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|  | **Existing** | **Suggested replacement** |
| **Question** | **INSPIRE Element Mappings - Limitations on Public Access (Where one response may relate to multiple INSPIRE articles, multiple options are provided. Please see INSPIRE documentation for additional information and choose the most appropriate Article)** | **INSPIRE Element Mappings - Limitations on Public Access (Where one response may relate to multiple provisions in the INSPIRE Regulations 2009, multiple options are provided. Please see INSPIRE documentation for additional information and choose the most appropriate provision)** |
| **Does the dataset contain personal data?** | Public access limited according to Article 13(1)(f) of the INSPIRE Directive - Public access to spatial data sets and services would adversely affect the confidentiality of personal data and/or files relating to a natural person where that person has not consented to the disclosure of the information to the public, where such confidentiality is provided for by national or Community law. | Public access limited according to Regulation 9(2)(a), (b) and (c) of the INSPIRE Regulations 2009 - A public authority or a third party must not provide public access to personal data included in a spatial data set for which that authority or third party is responsible, if the provision of public access to that personal data otherwise than under these Regulations would contravene (a) the data protection principles, (b) Article 21 of the GDPR (general processing: right to object to processing), or (c) section 99 of the Data Protection Act 2018 (intelligence services processing: right to object to processing). |
| **Would sharing this dataset result in a third party supplier agreement or third party intellectual property rights being breached?** | Public access limited according to Article 13(1)(e) of the INSPIRE Directive - Public access to spatial data sets and services would adversely affect intellectual property rights. | Public access limited according to Regulation 9(5)(c) of the INSPIRE Regulations 2009 - Public access to spatial data sets and services would adversely affect intellectual property rights. |
| **Does the dataset contain information, that if made available publicly, would pose a national security risk?** | Public access limited according to Article 13(1)(b) of the INSPIRE Directive - Public access to spatial data sets and services would adversely affect international relations, public security or national defence. | Public access limited according to Regulation 9(5)(a) of the INSPIRE Regulations 2009 - Public access to spatial data sets and services would adversely affect international relations, public security or national defence. |
| **Does releasing this dataset infringe competition law?** | Public access limited according to Article 13(1)(d) of the INSPIRE Directive - Public access to spatial data sets and services would adversely affect the confidentiality of commercial or industrial information, where such confidentiality is provided for by national or Community law to protect a legitimate economic interest, including the public interest in maintaining statistical confidentiality and tax secrecy. To add additional context: Unpublished - Not publicly available as competition law precludes it. | Public access limited according to Regulation 9(5)(e)\* of the INSPIRE Regulations 2009 - Public access to spatial data sets and services would adversely affect the confidentiality of commercial or industrial information, where such confidentiality is provided for by national law to protect a legitimate economic interest. |
| **Have you published the dataset already under a licence or agreement that would constrain you from licensing again?** | Public access limited according to Article 13(1)(d) of the INSPIRE Directive - Public access to spatial data sets and services would adversely affect the confidentiality of commercial or industrial information, where such confidentiality is provided for by national or Community law to protect a legitimate economic interest, including the public interest in maintaining statistical confidentiality and tax secrecy. To add additional context: Unpublished - Not publicly available as contractual obligation precludes it. Restricted access may be possible if a legal justification to do so exists. | Public access limited according to Regulation 9(5)(e)\* of the INSPIRE Regulations 2009 - Public access to spatial data sets and services would adversely affect the confidentiality of commercial or industrial information, where such confidentiality is provided for by national law to protect a legitimate economic interest. |
| **Would releasing the dataset potentially damage the commercial interests of the data publisher or a third party supplier?** | Public access limited according to Article 13(1)(d) of the INSPIRE Directive - Public access to spatial data sets and services would adversely affect the confidentiality of commercial or industrial information, where such confidentiality is provided for by national or Community law to protect a legitimate economic interest, including the public interest in maintaining statistical confidentiality and tax secrecy. To add additional context: Unpublished - Not publicly available as dataset pursuant to s43, Freedom of Information Act 2000. Restricted access may be possible if a legal justification to do so exists. | Public access limited according to Regulation 9(5)(e)\* of the INSPIRE Regulations 2009 - Public access to spatial data sets and services would adversely affect the confidentiality of commercial or industrial information, where such confidentiality is provided for by national law to protect a legitimate economic interest. |
| **Are there any other concerns associated with sharing this dataset not covered above?** | (1)Public access limited according to Article 13(1)(c) of the INSPIRE Directive -Public access to spatial data sets and services would adversely affect the course of justice, the ability of any person to receive a fair trial or the ability of a public authority to conduct an enquiry of a criminal or disciplinary nature. (2) Public access limited according to Article 13(1)(f) of the INSPIRE Directive - Public access to spatial data sets and services would adversely affect the confidentiality of personal data and/or files relating to a natural person where that person has not consented to the disclosure of the information to the public, where such confidentiality is provided for by national or Community law. (3) Public access limited according to Article 13(1)(g) of the INSPIRE Directive - Public access to spatial data sets and services would adversely affect the interests or protection of any person who supplied the information requested on a voluntary basis without being under, or capable of being put under, a legal obligation to do so, unless that person has consented to the release of the information concerned. (4) Public access limited according to Article 13(1)(h) of the INSPIRE Directive -Public access to spatial data sets and services would adversely affect the protection of the environment to which such information relates, such as the location of rare species. | (1) Public access limited according to Regulation 9(5)(b) of the INSPIRE Regulations 2009 - Public access to spatial data sets and services would adversely affect the course of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an inquiry of a criminal or disciplinary nature  (2) Public access limited according to Regulation 9(2)(a), (b) and (c) of the INSPIRE Regulations 2009 - A public authority or a third party must not provide public access to personal data included in a spatial data set for which that authority or third party is responsible, if the provision of public access to that personal data otherwise than under these Regulations would contravene (a) the data protection principles, “(b) Article 21 of the GDPR (general processing: right to object to processing), or (c) section 99 of the Data Protection Act 2018 (intelligence services processing: right to object to processing).  (3) Public access limited according to Regulation 9(5)(f)\* INSPIRE Directive - Public access to spatial data sets and services would adversely affect the interests or protection of the person who provided the spatial data in question where that person— (i) was not under, and could not have been put under, any legal obligation to supply that data to that or any other public authority or third party, (ii) did not provide that data in circumstances such that that or any other public authority or third party is entitled apart from these Regulations to provide public access to that data, and  (iii) has not consented to the public being provided with access to that data.  (4) Public access limited according to Regulation 9(5)(d)\* INSPIRE Regulations 2009 - Public access to spatial data sets and services would adversely affect the confidentiality of the proceedings of that or any other public authority or third party where such confidentiality is provided by law  (5) Public access limited according to Regulation 9(5)(g)\* of the INSPIRE Directive - Public access to spatial data sets and services would adversely affect the protection of the environment to which the spatial data set or spatial data service in question relates.  **\* Important note:** Under Regulation 9(6) of the INSPIRE Regulations 2009, a public authority or a third party may not limit public access to a spatial data set or spatial data service which contains ***information on emissions into the environment***, on a ground specified in paragraph (5)(d), (e), (f) or (g) |