

Amgueddfa Cymru
Parc Cathays, Caerdydd, CF10 3NP
Ffôn: 0300 111 2 333
Rydym yn croesawu gohebiaeth yn y Gymraeg.
National Museum Wales
Cathays Park, Cardiff, CF10 3NP
Tel: 0300 111 2 333
We welcome correspondence in Welsh.

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ysbrydoli pobl
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12 December 2017

REQUEST FOR INFORMATION – *Information relating to the re-use of public sector information*

Thank you for your request for information. As Museum Secretary for Amgueddfa Cymru - National Museum Wales ('the Museum'), I am responsible for responding to your request for information.

I refer to your email of 18 November 2017, in which you asked for the following information:

Please may I make a request to re-use public sector information under section 6 of the 2015 Re-Use of Public Sector Information Regulations (RPSI) (details here: <http://www.legislation.gov.uk/uksi/2015/1415/contents/made>)?

I would like to re-use two digital images whose copyright belongs to the National Museum of Wales, as follows:

(a) An image of a drawing by Francis Towne, called 'The Vale of Tan y Bwlch' (your ref NMWA3150). The image itself is freely downloadable from this website:

<http://www.francistowne.ac.uk/collection/list-of-works/the-vale-of-tan-y-bwlch>

(b) An image of a painting by Richard Wilson, called 'Lydford Waterfall, Tavistock' (your ref NMWA63). The image itself is freely downloadable from this website:

<http://www.francistowne.ac.uk/collection/list-of-works/a-view-of-oakhampton-castle-and-town#figure2>

I would like to use these images in an article for an English-language academic journal (I am an art historian). I do not yet know the title of the journal where the image will be published as I have not finished researching the article.

Llywydd / President Elisabeth Elias MA DL
Is-Llywydd / Vice President Dr Carol Bell PhD, DLitt
Cyfarwyddwr Cyffredinol / Director General David Anderson OBE
Trysorydd / Treasurer Laurence Pavelin CBE FCA
Elusen Cofrestredig / Registered charity: 525774
Rhif TAW / VAT number: GB 783 4541 10
amgueddfa.cymru / museum.wales



I would be grateful if you would kindly allow me to use these images under an Open Government Licence (details here: <http://www.nationalarchives.gov.uk/information-management/re-using-public-sector-information/uk-government-licensing-framework/>). RPSI states that a public sector body may impose conditions on re-use via a licence but that they 'must not unnecessarily restrict the way in which a document can be re-used.' (section 12(1) & (2). The UK Government Licensing Framework's 'default position is that public sector information should be licensed for use and re-use free of charge under the Open Government Licence.' (source [here](#)). If the museum plans to charge for my requested re-use, then the UK Government Licensing Framework recommends that re-use is granted using the Non-Commercial Government Licence.

Under section 15(8) of RPSI, a museum may charge for re-use using the following formula:

- (a) direct costs;
- (b) a reasonable apportionment of indirect and overhead costs attributable to chargeable activity;
- (c) a reasonable return on investment.

RPSI doesn't itself define what a 'reasonable return on investment' would be but the official implementation guidelines for RPSI states that it will usually be calculated at 3.5% (details here:

<http://www.nationalarchives.gov.uk/documents/information-management/psi-implementation-guidance-cultural-sector.pdf>).

RPSI also states that any charges for re-use ought to 'be calculated in accordance with the accounting principles applicable to the public sector body from time to time.'

Under section 16 of RPSI 'the basis on which such charges have been calculated' must be made public, if they are part of a standard charging regime. If they are not standard charges, the museum should (16(4)(b)) 'specify in writing the way in which any such charge has been calculated in relation to a specific request for re-use.' If the museum plans to charge me for this re-use, I would be grateful to know this information.

For the avoidance of doubt, I am able to download these images at the URLs stated above, I am not requesting the museum to email them to me.

Response

Please find below the Museum's response to your request.

We do hold the works requested at Amgueddfa Cymru – National Museum Wales, and we do grant permissions for works to be used for commercial and non-commercial purposes. As your request is for an academic publication we would normally attach a fee for reproduction – please see our price list attached. You will also note that there is

a fee for self-publishing our works. I would suggest that the images freely available on the website you have quoted will probably be low resolution, and would therefore not meet the high standards that we endeavour to achieve when reproducing an artists' work. We are able to provide high quality, high resolution images, via an electronic File Transfer Protocol server, with a licence for usage, and this would be subject to a fee, as set out in the attached price list.

Your request was considered according to the principles set out in the National Assembly's Code of Practice on Public Access to Information (third edition). The Code is published on the Internet at www.information.wales.gov.uk.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, you should write to the Director Finance and Corporate Resources at the following address:

Mr. Neil Wicks
Director of Finance and Corporate Resources
Amgueddfa Cymru – National Museum Wales
Cathays Park
Cardiff
CF10 3NP

Internal review requests should be submitted within two months of the date of receipt of the response to your original letter.

You also have the right to complain to the Information Commissioner's Office (ICO) if you are not content with the outcome of your complaint or review. Generally, the ICO will not make a decision unless you have exhausted the complaints procedure provided by the Museum.

The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

If you have any further queries or concerns then please contact me via my email address.

Yours sincerely

Elaine Cabuts
Museum Secretary

**Mentrau Amgueddfeydd ac Orielau Cenedlaethol Cymru Cyf
National Museums and Galleries of Wales Enterprises Limited**

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PERSONAL USE

Independent authors are offered a flat rate of £30 to cover their projects. Rights include editorial, digital media and promotional material. Please contact us for more details

ADDITIONAL INFORMATION:

- New and special photography can be arranged at an additional fee
- VAT will be added to all UK orders except for Print on Demand
- Upon receipt of your order, an invoice will be issued

[t] +44 (29) 20573280

[e] 

[w] www.museumwales.ac.uk/picture-library/