

Use of Google[®] Maps for display and promotion purposes

1 Introduction

A number of our customers have expressed interest in using Google Maps as their preferred backdrop to their business information on public-facing websites.

This brief question and answer (Q&A) paper should help answer certain questions you may have around the use of Google Maps for displaying your business information.

2 Frequently asked questions

Q) Can my authority display data we have captured or created ourselves, without using Ordnance Survey data as a base, on top of a Google Maps backdrop?

A) Since Ordnance Survey has no intellectual property (IP) interest in data that you have created without using our data as a base, naturally you can use Google in this way.

Q) I want to pass information I have captured, which has been derived from Ordnance Survey data, onto Google for Google to display on Google Maps. Can I do this?

A) Any use of Ordnance Survey data, or data derived from Ordnance Survey data, should be in accordance with the terms of your licence. You are only able to provide such data to a third party in limited circumstances, for example, to your contractor undertaking authority business on your behalf, and only provided that such contractor enters into a Contractor's Licence. (You should note that we believe the terms of the Contractor's Licence are wholly inconsistent with what we understand to be Google's standard terms and conditions.)

Therefore, you cannot pass such information to Google for display on Google Maps, and we must remind you that provision of data to Google in this way would be in breach of Crown copyright.

Q) I want to pull Google Maps onto my system and host my Ordnance Survey derived business information on top, so that no data will pass to Google. Can I use this solution instead?

A) No. Although you will not be passing any data directly to Google, by displaying such data on top of Google Maps in this way and making such mapping available to the public, it appears that you will be granting Google a licence to use such data. This is the case despite the fact that you will be hosting the data on your system. Google's terms and conditions appear to provide that any display of data on or through the Google services grants Google a perpetual, irrevocable, worldwide, royalty-free licence to reproduce, adapt, modify, translate, publish, publicly perform, publicly display and distribute such data.

The terms of your licence do not permit you to license Ordnance Survey data to a third party in these circumstances.

NOTE: The answer to this question is based on our understanding of which of Google's standard terms and conditions we believe would apply.

In the event that Google is prepared to offer you terms and conditions which do not involve you purporting to grant Google a licence of Ordnance Survey base or derived data, we would have no objection to your hosting such data on top of Google Maps in this scenario.)

Q) What constitutes data 'derived' from Ordnance Survey data?

- A) Simply put, Ordnance Survey derived data is any data created using Ordnance Survey base data. For example, if you capture a polygon or a point or any other feature using any Ordnance Survey data, either in its data form or as a background context to the polygon/point/other feature capture, this would constitute derived data.

It should also be borne in mind that data from other suppliers may be based on Ordnance Survey material, and thus the above considerations may still apply. We therefore recommend that you verify whether any third-party mapping you use may have been created in some way from Ordnance Survey data before displaying it on Google Maps.

NOTE: Again, the answer to this question is based on our understanding of which of Google's standard terms and conditions we believe would apply. In the event that Google is prepared to offer you terms and conditions which do not involve you purporting to grant Google a licence of Ordnance Survey base or derived data, we would have no objection to your hosting such data on top of Google Maps in this scenario.

If you have any other questions or require further information, please contact the Mapping Services Agreement helpdesk on 023 8079 2706 or email them at msa@ordnancesurvey.co.uk

3 Control information

3.1 Responsibility for this document

Richard Mortara, Local Government and Emergency Services Contracts Manager is responsible for the content of this document.

3.2 Approved for issue

John Kimmance, Head of Sales: Public Sector and Utilities

3.3 Validity period

This document is valid until further notice

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