



Information on the new Terms of use and the new extensions on *ornitho.ch*

Dear user of *ornitho.ch*, dear collaborator,

The interest in the bird sightings collected on *ornitho.ch*, particularly the breeding bird data for priority or "Red List" species, has increased dramatically in the last years. Cantonal and Federal authorities, regional parks, conservation and environmental impact studies organisms are requesting more and more often such data. This is a very positive development since it also means that the data you are collecting every day form indeed a strong basis for the development of biological networking projects, environment impact studies or nature revitalization concepts. Your observations are therefore not only of scientific interest for documentary purposes but have a real impact on the conservation and protection of the species you observe day after day. Furthermore, the Swiss Federal Institute for Forest, Snow and Landscape (WSL), on behalf of the Federal Office for the Environment (FOEN), has set up a virtual data centre (VDC) aggregating for the first time nature inventories and national reserves on the one side and on the other side data on animals, plants and fungi. The Swiss Ornithological Institute contributes to this data centre, like the CSCF ("Swiss Centre for Faunal Cartography"), "Info Flora" as well as other centres collecting data on the flora and fauna in Switzerland. For now the data we are sending to this network are summarized and concern only priority species during the breeding period. Only collaborators of cantonal conservation offices and of the FOEN have access to these data. However, it can be expected that in the future, regional parks and conservation organizations might want to have access to this source of information. Similarly, the list of species available in this data centre will grow. In addition to this program, the Swiss Ornithological Institute is receiving more and more requests of data with precise location.

Free access or limited access?

From one end of Europe to the other, the most diverse trends are observed when it comes to the data access policy to third parties. Sweden guarantees already for many years a virtually free access to all the data (Open Access-Policy) whereas our French colleagues, among others, are much more reluctant in this point. The Swiss Ornithological Institute and the managers of the other fauna and flora data centres of Switzerland (working together as the "*Info Species*" collaboration) are willing to find a pragmatic intermediate solution (see "Terms of use: for a pragmatic yet respectful approach"). On the one hand, all of these centres are linked by contract to the Confederation and financially supported to perform different tasks (e.g. to publish data), resulting in contractual obligations between the different partners. On the other hand, our data are generally private data and therefore there is no legal obligation to make them public. In many cases, there are good reasons not to disclose all data, for example to avoid disturbance and threats towards sensitive species. For this reason these centres and institutes usually decide on their own to make public some data or not, or to publish them only without precise localization.

Our dilemma: when doesn't "hidden sighting" mean "hidden information"?

What is the observer's intention when he chooses to mark a sighting as a hidden sighting on *ornitho.ch*? In the first place this is usually to make sure his observation cannot be viewed by other users of *ornitho.ch*. Still, one should have room for interpretation. If the observer just doesn't want anyone to disturb shorebirds resting for a few days/hours in a flooded field, it would be enough to make the sightings temporally invisible, before making it visible again a few days later, once the field is dry and the birds continued their journey. If the observer discovers an Eagle Owl breeding site, he might want, and rightly so, that this place remains secret forever. However, if one day a highway tunnel is planned at this very place, that person will generally expect us to draw the attention of the authorities on the impact on the Eagle Owl breeding site, forcing us to disclose some information. It is clear with these two examples that we need a more flexible approach concerning data protection without which it is difficult for us to achieve our goals in terms of nature conservation. In some cases we might need to directly disclose protected data whereas in other cases a general statement from us will be sufficient.

Each week we receive many data requests, which is another challenge. Typically, a single data request includes sightings from several dozen of collaborators (which is not surprising as nearly 2'000 collaborators are currently registered on *ornitho.ch*). It is therefore not possible to routinely ask each collaborator to allow us to transmit their sightings – hidden or not - so that we only do that in special circumstances.

Extension of *ornitho.ch* to other taxonomic groups

On many platforms of the *ornitho* family, like in France, Catalonia and Italy (e.g. *ornitho.it*), it is also possible to submit sightings of mammals, amphibians, reptiles, butterflies, and dragonflies. With the new *NaturaList* application, it has become possible to submit such sightings across the whole Europe and not only on these platforms but also in Switzerland. It was therefore logical to make these observations accessible to the users directly on *ornitho.ch* so that they can modify them (e.g. to add a picture or a sound track). Furthermore, many users expressed the wish to be able to submit and manage sightings of each taxonomic groups on a single system.

In agreement with the CSCF and the KARCH we decided to open *ornitho.ch* to other taxonomic groups selected by the CSCF (in a first step: mammals, amphibians, reptiles, dragonflies, and butterflies). As a result it is now possible to submit observations of beaver or slow worm directly to *ornitho.ch* via *NaturaList*. Still, the managing responsibilities remain unchanged: birds-related aspects are managed by the Swiss Ornithological Institute whereas the CSCF and the KARCH are responsible for all other taxonomic groups. These tasks include data quality checks and transfers to the corresponding data banks. This can but only work if each user allows the CSCF to have access to his personal data (those displayed on http://www.ornitho.ch/index.php?m_id=26) and authorizes the export of his "non-bird-sightings" to the CSCF / KARCH networks. To do so you only have to accept the new Terms of Use. All data (birds and other taxa) are subject to the rules of the "Guidelines for ownership, distribution and use of data" published by "Info Species", the Swiss Information Network for fauna, flora and fungal species (http://www.infospecies.ch/fr/assets/content/2013_D%C3%A9ontologie%20Info%20Species_FR.pdf). *Ornitho.ch* remains primarily the avifaunistic platform for Switzerland, now but with an extension to other taxonomic groups.

In a few days, you will be asked to accept the following Terms of Use. Accepting them is mandatory to continue to submit sightings on ornitho.ch.

Terms of Use: for a pragmatic yet respectful approach

The Swiss Ornithological Institute wishes to adapt the terms of use concerning observations and census results to new needs, based on the reflections and arguments outlined above:

1. Hereby the Swiss Ornithological Institute is authorised to utilise transmitted data, pictures or sound recordings for non-profit purposes that are in line with the principles and goals of *ornitho.ch*. This applies to raw data as well as processed data and is also valid for data that have already been transmitted previously.
2. The *Centrale ornithologique romande* of our partner *Nos Oiseaux* is fully integrated in *ornitho.ch*. The *Centrale ornithologique romande* has unlimited access to data collected in the French part of Switzerland.
3. Each user of *ornitho.ch* has the possibility to protect (=hide) parts or all of the data he submits. The Swiss Ornithological Institute guarantees that these protected sightings cannot be seen by any other user of *ornitho.ch*. However, the Swiss Ornithological Institute is allowed to disclose protected data to regional ornithological groups, authorities, administrations of natural reserves, conservation and impact study organisms and similar organizations and researchers, without asking the permission of their owner (the ornitho user), but taking into account the specific protection scheme, if necessary by hiding specific localization or by aggregating data. Similarly, the Swiss Ornithological Institute can use protected data for publication.
4. Users of *ornitho.ch* have the possibility to submit their sighting anonymously, so that their name remains invisible to other users.
5. The users have the possibility, at any time, without providing any reason, to withdraw observations made at random during excursions and prevent the Swiss Ornithological Institute to use them. However, data which constitute a substantial contribution to projects already completed or close to completion, cannot be removed (e.g. unique observation of a given species in an atlas square).
6. The results/contributions to systematic surveys, censuses, mapping programs, atlases or similar projects cannot be withdrawn.
7. Sightings from other taxonomic groups made in Switzerland are transmitted to the CSCF / karch and are subject to the same rights and the same rules (points 1-5). Observations made outside Switzerland are disclosed to the corresponding partner organizations.

The Swiss Ornithological Institute has published a [guideline](#) on “Ownership, dissemination and use of data” for the authorities, partner organizations, researchers and environmental impact study offices.