

# National Biodiversity Network - Sensitive Species Policy

## Introduction

This document describes the National Biodiversity Network's (NBN) Sensitive Species Policy. The policy provides a framework for a standardised, agreed, and defensible method of handling sensitive species data on the NBN Atlases and an 'industry standard' approach, which can be recommended to NBN member bodies for adoption internally if desired. The policy will maximise the availability of species data to support research, decision making, policy development, land management etc. while providing appropriate levels of protection to species which could be harmed if detailed information about their location were to be made public.

## Background

This policy provides the criteria upon which the sensitive species lists will be based.

The NBN has a responsibility to ensure that steps are taken to reduce the risk of environmental harm due to the release of sensitive data, while still maintaining as much open access to data as possible.

All data supplied to the NBN Atlas are displayed at the spatial resolution submitted by data providers, except records of species on the NBN Atlas sensitive species lists. Sensitive species records will be supplied at capture resolution but only available publicly on the NBN Atlas (to view or download) at the spatial resolution detailed on the sensitive species list (a resolution at which the risk of harm to a species is considered acceptable) Date information will also be reduced in quality to prevent location information being inferred through a common recorder name and date of survey. Access to higher resolution sensitive species records will be available via the NBN Atlas upon request, provided approval from the data partner is granted.

Previously, UK country agencies have drawn up their own sensitive species lists based on specific sensitivities in each country. However, the NBN requires a single set of criteria agreed on by contributors across sectors of the Network to ensure transparency in data flows and in access to data via the NBN Atlas.

This sensitive species policy has been drawn up in consultation with the whole Network. The sensitive species lists that result from this policy will be created by taxon experts within the Network based on the approach and criteria defined in this policy.

## How do we define 'sensitive'?

A species is deemed sensitive if the release of information detailing its location could cause it to be damaged, or cause other related environmental harm. This could include intentional damage such as collection, hunting and destruction of habitat, or accidental damage through disturbance.

The fact that a species is rare does not necessarily mean that it is sensitive, and many rare species will not be included in the NBN Atlas sensitive species lists. Many rare species will be at greater risk if their location is not known, for example, their habitat may be damaged due to a building development if the contractors were unaware of the rare species' presence.

## **Sensitive species criteria**

The previous work of the country agencies has been taken into account, and the criteria used to define the sensitive species lists are based on those drawn up by the Countryside Agencies' Open Information Network from a document entitled: '*The 'Environmental Exception' and access to information on sensitive features*'<sup>1</sup>. The list of 10 criteria (available in appendix 1) outlines ways in which a species is deemed sensitive.

## **Seasonal Sensitivity**

Many species are only sensitive at certain times of the year or during specific life cycle stages e.g. breeding. The sensitive species lists may therefore define a date range within which the species' location must be blurred. All records for species outside of that date range will be available at the full supplied resolution.

## **Country lists**

There will be separate sensitive species lists for each country that contributes to the NBN Atlas. Each list will be drawn up based on the same 10 criteria, however, the species that meet these criteria may vary between countries. The criteria will be agreed centrally (i.e. by all country participants) and a core sensitive species list will be drawn up that can be tailored to be representative of individual countries.

Data partners are also able to opt-out of records being blurred if they feel that the locality or lifecycle of the individual record is not sensitive, allowing further geographical or seasonal refinement.

## **Who will create lists?**

The lists will be drawn up by taxonomic group experts following consultation with their peers.

## **When will the criteria and lists be reviewed?**

The sensitive species *criteria* will be reviewed annually between 2018 and 2020, and after this, they will be reviewed every 3 years, except in exceptional circumstances.

The reviews will ensure that any changes in species sensitivity is reflected. Any changes in the sensitive species lists will apply to records that are already held on the NBN Atlas as well as new ones. Network members will be able to contest the addition / removal of any species on the list. They will be required to provide evidence to demonstrate how the species meets/does not meet the selection criteria for a panel of experts to consider, with the aim of resolution within 30 days of the submission of evidence. This panel of experts may vary year on year, but representation for each taxon group will be ensured. Experts are asked to apply to the NBN Secretariat if they would like to volunteer to contribute to the panel for reviewing the sensitive species lists, or the NBN Trust may approach appropriate people to join the panel. The NBN Trust (informed by experts in the Network) will have the final say if there are any on-going disputes regarding the presence of a species on the sensitive species list.

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<sup>1</sup> Countryside Agencies' Open Information Network- "*The 'Environmental Exception' and access to information on sensitive features*", Environmental Information Regulations Guidance Note No 1.

**Appendix 1**

## Criteria for sensitive species

	<b>A: Criterion (Indication of 'sensitivity')</b>	<b>B: Explanation</b>	<b>C: Examples</b>
1	The feature is at risk from a damaging human activity, which is affected by public availability of information.	<p>Most features at risk are attractive, interesting, desirable or rare. Types of activity which could cause environmental harm include: -</p> <ul style="list-style-type: none"> <li>• Disturbance to birds or mammals by people wanting to see them at close quarters;</li> <li>• Trampling caused by visitors viewing or photographing plants;</li> <li>• Collecting of invertebrates, plants or birds' eggs.</li> <li>• Badger baiting or hunting;</li> <li>• Persecution of raptors;</li> <li>• Commercial exploitation of scarce species.</li> </ul> <p>Releasing information about such features could increase the level of activity and thus the extent of the harm.</p>	<ul style="list-style-type: none"> <li>• Breeding Golden Orioles are sought after by both egg collectors and bird watchers and are very vulnerable to disturbance during the breeding season.</li> <li>• Killarney Fern is naturally rare and prized by gardeners, and specimens are at risk of being dug up by collectors.</li> </ul>
2	The feature has characteristics that make it particularly vulnerable to the harmful activity.	<p>Thriving populations of common species can recover from occasional incidents of harm, and these would not meet this criterion. However, other features are vulnerable to even small levels of damage, because for example:-</p> <ul style="list-style-type: none"> <li>• Small population size;</li> <li>• Population which is already in decline or threatened;</li> <li>• Very localised UK distribution or a large percentage of the feature occurs in a single location;</li> <li>• Low reproductive rate;</li> <li>• Newly colonised in an area;</li> <li>• Particularly fragile and slow to recover from damage;</li> <li>• The harm is particularly catastrophic to the feature.</li> </ul>	Fresh-water pearl-mussel is already on the verge of extinction in Wales. Illegal pearl-fishing kills the mussels and can wipe out local populations.

		The fact that the feature is legally protected or scheduled, appears on a list of conservation concern or in a Red Data Book, is alone, <i>insufficient</i> to meet this criterion.	
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3	There is established evidence of current or recent harmful activity to the feature.	<p>This test of harm is stronger than that in the Freedom of Information Act 2000, in which some exemptions apply if the information '*would, or would be likely to, prejudice...'</p> <p>Therefore, there must be appropriate evidence to support the probability of harm, not merely an assertion or feeling of harm. Appropriate evidence could include an evidence-based risk analysis that takes into account the probability and the potential impact of misuse of that information.</p>	In some places, activities such as badger baiting or egg collecting were once common but are now virtually unknown. The fear of harm may remain, but this is unlikely to be sufficient grounds to withhold information.
4	The information is of a type which could actually enable someone to carry out a harmful activity.	<p>For most sensitive species, it is only information that describes the <b>actual location</b> of the nest or plant population etc that could lead to harm.</p> <p>In general, most other information will confer little or no advantage on someone seeking to locate a feature or carry out a particular activity, and withholding such information can rarely be justified. E.g. general ecological information, research findings, conservation plans and objectives etc.</p> <p>Furthermore, many species are only vulnerable during part of their lifecycle, for example, during the breeding period when threats like disturbance or egg-collecting may apply. Therefore, in general, information relating to the rest of the lifecycle should not be restricted.</p>	<ul style="list-style-type: none"> <li>For otter, the location of active holts may be considered sensitive, but a report describing the ecology, location of spraints, distribution and future conservation plans for otter in an area may not.</li> <li>Although the sporophyte (spore-producing) phase of Killarney Fern is rare and collectable, the gametophyte phase is more common and of little interest. Therefore, there are few grounds for withholding information about the location of gametophytes.</li> </ul>
5	The information is at a precision or scale that allows someone to	If information about locations of sensitive features is presented at a detailed or large-scale (e.g. 6-figure grid reference, or point data on a 1:25,000 scale map) it	The location of Peregrine Falcon nest sites is unlikely to be considered sensitive providing it is released at a scale of 10km sq or coarser, but could be considered

	accurately locate the feature.	will, in most cases, allow the feature to be easily located, and disclosure may be harmful. However, information presented at a coarse or small-scale or in a vague or aggregated way (e.g. 2-figure grid-reference, occurrence represented on a 10km square grid) will, in most cases, confer little or no advantage in enabling someone to locate the feature, and it may be safely released. Other similar issues may also apply. For example, the location of a sighting of a very mobile or migratory species may confer little advantage in relocating that species. Whereas, the opposite would apply to a species which was site-faithful or exhibited very predictable behaviour.	sensitive if released at a more detailed scale.
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6	The feature is at risk in the area/region in question.	It is not appropriate to apply a national blanket policy, so it is important to identify where a feature is at risk and where it is not. For example, a species may be relatively common in England but rare in Wales; similarly, badger digging may be a particular problem in one region or county but not elsewhere. Furthermore, certain sites provide a high level of physical protection, for example, by using wardens. Therefore, in regions and sites where the feature is not at risk, in general information should be released freely. (NB. Legislative protection e.g. site designated as SSSI, does not necessarily provide actual physical protection.)	Sites where the Large Blue butterfly has been introduced are carefully wardened, so release of these locations is acceptable.
7	The risk of harm to the feature will not be increased by withholding information.	Species should only appear on the sensitive species lists if withholding information would not risk causing more harm than good. In some instances, it is important to have as much information as possible about a rare species. For example: -	<ul style="list-style-type: none"> <li>• Rare deadwood invertebrates may be destroyed by landowners innocently clearing and burning fallen timber, unless they are informed of their presence.</li> <li>• Urban badger setts often benefit from being watched over by sympathetic human neighbours.</li> </ul>

		<ul style="list-style-type: none"> <li>• Ignorance about the location of a feature can increase the risk of accidental or inadvertent damage.</li> <li>• If the presence of a sensitive feature is widely known, more people can watch out for potential harm.</li> <li>• On SSSIs, offences are committed if their owners or occupiers either permit or carry out operations without prior consent and if any person either intentionally or recklessly damages, destroys or disturbs their special interest features..</li> </ul>	
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8	The information is <i>not</i> already publicly available.	Much biodiversity information is already widely available and it is nonsensical to be secretive for the sake of it. The location of species at 'honeypot' sites is an example. Also, consider whether information is circulating freely within the community of people likely to cause the harm, even if it is not more widely known. However, limited publication, such as where there is a restricted distribution list should not alone be construed as being ' <i>widely available</i> '. There is no need to allow general release of information in such cases.	The existence of Ospreys at Loch Garten nature reserve in Scotland is well known and publicised.
9	Disclosure would damage the ability of a conservation organisation to achieve a specific conservation objective.	Sometimes it is necessary to take very pragmatic decisions to achieve conservation aims and objectives. On rare occasions, it may be necessary to refuse to release biodiversity information, because it would compromise a scientific study or significantly damage relationships with others (e.g. landowners, volunteer information providers), without whose support it would not be possible to achieve the desired end. It is necessary to state clearly what the adverse effects would be. This criterion can be applied over any length of time	A landowner does not want a Salmon survey made public for fear of illegal fishing, and threatens to break off communication with the Agency. The Agency does not regard Salmon as a sensitive species but withholds the information on the grounds that it is dependent on the landowner's cooperation to achieve important conservation objectives and avoid harm to the river.

		and so includes longer-term objectives.	
10	Disclosure would allow the locations of sensitive features to be derived through combination with other information sources.	In some case, a sensitive feature may be closely correlated in the field with some other non-sensitive habitat, species or geological formation. Therefore, it may be possible for an individual to derive detailed locations for a sensitive feature indirectly using a combination of information sources. It is important to consider this when responding to multiple requests for information.	The Dark Bordered Beauty moth is highly collectable and threatened. It is associated with Aspen. Thus, releasing detailed locations of Aspen and vague locations of Dark Bordered Beauty may allow the exact locations of the latter to be derived.