



## GUIDANCE NOTE

JCT Design and Build Contract 2016

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### **INFORMATION MANAGEMENT CLAUSE**

Including requirements for a security-minded  
information management approach







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## Information Management Clause

Including requirements for a security-minded information management approach

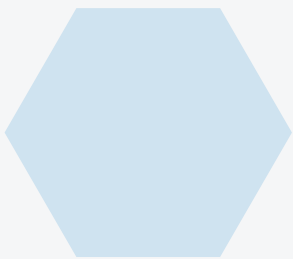
JCT contracts facilitate the process of constructing buildings, setting out the responsibilities of all parties within the construction process. Projects being procured under the JCT Design and Build Contract 2016 (DB2016) which include an information management (IM) element will need to include relevant provisions in the Schedule of Amendments.

The document contains:

1. Background information on the IM Clause;
2. A detailed commentary to support an understanding and correct use of the provisions;

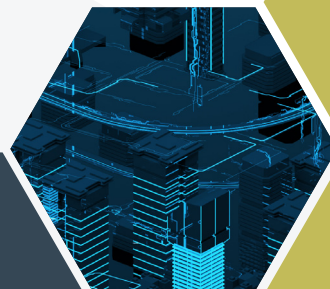
3. Issues to consider when preparing the contract; and
4. The provisions to be included in a Schedule of Amendments to the JCT DB 2016, including where the Construction Industry Council (CIC) BIM Protocol is being incorporated in the contract.

This document is intended for use by an organisation's procurement team, liaising with the legal team as required.



## 1. Background

- 1.1 The UK BIM Framework in conjunction with the CIC has published an Information Protocol for use with BS EN ISO 19650-2:2012 (the Protocol). The Protocol draws together into one document the contractual requirements to be observed by the parties following BS EN ISO 19650-2.
- 1.2 DB2016 already provides for the incorporation of the Protocol. The amendments required to be made to DB2016 and the use of DB2016 in the context of a project using IM are dealt with in the JCT Practice Note BIM and JCT Contracts published in 2019.
- 1.3 This IM clause is to be read in conjunction with the Practice Note. It builds upon the Practice Note to introduce additional references to interoperability, the Construction Playbook, and the security minded approach to digital assets. It is aligned with principles set out in the Information Management Mandate (which can be found in Annex B of Transforming Infrastructure Performance: Roadmap to 2030) (TIP) and the UK BIM Framework.



## 2. Detailed Commentary

- 2.1 This IM clause introduces two new clauses into DB2016 requiring the Employer and the Contractor to comply with the IM Documentation, the Information Criteria and the Standards. The definitions of these three terms are inserted into clause 1.1 (*Definitions*) of DB2016. The definition of “BIM Protocol” is deleted. The effect is to introduce a more extensive list of IM-related requirements than just compliance with the Protocol itself, although this is one of the IM documents that is expressly incorporated into DB2016.
- 2.2 The definition of “IM Documentation” encompasses the Protocol plus all IM documentation to be issued in support of BS EN ISO 19652-2. There is an additional element to the definition to be introduced if DB2016 is issued under a framework agreement.
- 2.3 The definition of “Information Criteria” is intended to introduce the requirements in relation to interoperability, the Construction Playbook and the security-minded approach referred to above. Each of these requirements is explained in further detail below.
- 2.4 Interoperability is defined as: *the ability of two or more systems to exchange information securely and to use the information that has been exchanged*. Further detail in relation to the importance of interoperability can be found in the [BIEG Report](#).
- 2.5 The first bullet point in the definition of “Information Criteria” requires classification of the information using the [Uniclass](#) classification system.
- 2.6 The second bullet point is concerned with how information is delivered throughout the project using BS 1192-4 (COBie) and specifying that delivery of geometrical information is in proprietary and open formats, alphanumeric information and all documentation must be made available in open format and documentation must also be supplied in its native format. Consequently the default position as set out here requires the delivery of information in duplicate formats but it is open to the parties to agree a different requirement if they choose. Whatever is agreed it is important that information is available at the very least in open data formats.



The background features a grid of binary code (0s and 1s) in a light grey color. Overlaid on this are several large, semi-transparent hexagonal shapes in various colors: a light blue one on the left, a dark blue one at the top right, a yellow-green one in the center, and a dark grey one at the bottom center. On the right side, there are vertical strips of a 3D architectural rendering of a city with glowing blue lines representing data or infrastructure.

## 2. Detailed Commentary (cont.)

- 2.7** The third bullet point confirms that in accordance with Construction Playbook principles the Employer's information requirements as contained in the Exchange Information Requirements must be outcome-based, focused on whole life value, performance and cost. See pages 20 and 24 of the Construction Playbook.
- 2.8** The fourth bullet point reinforces the need to maintain data quality by incorporating the requirements set out in BS ISO 8000-8.
- 2.9** The final bullet point deals with the carrying out of a sensitivity assessment and security triage process as described in BS EN ISO 19650-5. These exercises should always be carried out to establish whether there is a need to adopt a security-minded approach to the project or, even if it is decided that there is not, whether the project would benefit from such an approach.
- The definition of "Standards" is intended to encompass the standards relevant to the use and application of IM current at the date of the contract and as may be updated from time to time. They include standards relevant to the operational as well as the delivery stage of the asset. This ties in to the express requirement in the new clauses 2.1.5 and 2.6A for the Employer and the Contractor to comply with these Standards together with the IM Documentation and the Information Criteria.



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### 3. Issues to consider when preparing the contract

- 3.1 The definition of “IM Documentation” includes not only the information available at the date of the Contract but also *“any other documentation prepared after the date of this Contract to facilitate the delivery of information between the parties”*. The Employer and the Contractor will need to agree whether or not any such information received after the date of the Contract will entitle the Contractor to both time and money or just time or neither. If it is agreed that it does, any such agreement should be expressly recorded in the Contract by way of amendment to the list of Relevant Events and Relevant Matters as appropriate. See further the 2019 JCT Practice Note BIM and JCT Contracts.
- 3.2 This IM clause should be reviewed when first used and every six months thereafter to ensure that the various standards and regulations referred to in the clause and this accompanying Guidance Note are still in force and have not been superseded, requiring the clause and/or the note to be updated.



## 4. The provisions

### Insert new clause 2.1.5

“The Contractor shall comply and procure compliance with the latest agreed version of the IM Documentation, and in doing so shall have due regard to the relevant requirements and recommendations of the relevant Standards current as at the date of this Contract and shall follow the Information Criteria.”

### Insert new clause 2.6A Employer's obligations

“The Employer shall comply with its obligations under the latest agreed version of the IM Documentation, and in doing so shall have due regard to the relevant requirements and recommendations of the relevant Standards current as at the date of this Contract and shall follow the Information Criteria.”

Replace “BIM Protocol” in the definitions section (clause 1.1) with “IM Documentation” and add additional definitions for “Information Criteria” and “Standards”. Replace references to “BIM Protocol” throughout the contract with “IM Protocol”.

### IM Documentation

The documents identified as such in the Contract Particulars (against reference to clause 1.1) and attached to the Contract along with any other documentation prepared after the date of this Contract to facilitate the delivery of information between the parties. **[These documents should include all IM documentation including the Information Protocol to support BS EN ISO 19650-2 current as at the date of the contract.]**

**[If the contract is issued under a framework arrangement add the following to the definition of IM Documentation:** Information standards and information production, methods and procedures are contained in [location] of the Framework Agreement between the Employer and the Contractor dated [        ].]



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## 4. The provisions (cont.)

### Information Criteria

All information provided by the Employer to the Contractor and the Contractor to the Employer shall be provided in accordance with the following criteria:

- Information is classified to Uniclass.
- All information is delivered using:
  - geometrical information (including 3D models) in proprietary formats and open data formats and
  - alphanumerical information in open data formats structured in accordance with BS 1192-4:2014 and
  - documentation in native and open data formats.
- The Employer's schedules of information requirements included in the Exchange Information Requirements are outcome-based and not output-based.
- Reviews of Works incorporate the requirements in BS ISO 8000-8 with the aim of ensuring data quality.
- If following the carrying out of a sensitivity assessment and the security triage process pursuant to Clause 4 of BS EN ISO 19650-5 it is established that there is a need for a security-minded approach, all information is generated, processed and managed in accordance with the specified policies and processes developed in line with the requirements of Clauses 5 to 9 of BS EN ISO 19650-5.



## 4. The provisions (cont.)

### Standards

- a. BS EN ISO 19650-1: Organization and digitization of information about buildings and civil engineering works, including building information modelling (BIM) - Information management using building information modelling: Concepts and principles;
  - b. BS EN ISO 19650-2: Organization and digitization of information about buildings and civil engineering works, including building information modelling (BIM) - Information management using building information modelling: Delivery phase of the assets;
  - c. BS EN ISO 19650-3: Organisation and digitization of information about buildings and civil engineering works, including building information modelling (BIM) – Information management using building information modelling: Operational phase of the assets;
  - d. BS EN ISO 19650-5: Organisation and digitization of information about buildings and civil engineering works, including building information modelling (BIM) – Information management using building information modelling: Security-minded approach to information management;
  - e. BS 1192-4: Collaborative production of information: Fulfilling employer's information exchange requirements using COBie – code of practice;
  - f. PAS1192-6: Specification for collaborative sharing and use of structured Health and Safety information using BIM;
  - g. BS 8356 Parts 1 and 2: adopting a systematic approach and using data and documentation to help ensure design takes into account the expected use of an asset during its entire lifetime;
  - h. any other standards which support Information Management notified to the Contractor:
- and any amendments to, re-publication of or replacement of any or all of these Standards.



