

## FACT SHEET – Licensing and charging considerations for open government data

This fact sheet provides guidance to agencies on licensing data in a manner consistent with the WA Whole of Government Open Data Policy (the policy) and should be considered in conjunction with the [WA Government Intellectual Property Policy and Best Practice Guidelines](#).

### Licensing open government data

Open data should be licensed appropriately by agencies with clear terms surrounding copyright and use. Where possible and appropriate, a non-restrictive licence should be used to promote the maximum dissemination and reuse of the data.

Agencies are encouraged to use existing licensing arrangements applied to their data where this makes the data available according to the principles of the policy. Where these are not suitable, or there is no existing licence in place, the policy encourages the use of standardised licensing frameworks, such as Creative Commons which provides several standardised licenses that permit others to legally use and share your work.

The Creative Commons Attribution (CC BY) licence, for example, is consistent with the principles of the policy and allows others to share and adapt works (including for commercial purposes) as long as the creator is attributed in accordance with the licence. However it should be noted that once a Creative Commons licence has been implemented, it cannot be revoked in favour of a more restrictive licensing regime. More detailed information on Creative Commons is outlined below.

### Use of creative commons licensing



The Creative Commons licenses are designed to provide copyright owners with an efficient way to manage the rights contained in their copyright work, and to provide data users with simple and flexible terms for use. Creative Commons is an internationally recognised licensing standard and has been adopted as the default position for open data in many other jurisdictions.



#### What Creative Commons licenses are available?

Creative Commons Attribution (CC BY), the recommended default license, allows users to distribute, remix, tweak, and build upon the data, even commercially, as long as they credit the licensor for the original creation in the terms required by the licensor. CC BY is one of a number of licences in the Creative Commons licensing suite.

## Western Australian Whole of Government Open Data Policy

The following table outlines the Creative Commons licenses as described by Creative Commons Australia:

Licence	Badges	Description
<p><b>Attribution</b> <b>CC BY 4.0</b></p> <p><a href="https://creativecommons.org/licenses/by/4.0/">https://creativecommons.org/licenses/by/4.0/</a></p>		<p>This license lets others distribute, remix, tweak, and build upon your work, even commercially, as long as they credit you for the original creation. This is the most accommodating of licenses offered.</p>
<p><b>Attribution-ShareAlike</b> <b>CC BY-SA 4.0</b></p> <p><a href="https://creativecommons.org/licenses/by-sa/4.0/">https://creativecommons.org/licenses/by-sa/4.0</a></p>		<p>This license lets others remix, tweak, and build upon your work even for commercial purposes, as long as they credit you and license their new creations under the identical terms.</p>
<p><b>Attribution-NoDerivs</b> <b>CC BY-ND 4.0</b></p> <p><a href="https://creativecommons.org/licenses/by-nd/4.0/">https://creativecommons.org/licenses/by-nd/4.0</a></p>		<p>This license allows for redistribution, commercial and non-commercial, as long as it is passed along unchanged and in whole, with credit to you.</p>
<p><b>Attribution-NonCommercial</b> <b>CC BY-NC 4.0</b></p> <p><a href="https://creativecommons.org/licenses/by-nc/4.0/">https://creativecommons.org/licenses/by-nc/4.0</a></p>		<p>This license lets others remix, tweak, and build upon your work non-commercially, and although their new works must also acknowledge you and be non-commercial, they don't have to license their derivative works on the same terms.</p>

Licence	Badges	Description
<p><b>Attribution-NonCommercial-ShareAlike</b></p> <p><b>CC BY-NC-SA 4.0</b></p> <p><a href="https://creativecommons.org/licenses/by-nc-sa/4.0">https://creativecommons.org/licenses/by-nc-sa/4.0</a></p>		<p>This license lets others remix, tweak, and build upon your work non-commercially, as long as they credit you and license their new creations under the identical terms.</p>
<p><b>Attribution-NonCommercial-NoDerivs</b></p> <p><b>CC BY-NC-ND 4.0</b></p> <p><a href="https://creativecommons.org/licenses/by-nc-nd/4.0">https://creativecommons.org/licenses/by-nc-nd/4.0</a></p>		<p>This license is the most restrictive of our six main licenses, only allowing others to download your works and share them with others as long as they credit you, but they can't change them in any way or use them commercially.</p>

Source: Creative Commons Australia - <https://creativecommons.org/licenses/>

### Which Creative Commons license should I use?

Agencies wishing to explore the full range of Creative Commons licenses should utilise the Creative Commons Australia License Chooser and the Creative Commons Licensing Flowchart.

Consult the fact sheets page of the Creative Commons Australia website for further in-depth information on the use of Creative Commons.

### Creative Commons as the default for your agency

Custodians who wish to adopt Creative Commons as the default licensing framework across their entire agency and who have further questions around the framework may wish to seek appropriate advice before doing so.

### Other licensing options

There may be instances where agencies are required to set out special copyright arrangements. Examples of this include where legislation stipulates a particular copyright position, or a more restrictive licence to those provided under Creative Commons is required.

Agencies should examine their own requirements prior to publishing data including consideration of the overheads inherent in implementing and policing customised licensing regimes, as opposed to the use of standardised licences available under Creative Commons.

### Intellectual property

Data may have inherent intellectual property and deliver more value and better outcomes for the State when access to the data is managed appropriately. Agencies should consider the [Western Australian Government Intellectual Property Policy 2015](#) which provides guidance on the development, management and use of intellectual property assets, including data.

### Charging for data

The policy urges agencies to make their data readily available at zero cost, where possible, to ensure the full value of the State's data assets are being realised. However it is acknowledged that in some cases it is appropriate for charges to be applied. For example, some agencies have legislation that stipulates how and when they are required to apply charges for the supply of data.

The complexities of attaching a fair and equitable price to government data is beyond the scope of the policy, and it is recommended that agencies giving consideration to charging for data, or who have further questions, should contact the policy lead agency, Landgate, or Treasury for advice.

### Related guidelines and policies

Other strategies, policies, and advice that may be considered in conjunction with this fact sheet include:

- ❑ [Creative Commons Australia](#)
- ❑ [WA Government Intellectual Property Policy and Best Practice Guidelines](#)
- ❑ [Privacy Act 1988](#) (Commonwealth)
- ❑ [State Records Act 2000](#)
- ❑ [Industry and Technology Development Act 2006](#)
- ❑ [WA Government Statement on Competitive Neutrality 1996](#)
- ❑ [WA Government Costing and Pricing Guidelines](#)