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

The NBN Trust 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 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 the resolution chosen by the data provider but will only be 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). As of 2018, date information is no longer reduced in quality. Access to higher resolution sensitive species records can be available via the NBN Atlas upon request to the data provider.

The NBN Trust will continue to use the UK and Isle of Man Agency sensitive species lists (i.e. SNH, NIEA, NE, NRW and MNH), which are based on specific sensitivities in each country. The NBN Trust will assist and support data providers and other interested parties in requesting changes to the individual country lists.

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; 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 criteria used by the Country Agencies to define their 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*¹. The ten criteria are detailed in Appendix 1.

Making changes to the sensitive species lists

The country agencies are responsible for any changes to the taxa in their sensitive species lists. The NBN Trust will apply changes as directed by the agencies to all records that are already held on the NBN Atlas as well as new ones going forward. All changes to the sensitive species lists will be reported on the NBN Atlas documentation site.

The NBN Trust will support data providers and species experts in asking for changes to the sensitive species lists. For each taxa affected the data provider will be asked to provide evidence to demonstrate how the taxa meets or does not meet the selection criteria. It is important that the data providers supply evidence of 'environmental harm' for taxa to be included on the lists. Ultimately the decision lies with the country agencies. Please contact the NBN Trust (support@nbn.org.uk) if you would like to discuss changes to the sensitive species lists.

Proposed changes to the management of sensitive species on the NBN Atlas

The NBN Trust has been asked to implement some changes to the management of sensitive species on the NBN Atlas. The proposed changes are listed below and currently the NBN Trust is investigating the demand and feasibility of these changes.

- 1. **Opting-out** Data partners will be able to opt-out of individual records that they supply being blurred if they feel that the locality or lifecycle of the individual record is not sensitive. Any opting-out will be done on a record by records basis.
- Seasonal and life stage 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.

¹ 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

	A: Criterion	B: Explanation	C: Examples
	(Indication of		
	'sensitivity')		
1	The feature is at risk from a damaging human activity, which is affected by public availability of	Most features at risk are attractive, interesting, desirable or rare. Types of activity which could cause environmental harm include: - • Disturbance to birds or mammals by people wanting to see them at close	 Breeding Golden Orioles are sought after by both egg collectors and bird watchers and are very vulnerable to disturbance during the breeding season. Killarney Fern is naturally rare and prized by gardeners, and specimens are at risk of being dug up by collectore
	information.	 quarters; Trampling caused by visitors viewing or photographing plants; Collecting of invertebrates, plants or birds' eggs. Badger baiting or hunting; Persecution of raptors; Commercial exploitation of scarce species. Releasing information about such features could increase the level of activity and thus the extent of the harm. 	of being dug up by collectors.
2	The feature has characteristics that make it particularly vulnerable to the harmful activity.	 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:- Small population size; Population which is already in decline or threatened; Very localised UK distribution or a large percentage of the feature occurs in a single location; Low reproductive rate; Newly colonised in an 	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.

		area;	
		 Particularly fragile and 	
		slow to recover from	
		damage;	
		The harm is particularly	
		catastrophic to the feature.	
		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.	
		insufficient to meet this criterion.	
	A: Criterion	B: Explanation	C: Examples
	(Indication of		
	'sensitivity')		
2	Thoro is	This tast of harm is stronger than	In some places, activities such as
3	ostablichad	that in the Freedom of	badger baiting or egg collecting were
		Information Act 2000 in which	once common but are now virtually
		annonnation Act 2000, in which	unknown. The fear of harm may
		information "twould or would be	unknown. The leaf of harm may
		likely to projudice.	aufficient grounds to withhold
		likely to, prejudice	sufficient grounds to withhold
	leature.		information.
		I nerefore, 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.	
4	The information	For most sensitive species, it is	 For otter, the location of
	is of a type	only information that describes	active holts may be considered
	which could	the <i>actual location</i> of the nest or	sensitive, but a report describing the
	actually enable	plant population etc that could	ecology, location of spraints,
	someone to	lead to harm.	distribution and future conservation
	carry out a	In general, most other information	plans for otter in an area may not.
	harmful	will confer little or no advantage	 Although the sporophyte
	activity.	on someone seeking to locate a	(spore-producing) phase of Killarney
		feature or carry out a particular	Fern is rare and collectable, the
		activity, and withholding such	gametophyte phase is more common
		information can rarely be justified.	and of little interest. Therefore, there
		E.g. general ecological	are few grounds for withholding
		information, research findings,	information about the location of
		conservation plans and objectives	gametophytes.
		etc.	
		Furthermore, many species are	

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		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.	
5	The information	If information about locations of	The location of Peregrine Falcon
5	is at a procision	sonsitive features is presented at	nest sites is unlikely to be
	or scale that	a detailed or large-scale (e.g. 6-	considered sonsitive providing it is
		figure grid reference, or point	released at a secle of 10km ag or
	allows	dete en e 1:25 000 ecolo men) it	accessed at a scale of Tokin sq of
		uala on a 1.25,000 scale map) it	
		will, in most cases, allow the	
		leature to be easily located, and	detalled scale.
	reature.	disclosure may be narmful.	
		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.	
	A: Criterion	B: Explanation	C: Examples
	(Indication of		
	'sensitivity')		
6	The feature is	It is not appropriate to apply a	Sites where the Large Blue butterfly
ſ	at risk in the	national blanket policy, so it is	has been introduced are carefully
	area/region in	important to identify where a	wardened, so release of these
1	question	feature is at risk and where it is	locations is acceptable
	4000001	not For example, a species may	
1		he relatively common in England	
		but rare in Wales: similarly	
		badgar digging may be a	
1		particular problem in and radian	
		particular problem in one region	
1		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.)	
7	The risk of	Species should only appear on	 Rare deadwood invertebrates
	harm to the	the sensitive species lists if	may be destroyed by landowners
	feature will not	withholding information would not	innocently clearing and burning
	be increased by	risk causing more harm than	fallen timber, unless they are
	withholding	good. In some instances, it is	informed of their presence.
	information.	important to have as much	 Urban badger setts often
		information as possible about a	benefit from being watched over by
		rare species. For example: -	sympathetic human neighbours.
		 Ignorance about the 	
		location of a feature can increase	
		the risk of accidental or	
		inadvertent damage.	
		 If the presence of a 	
		sensitive feature is widely known,	
		more people can watch out for	
		potential harm.	
		On SSSIs an offence is	
		only committed if a landowner or	
		third party <i>intentionally</i> causes	
		damages. So full knowledge of	
		the protected features nullifies a	
		defence of inadvertent damage.	
		In such cases, the risks caused	
		by withholding information should	
		be weighed against the benefits.	
	A: Criterion	B: Explanation	C: Examples
	(Indication of		
	'sensitivity')		
8	The information	Much biodiversity information is	The existence of Ospreys at Loch
	is <i>not</i> already	already widely available and it is	Garten nature reserve in Scotland is
	publicly	nonsensical to be secretive for	well known and publicised.
	available.	the sake of it. The location of	
		species at 'honeypot' sites is an	
		example. Also, consider whether	
		information is circulating freely	
1		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	
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 and so includes longer-term objectives	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.
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.