



# Exclusive Agreements

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## Article 11

Contracts or other arrangements between the public sector bodies holding the documents and third parties shall not grant exclusive rights

## What is an exclusive agreement?

An agreement that grants rights to one person or organisation to the exclusion of other persons or individuals

## Why should the public sector not grant exclusive rights?

- because in granting rights to one person/organisation, it prevents others from being granted the same rights
- it goes against the principle of non-discrimination
- it could prevent re-use

## Why are exclusive agreements desirable to publishers?

- because investment in information products often involves substantial investment by the publishers
- exclusive licensing is the norm in the publishing industry

**BUT**

- public sector information is special!

## Where are exclusive arrangements permitted?

- when the information product falls outside the scope of the public sector body's public task
- when it is necessary for the provision of a service in the public interest (Article 11)
- where the right to authorise re-use is retained

## What is required to meet the Directive?

- identify and publish summary details of all exclusive agreements
- review the validity for granting exclusive rights
- terminate exclusive agreements at the earliest opportunity

## What has OPSI done?

- published details of all exclusive agreements –  
31 December 2008

<http://www.opsi.gov.uk/advice/psi-regulations/exclusive-agreements>

- ongoing review
- good practice

**Want to know more?**

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