

Norfolk Moth Survey Data Policy / Privacy Policy

This policy concerns the collection, use and sharing of records by the Norfolk Moth Survey (NMS). We believe that everyone involved in the transmission of a record, from the field observation to the end user, should be aware of, understand and agree with the following terms and conditions that govern the collation and dissemination of NMS data. This data policy may be subject to revision at any time in the future after due consultation. Please review the latest version of this policy regularly.

First principles

- The NMS aims to maximise the use of records and data to promote understanding, recording and conservation of moths and their habitats. NMS records will be made available in a controlled and managed way to fulfil this aim.
- The NMS needs permission to use records received from recorders.
- All recorders supplying records to the NMS, typically via the County Moth Recorder, will be considered to have granted permission for the NMS to use the records as outlined in this policy.
- Nevertheless, recorders will retain ownership of their records and, of course, are free to use them as they wish. The NMS will own the dataset and use it in accordance with this policy.
- It is impractical to obtain permission individually from every recorder (especially for historical records) or to have different criteria governing access to records from individual recorders.
- The NMS will promote this data policy widely so that recorders can make an informed choice about submitting records.

Some specifics

- **Use of NMS data.** Records will be used to provide feedback to moth recorders and to stimulate further recording, as well as to inform conservation decision-making, the planning system, research, education, policy development, increasing public awareness and other uses in line with the stated aims of the NMS.
- **Use of Images.** All images on the norfolkmoths.co.uk web site are the exclusive copyright of their respective owners. Each photograph is credited with the owner's details beneath the photo. Permission to use any photographs must be sought from the copyright holder themselves.
- **Sharing NMS data.** Summary distribution information (at 2km x 2km grid square resolution) will be made openly and freely available to the public through maps on the norfolkmoths.co.uk web site. This is to provide feedback and information to moth recorders and to support not-for-profit decision-making, education, research and other public-benefit purposes. Typically, data will be exchanged directly with the Norfolk Biodiversity Information Service (NBIS), Butterfly Conservation and other NMS project partners.
- **Restrictions.** NMS reserve the right to refuse requests for data. Access to data may be restricted if making data available increases the risk of damage to moth populations and habitats or undermines in any way the collation of volunteered records through the NMS. Records of an agreed list of species (shown in Appendix 1) are considered to be sensitive and will not be made openly available.

- **Personal details.** Personal data (e.g. the recorder's name and address) will be managed in accordance with the Data Protection Act 1998 and/or subsequent legal provisions. Recorder address and contact details will not be available to the general public, but may be provided to third parties as part of data requests. You are considered to have granted permission for the NMS to publish your name on the web site or newsletter (e.g. the Migrant Moth Report) unless otherwise informed. Your full address will not be published on the web site. Contact details will not be passed on without the permission of the person concerned. Data users will be encouraged to acknowledge recorders.
- **Website**
 You agree to use the Website only for lawful purposes and in a way that does not infringe the rights of, or restrict or inhibit anyone else's use and enjoyment of the Site.
 The Website may contain material, views and opinions that are not representative of the NMS.
 You agree that all content is provided on an "as is" basis and that the Website is intended for general use without any specific purpose. You accept that this Website is not guaranteed to be free of errors and may not be available uninterrupted at all times. Under no circumstances will the NMS be liable for any of the following losses or damage (whether such losses are foreseen, foreseeable, known or otherwise): (a) loss of data; (b) loss of revenue or anticipated profits; (c) loss of business; (d) loss of opportunity; (e) loss of goodwill or injury to reputation; (f) losses suffered by third parties; or (g) any other loss indirect, consequential, special or exemplary damages arising from the use of the Site regardless of the form of action.
 Cookies are small pieces of information left on your computer that identify you.
 The NMS may set cookies on your computer from this Site. In most cases the functionality of this Site will remain whilst logged on if you choose not to accept cookies. Whilst logged off you may experience some limitation of services if you choose not to accept cookies.
 When you register on the website as a Member, any information given by you will be managed in accordance with the Data Protection Act 1998 and/or subsequent legal provisions.

When you submit contributions you warrant that:

- (a) they are your own work or you have the right to make this contribution available,
 - (b) they are not defamatory and do not infringe any law, and that
 - (c) you indemnify the NMS against all legal fees, damages and other expenses that may be incurred by the NMS as a result of your breach of the above warranty.
- The NMS reserves the right to remove or edit any material considered inappropriate.

Appendix 1

Sensitive Norfolk moth species

Records of the following species are currently considered sensitive, although the list will be regularly reviewed by the Norfolk Moth Survey.

Barred Tooth-striped (*Trichopteryx polycommata*)
 Bedstraw Hawk-moth (*Hyles gallii*) (Larval records)
 Coleophora hydrolapathella (Water-dock Case-bearer)
 Coleophora tricolor (Basil-thyme Case-bearer)
 Reed Leopard (*Phragmataecia castaneae*)
 Scarce Vapourer (*Orgyia recens*)
 Shaded Fan-foot (*Herminia tarsicrinalis*)
 Narrow-bordered Bee Hawk-moth (*Hemaris tityus*)