additional licence-management and compliance costs; and
- reduced interoperability between public datasets.

Charging would also create administrative requirements for public bodies. These could include determining which datasets are chargeable, setting and reviewing prices, defining commercial and non-commercial use, issuing licences, monitoring usage, managing exemptions and contributor entitlements, collecting payments and resolving disputes. These activities could consume a material proportion of the revenue generated, or even exceed it, while creating additional friction for users.

The Government's call for evidence identifies the underlying constraints as including insufficient data infrastructure, legacy systems, data-formatting issues and a lack of direct incentives for public bodies that

What are the benefits and drawbacks of the current rules on charging for the re-use of public sector data?

bear the risks and costs of releasing data. These are principally technological, institutional and funding barriers. They are not, in themselves, created by the marginal cost restriction, and charging is not the only instrument available to address them.

Alternative funding mechanisms could include direct public investment, cross-government funding arrangements or a model comparable in principle to the Public Sector Geospatial Agreement. Such approaches could provide sustainable funding while retaining free-at-the-point-of-use access to foundational geological data.

The current rules may therefore create a genuine funding challenge, particularly where public bodies are expected to improve data quality and delivery without secure long-term resources. However, this drawback should not lead automatically to charging for foundational data. The appropriate policy test is whether charging would create more overall public value than open access supported through an alternative funding arrangement.

For geological data, there should be a clear distinction between:

1. Foundational data, including raw borehole records, geological observations and reference mapping, which should remain open or free at the point of use.
2. Value-added information and services, including curated datasets, enhanced APIs (excluding APIs which provide basic access to foundational data), integrated products and specialist interpretations, for which charging may be appropriate.
3. Professional knowledge, including bespoke analysis, engineering judgement and advice, which can legitimately be provided on a commercial basis.

This distinction would address the funding drawback without undermining the open foundational layer on which the wider geological and ground engineering data ecosystem depends.

References

Koski, H. (2011). Does Marginal Cost Pricing of Public Sector Information Spur Firm Growth? ETLA Discussion Papers, No. 1260. Helsinki: The Research Institute of the Finnish Economy.

Wildman, G. and Lewis, E. (2022). 'Value of open data: A geoscience perspective'. *Geoscience Data Journal*.

Are you aware of any public sector data assets that you would like to re-use, but which are not disclosed for re-use? If so, please provide examples, noting how they could help your organisation.

Yes

Please give details

In addition to datasets that are not deposited or discoverable, our concerns are (1) that some data is legally viewable but not practically reusable and (2) whether existing foundational geological data will remain openly and consistently accessible.

There are considerable quantities of ground investigation and geological information generated through infrastructure, development and public sector projects that are not deposited promptly, are not readily discoverable, or are not available in consistent digital formats. Examples may include:

- historical and recent ground investigation records including;
 - o borehole logs;
 - o laboratory and in-situ test results;
 - o groundwater monitoring data;
- geotechnical instrumentation and long-term monitoring data (such as measurements of groundwater level, ground movement or structural movement over time);
- geological observations made during construction;
- ground models (meaning interpreted summaries of the soil, rock, groundwater and hazards expected beneath a site) developed for publicly funded infrastructure projects; and
- structured geotechnical data associated with planning and environmental submissions.

A particular issue is that some data may be available to view but not genuinely reusable in modern digital workflows. For example, a scanned borehole log may be readable by a person, but it cannot be reliably queried, combined or imported into ground modelling software without digitisation. This shifts the cost of digitisation onto each user and can result in the same record being digitised repeatedly by different organisations. Improving technical accessibility — not simply availability — should therefore be treated as a central objective of reform.

Making more of this information available through the national geological archive, using appropriate data standards and licensing arrangements, would support:

- improved early-stage understanding of ground conditions, allowing risks and constraints to be identified before key design, planning and procurement decisions are made;
- earlier identification of geological and geotechnical hazards, reducing the likelihood of unexpected ground conditions causing delays, redesign or additional cost during construction;
- more proportionate and better-targeted ground investigations, improving confidence in ground models while avoiding unnecessary intrusive works;
- reduced duplication of previous investigation work, saving cost, time, materials and disruption;
- greater certainty of project budget, programme and risk allocation at an earlier stage of development;
- improved likelihood of projects securing planning consent by providing a stronger evidence base for environmental, ground risk, drainage, contamination and constructability considerations;
- better-informed design and construction decisions, supporting safer, more buildable and more cost-effective outcomes;
- more sustainable designs through more efficient use of materials, reduced over-design, lower carbon impacts and better reuse of existing information;
- fewer avoidable construction delays and a greater likelihood that projects are delivered on time and within budget;
- improved research, innovation and development of digital and AI-enabled tools that support better decision-making across the sector; and
- better long-term management of national infrastructure, contributing to wider societal benefits through safer, more resilient, more sustainable and more cost-effective public and private projects.

Greater availability should, however, be achieved through mechanisms that encourage deposition and preserve contributor trust. A significant proportion of the ground investigation information already held by BGS was originally supplied by clients, contractors and consultants. In many cases, the cost of collecting that data was met by infrastructure projects, developers or public bodies rather than by BGS.

Data contributors should therefore be informed clearly, at the point of submission, about the licensing, future use and potential commercial exploitation of their data. Information supplied under an expectation of open availability should not subsequently be placed behind a paywall.

If contributors, or their clients, could later be required to purchase access to data they originally supplied, this would create a strong disincentive to depositing further information. Any reform should strengthen, rather than weaken, the future flow of geological and geotechnical data into the national archive.

Do you think current rules on charging affect whether public bodies make data available for re-use, or whether they do so in ways that meet the needs of businesses and other users?

Yes

Please give details

The current rules are likely to influence the funding models and delivery decisions of public bodies. In some cases, insufficient funding may limit data maintenance, digitisation, quality assurance, infrastructure investment or the development of more useful access services.

However, charging is only one possible response and may not be the most effective approach for foundational datasets. The principal needs of businesses and other users include:

- reliable long-term access;
- authoritative and well-maintained data;
- consistent formats;
- stable identifiers;
- documented standards;
- predictable update arrangements;
- clear provenance and quality information;
- interoperable licensing;
- the ability to combine datasets; and
- proportionate or minimal administrative requirements.

Charging could provide revenue for some of these activities, but it could also reduce data use and introduce substantial new costs associated with pricing, licensing, usage monitoring, payment administration, exemptions, entitlement management and dispute resolution.

The Call for Evidence identifies uncertainty around public task boundaries as a practical barrier. If public bodies are unclear which datasets fall within their public task and which represent genuinely derived or value-added products, the priority should be to improve documentation, review and transparency of those boundaries. Better public task clarity would allow appropriate charging for value-added services while protecting foundational reference data from inappropriate charging.

Data providers may also face conflicting incentives. A commercial model could encourage investment in packaged products, while creating less incentive to maintain open, machine-readable foundational data. It could also make providers more cautious about changing data structures or licensing arrangements where commercial products depend on an established format.

A more appropriate approach would be to provide sustainable public funding for foundational datasets while allowing public bodies and commercial providers to charge for genuinely value-added services. The Public Sector Geospatial Agreement provides a relevant precedent for a funding or access arrangement that maintains free-at-the-point-of-use access to important national data.

Any proposed charging model should therefore be compared not only with the cost of the current arrangements, but also with alternative funding mechanisms that could improve data quality and availability without restricting use.

Questions related to changes to the current rules

Do you think it is appropriate for public bodies to charge above marginal costs for the re-use of data assets they hold, if the resulting revenues can be used to:

	Appropriate	Neither appropriate nor inappropriate	Inappropriate	Don't know/Prefer not to say
Make more data available for re-use?		X		
Make better quality/more useful data available for re-use?		X		
Improve public sector data foundations and infrastructure?		X		
Improve public services?		X		

Please give details

Charging above marginal cost may be appropriate in limited circumstances, but there should be no general presumption in favour of it. Its appropriateness depends on the nature of the data, how it was funded and collected, its role in the wider economy, and whether charging would create greater overall public value than open access or alternative public funding.

Charging may be reasonable for genuinely value-added products and services, such as curated or integrated datasets created for external users, specialist interpretations, enhanced APIs or managed digital services, bespoke data processing, premium service levels, and products that combine foundational data with additional analysis or functionality. This should not include basic API access to foundational datasets, which is increasingly necessary for practical re-use.

Any reform should also state clearly how charges would be set. For a national geological archive, this could mean recovering substantial collection, curation, maintenance and dissemination costs from a user base that includes SMEs, sole practitioners, local authorities, researchers and individual householders. The framework should therefore specify whether charges would be nominal, marginal, partial cost recovery or full cost recovery, and how affordability would be protected.

Charging is much less appropriate for foundational reference data that supports safety, infrastructure, planning, environmental decision-making, research and public services, including BGS geological maps, borehole records and core datasets made available through the BGS GeoIndex. For such datasets, charging could reduce use of authoritative information, disadvantage SMEs and low-volume users, discourage research and innovation, push users towards older or less reliable alternatives, create circular transfers of public money, duplicate costs already met through taxation or publicly funded projects, reduce interoperability, discourage future data contribution, and impose administrative costs that consume or exceed the revenue raised.

For foundational geological and ground investigation data, the wider public value generated by open access include improved early understanding of ground conditions, earlier identification of hazards, and better-targeted investigations. It therefore reduces duplication, improves ground models, and gives greater certainty over project risk, budget and programme at an earlier stage. This leads to stronger planning submissions, better design and construction decisions, fewer avoidable delays, more sustainable use of materials, and a greater likelihood of projects being delivered on time and within budget. Open access supports research, innovation, digital and AI-enabled tools, better infrastructure management and wider societal benefits through safer, more resilient and more cost-effective projects.

Evidence from other open geoscience and public data programmes supports this conclusion. Case studies cited by Wildman and Lewis (2022) indicate that open release of geoscience and public-sector datasets has stimulated private investment, economic activity and wider public benefit in several jurisdictions. Although mineral exploration and transport data operate through different mechanisms from ground engineering, the underlying lesson is consistent: the greatest return from foundational public data is often realised through broad re-use, innovation and avoided cost, rather than direct access charges.

There is also a fairness issue where data has been contributed by industry or generated through publicly funded projects. Contributors should not be required to buy back data that they or their clients originally supplied.

The form of charging matters as much as the price. A per-record, per-download or per-use model would create a much greater barrier than an annual licence or centrally funded access arrangement. Ground investigation desk studies require users to review multiple records to understand the wider geological context. If each record carries a separate cost or administrative step, users may inspect fewer records, rely on incomplete information, or use lower-quality free alternatives.

In ground engineering, this has direct implications for risk management. Early-stage desk studies depend on reviewing a broad range of historical borehole logs, geological records and related information to identify potential hazards before investigation and design decisions are made. Historically, when borehole logs had to be requested individually and copied or faxed for an administration charge, users were often selective about which records they obtained. A modern per-record or administratively burdensome charging model could recreate that behaviour, increasing the likelihood of incomplete desk studies, poorer ground models, missed hazards, later design changes, programme delays and higher overall project costs.

Even very small charges can create disproportionate administrative friction through payment processing, internal approvals, licence checks and record-keeping. The staff time required to manage these steps may

Do you think it is appropriate for public bodies to charge above marginal costs for the re-use of data assets they hold, if the resulting revenues can be used to:

exceed the price of the data itself, reducing use and undermining the wider value of the dataset. If charging is justified on the basis that revenue will improve data or public services, there must be a clear, transparent and enforceable link between the money collected and the improvements delivered. Revenue should not simply be absorbed into general budgets without measurable benefits for the data or its users. Charging should therefore be permitted only where an independent assessment demonstrates that it would generate greater overall public value than continued open access or an alternative publicly funded arrangement.

Questions related to design principles for reform

We have outlined four principles to guide any reform of how the public sector charges for data:

safeguarding trust
embedding a transparent, rules-based framework
enabling flexibility
ensuring legal clarity.

What principles do you think should guide any reform, and why?

Trust, transparency, flexibility and legal clarity are essential if any reform is to retain confidence among both users and contributors of public sector data. In the ground engineering sector, many of the datasets under consideration are fundamental to the way the industry operates and partly built from data supplied by industry, public projects and other contributors. Reform must therefore give data users confidence that access terms will be fair and predictable, while also giving contributors confidence that data supplied for public benefit will not later be commercialised in ways that undermine the basis on which it was provided.

A transparent, rules-based framework is particularly important because decisions about charging should not depend solely on the funding needs of the data-holding body. Flexibility is also needed to distinguish between foundational reference data, which should remain open or free at the point of use, and genuinely value-added products or specialist services, for which charging may be appropriate. Legal clarity is essential to avoid uncertainty over licensing, re-use, contributor rights, derived data, AI-enabled uses and the treatment of previously open datasets.

The four proposed principles should be supplemented by the following requirements.

1. Protection of foundational data: National reference datasets that support safety, infrastructure, planning, research and environmental decision-making should remain open or free at the point of use.
2. No retrospective charging: Data supplied or previously made available under an expectation of open access should not subsequently be placed behind a paywall.
3. Contributor fairness: Organisations should not be required to purchase access to data that they or their clients supplied. Contributor rights, licensing arrangements and future uses should be made clear at the point of submission.
4. Public-value assessment: Charging should be permitted only where an independent assessment demonstrates that it will create greater overall public and societal value than open access.
5. Additionality: Revenue should fund identifiable improvements that would not otherwise be delivered. Charging should not simply replace existing public funding.
6. Transparent use of revenue: Public bodies should report the revenue raised, the cost of administering the charging system and the improvements delivered.
7. Affordability and inclusion: SMEs, start-ups, researchers, public bodies, community organisations and low-volume users should not be excluded by fees or administrative requirements.
8. Interoperability: Data should continue to be supplied through consistent formats, stable identifiers, documented standards and licensing terms that allow combination with other datasets.
9. Proportionate administration: The cost of pricing, licensing, monitoring, collecting payments and resolving disputes should not outweigh the revenue or public benefit generated.
10. Independent oversight: Decisions about which foundational datasets may be charged for should not rest solely with the organisation that would receive the revenue.
11. Review and reversibility: Charging arrangements should be reviewed periodically against defined outcomes, including data use, SME participation, innovation, administrative cost, data quality and public benefit. Arrangements should be capable of being withdrawn where the expected benefits are not achieved.
12. Safety and sustainability: The assessment should consider whether charging could discourage the use of authoritative data in decisions affecting public safety, infrastructure resilience, environmental protection or sustainable resource use.

If public bodies are able to charge for a wider range of data assets under a rules-based framework, should they determine which data assets they can charge for, or should a single body be responsible for these decisions?

A single body should be responsible for deciding what data assets can be charged for

Please give details

Public bodies should be able to submit evidence and proposals, but they should not have sole authority to determine that their own data may be charged for. Otherwise, the organisation making the decision would also receive the resulting revenue, creating a potential conflict of interest.

The independent body should:

- operate under published statutory criteria;
- assess the likely overall public value of charging;
- consider the consequences for SMEs and competition;
- examine the source of funding used to collect the data;
- consider contributor rights and expectations;
- assess effects on safety, research, innovation and public services;
- review affordability and accessibility arrangements;
- test the likely administrative costs;
- require transparent reporting on revenue and outcomes;
- consult relevant sectors and user communities; and
- review decisions periodically.

Sector-specific expertise will be essential. Decisions concerning geological and ground investigation data should include input from BGS, data contributors, infrastructure clients, ground engineering practitioners, SMEs, researchers, public bodies and other users.

The framework should also define categories of foundational data that are normally protected from charging. This would reduce uncertainty and prevent similar national reference datasets being treated inconsistently by different public bodies.

What challenges might users face if public bodies can charge for a wider range of data assets, and what measures should Government take to address them and ensure that all public sector data – including data made available under non-Open Data terms and conditions – is affordable and easy to re-use? (For example, measures could relate to licensing terms, interoperability and the ability to combine data, data quality, and service and delivery models.)

Users could face financial, contractual, technical and administrative barriers.

The main potential challenges include:

- licence fees that are unaffordable for SMEs, start-ups, researchers or low-volume users;
- complex or inconsistent licensing conditions;
- licences should not include indemnities. This is because indemnities cannot be covered by the

Professional Indemnity Insurance most consultancies have access to. Uninsurable risks amplify the likelihood that an organisation would not access the data;

- uncertainty over whether a proposed use is permitted;
- usage monitoring and reporting requirements;
- restrictions on combining data from different sources;
- uncertainty over the use of data in software and AI systems;
- different definitions of commercial and non-commercial use;
- repeated case-by-case negotiations;
- restricted access to updates or historical versions;
- difficulties determining data provenance and quality;
- charges for data originally contributed by the user or their client; and
- circular transfers where one public body must pay another for data.

A further challenge is distinguishing legitimate open re-use from bulk extraction or onward commercial exploitation that may not align with the purpose for which the data was made available. Open foundational data can support industry, research, planning, environmental management, innovation, software development and appropriate AI-enabled applications. However, if made fully open without any safeguards, it may also be vulnerable to automated scraping, repackaging, resale, large-scale model training or other secondary uses that are remote from the original public-interest rationale for publication.

This does not mean foundational geological data should be placed behind a paywall. Rather, Government should recognise that responsible open access may require proportionate, light-touch safeguards, such as user registration, clear licence terms, API keys, fair-use limits, attribution requirements, restrictions on misleading resale, and monitoring of unusually high-volume access. These measures could help protect public trust, contributors and public bodies while preserving legitimate access for industry, SMEs, researchers and public-interest users.

Any safeguards must be designed so they do not recreate the barriers associated with charging. Authentication, usage monitoring or compliance systems can create development, administration and user costs, which should be transparently assessed and properly funded rather than used as a reason to restrict access to foundational datasets.

These risks could disproportionately affect SMEs, start-ups, researchers and early-stage product developers, who are less able to absorb fixed licensing, compliance or uncertainty costs. Organisations developing digital tools, analytical services and AI-enabled workflows may be reluctant to depend on datasets subject to changing prices, usage metering, unclear licence terms or restrictions on derived outputs. Even modest initial charges can deter investment if future access is uncertain.

Government could address these risks through the following measures:

1. Retain open or free-at-the-point-of-use access to foundational national datasets.
2. Establish a common licensing framework for non-Open Data.
3. Use standard definitions and standard contractual terms across public bodies.
4. Require licences to permit reasonable combination with other public and private datasets.
5. Provide clear terms for software, machine learning and AI-enabled uses.
6. Publish transparent pricing structures and prohibit hidden or individually negotiated charges without justification.
7. Provide free or discounted access for SMEs, start-ups, researchers, public bodies, community organisations and low-volume users.
8. Protect contributors from having to buy back data that they supplied.
9. Require machine-readable formats, documented schemas, stable identifiers and accessible metadata, meaning data structures, reference numbers and explanatory information that allow datasets to be reliably found, understood, combined and reused.
10. Maintain data provenance, version histories and quality information.
11. Provide a straightforward appeal and dispute-resolution process.
12. Publish the administrative costs, revenue and outcomes of each charging arrangement.
13. Ensure that fees do not discourage proportionate use of authoritative information in safety-critical or public-interest decisions.
14. Require periodic assessment of whether charging has reduced usage, innovation, market participation or data contribution.

What challenges might users face if public bodies can charge for a wider range of data assets, and what measures should Government take to address them and ensure that all public sector data – including data made available under non-Open Data terms and conditions – is affordable and easy to re-use? (For example, measures could relate to licensing terms, interoperability and the ability to combine data, data quality, and service and delivery models.)

The Open Government Licence should remain the default for foundational and widely reusable public sector data. Any non-Open Data model should be required to achieve a comparable level of clarity and interoperability.

Questions related to reform approach

What criteria and conditions should be met when determining whether it is possible to charge above marginal cost for a data asset?

Charging above marginal cost should be considered only where all of the following criteria and conditions are met.

Nature of the data

The assessment should determine whether the asset is foundational data, a value-added information product or a specialist service. Foundational national reference data should normally remain open.

Source of funding

The assessment should establish whether collection, processing and maintenance were funded through taxation, a publicly funded project, third-party contributions or investment by the data-holding body.

Contributor rights and expectations

Charging should not be introduced retrospectively where data was supplied on the understanding that it would remain openly accessible. Contributors should retain appropriate access to their own information. The framework should also clarify how any change in charging powers would apply to data that has already been released as open data or deposited under existing sharing agreements. Data previously made available under open terms should remain open unless there is a clear legal basis and transparent public-interest justification for changing its status. Requiring public bodies, contributors or users to revisit historical sharing agreements would create uncertainty, administrative cost and could undermine trust in future data deposition.

Demonstrable public value

There should be credible evidence that charging will produce greater overall public value than open access or alternative public funding. The assessment should consider economic, social, environmental and safety-related effects, not only forecast revenue. The value of ground investigation data lies primarily in its informed interpretation and application, rather than in the data alone. Such data is collected for a specific project purpose and within a defined technical context; it is not inherently suitable for all future uses. If access to this data is charged for, there is a risk that users may infer a level of assurance, completeness or liability that the data-holding body cannot reasonably provide, particularly where the original context, limitations or intended purpose have been lost.

Additionality of investment

The public body should demonstrate that the revenue will fund specific improvements that would not otherwise be delivered.

Transparent use of revenue

The proposed use of the revenue should be published, measurable and subject to subsequent reporting.

Affordability

The model should provide proportionate arrangements for SMEs, start-ups, researchers, public bodies, community organisations and low-volume users.

Competition and innovation

The assessment should consider whether charging could favour established or larger businesses, restrict new entrants, inhibit product development or reduce downstream innovation.

Interoperability

Licensing terms should allow data to be combined with other datasets and incorporated into software, digital services and appropriate AI applications.

Administrative proportionality

The expected costs of licensing, monitoring, payment collection, entitlement management and dispute resolution should be assessed against the likely net revenue and wider public benefit.

Data quality and service obligations

The provider should commit to defined levels of availability, maintenance, documentation, quality, update frequency and technical support appropriate to the charge.

Effects on data contribution

For contributed datasets, the assessment should consider whether charging would reduce future submissions or damage trust between the data holder and contributors.

Independent approval and review

The decision should be approved independently, time-limited and reviewed against measurable outcomes. Charging should be withdrawn if the expected benefits are not achieved or if significant unintended harm arises.

Is there a particular approach you would recommend to enable public bodies to charge above marginal costs for a wider range of data assets?

We recommend a tiered, sector-specific model rather than a broad removal of the marginal cost restriction.

Under this approach:

Tier 1: Foundational data

Raw and authoritative national reference data should remain open under the Open Government Licence, or free at the point of use through a publicly funded arrangement. For geological information, this tier should include but is not limited to BGS geological maps (including accompanying or complimentary reports and memoirs), ground investigation data, geological observations and core datasets made available through the BGS GeoIndex. A funding arrangement comparable in principle to the Public Sector Geospatial Agreement, which provides a centrally funded route for public sector access to key Ordnance Survey geospatial data, could be considered where sustainable funding is required to maintain foundational geological data.

Tier 2: Value-added information and services

Public bodies should be permitted to charge for genuinely value-added products, including curated datasets, integrated services, enhanced APIs, specialist interpretations and premium delivery arrangements. Prices and terms should be transparent, proportionate and compatible with wider data re-use.

Tier 3: Bespoke professional services

Bodies should be able to charge for bespoke analysis, consultancy, interpretation, data processing and other professional services requested by individual users. Any wider power to charge should be implemented through a rules-based approval framework administered by an independent body. Approval should be dataset-specific or category-specific, rather than giving public bodies unrestricted discretion to charge. The preferred approach should also include:

- statutory protection for designated foundational datasets;
- no retrospective charging;
- protection for data contributors;
- standard licensing and interoperability requirements;
- affordability provisions;
- transparent revenue reporting;
- independent approval;
- time-limited authorisations;
- regular review; and
- the ability to reverse charging arrangements where they reduce public value.

We do not recommend excluding designated data assets entirely from the Re-Use of Public Sector Information (RPSI) framework unless equivalent protections concerning transparency, non-discrimination, fair licensing and redress are preserved. Removing datasets from the whole framework could have consequences beyond the ability to charge. The surrounding RPSI framework is important because it supports transparency, fair treatment of applicants, clarity of terms and routes for challenge. Any reform that removes datasets from that framework entirely would risk weakening user protections as well as enabling charging.

The key policy principle should be that public value is not equivalent to direct revenue. For foundational geological data, the greatest value is likely to arise from widespread, frictionless and interoperable re-use, supported by sustainable public funding and a healthy commercial market for genuinely value-added products.

Any final comments/suggestions you would like to add?

We recognise the Government's objective of maximising the economic and societal value of public sector data and ensuring that important datasets are properly maintained. However, we do not believe that removing the marginal cost restriction should result in charges being introduced for foundational geological reference data, including but not limited to British Geological Survey (BGS) borehole records (borehole records, often called borehole logs, are records of ground conditions encountered during drilling, including soil and rock descriptions, groundwater observations and test results), geological maps and other core datasets exposed through the BGS GeoIndex - the BGS's online map-based portal for accessing geological information, including borehole records and geological mapping.

In this response, we use "foundational geological reference data" to mean core national datasets that help users understand ground conditions and geological hazards. These datasets are not usually valuable because of a single record in isolation, but because they provide a shared evidence base for planning, infrastructure, environmental assessment, research and risk management.