

## Digital Agenda: Commission's Open Data Strategy, Questions & answers

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### What is meant by 'open public data'?

Public data is all the information that public bodies in the European Union produce, collect or pay for. This could include geographical data, statistics, meteorological data, data from publicly funded research projects, and digitised books from libraries.

We speak about 'open' public data when that data can be readily and easily consulted and re-used by anyone with access to a computer.

In the European Commission's view 'readily accessible' means much more than the mere absence of a restriction of access to the public. Access and re-use of data can be made difficult by public authorities – often unintentionally – because of a number of barriers:

- A lack of information that certain data actually exists and is available;
- A lack of clarity of which public authority holds the data;
- A lack of clarity about the terms of re-use;
- Data which is made available only in formats that are difficult or expensive to use;
- Complicated licensing procedures or prohibitive fees;
- Exclusive re-use agreements with one commercial actor or re-use restricted to a government-owned company.

Barriers such as these mean that public data cannot be called truly open data.

### Why is open data important?

Opening up governmental data for re-use can have major benefits for citizens, businesses, and society and for the governments themselves:

- **New businesses can be built on the back of this data:** Data is an essential raw material for a wide range of new information products and services which build on new possibilities to analyse and visualise data from different sources. Facilitating re-use of this raw data will create jobs and thus stimulate growth.
- **More Transparency:** Open data is a powerful instrument to increase transparency in public administration, improving the visibility of previously inaccessible information, informing citizens and business about policies, public spending and outcomes.
- **Evidence-based policy making and administrative efficiency:** the availability of solid EU-wide public data will lead to better evidence-based policy making at all levels of government, resulting in better public services.

## What kind of new services can public-sector information give rise to?

Data can be integrated into new products and services, which we use on a daily basis, such as car navigation systems, weather forecasts or other useful "apps" on smart phones. Opportunities for re-use have multiplied in recent years as technological developments have spurred advances in data production as well as data analysis, processing and exploitation.

Some examples:

- **It's Your Parliament** ([www.itsyourparliament.eu](http://www.itsyourparliament.eu)) gives citizens a unique overview of the votes cast in the European Parliament. You can find and compare voting records of members of the European Parliament (MEPs) and political groups, make your own comments and cast your own "votes".
- **UK Pharmacy** ([www.data.gov.uk/apps/uk-pharmacy](http://www.data.gov.uk/apps/uk-pharmacy)) helps people in the UK find their nearest pharmacy via their Smartphone. They can search for a pharmacy/chemist using their phone's built-in GPS or via a place name or postcode search.
- **Europe's energy** (<http://energy.publicdata.eu/ee/vis.html>) combines data from Eurostat and other agencies to produce graphics which visualise Europe's commitments to reduce energy consumption by consumption by 20% and increase the share of renewables in the energy mix to 20% by 2020. The app puts these targets into context and helps users to compare how progress is being made towards them in different countries.
- **OpenCorporates** ([www.opencorporates.com](http://www.opencorporates.com)) is a database of companies. It aims to have a URL for every company in the world. It has grown from 3 territories and a few million companies to over 30 territories and 30 million companies, and is working with the open data community to add more each week.

## Have there already been some success stories?

Public sector bodies which have drastically cut their charges for re-use have seen the number of re-users increase by between 1,000% and 10,000%. For instance, in the case of **Danish Enterprise and Construction Authority (DECA)** the number of re-users went up by 10,000% leading to a re-use market growth of 1,000% over eight years. The additional tax revenue for the government is estimated to be 4 times the reduction in income from fees.

The lowering of charges brings in new types of users, particularly SMEs. For example **SIRCOM (the Communication Service of the French Ministry for the Economy, Finance and Industry)** has been collecting data on fuel prices in France regularly. It introduced a pricing and licensing model for re-use of this data in 2009 (re-use was unregulated before). NAVX, a venture capital company active in the field of location-based services, acquired a licence for commercial re-use right from the very start.

NAVX enriches public data in three ways:

- it filters out double entries and fuel stations that have gone bankrupt,
- it adds data for the fuel stations that are exempt from public reporting obligations,
- and it improves the precision of the geo-localisation.

The enriched data is then used for the company's own GPS and smart phone applications and sold to NAVX's sub-licensees. NAVX focuses on both the B2C business of selling its applications directly to end-users and on the B2B2C business of providing its enriched location-based content to GPS manufacturers, geo-information companies and mobile operators. Building on its strong home market in France, NAVX has been able to expand further to cover at least eight different European countries.

### **How important is open data for the economy?**

The market size and growth of the geographic information sector shows the potential of public data as an engine for job creation. The German market for geo-information in 2007 was estimated at €1.4 billion, a 50% increase since 2000<sup>1</sup>. In the Netherlands, the geo-sector accounted for 15000 full time employees in 2008. Other areas such as meteorological data, legal information and business information also form the basis of steadily growing markets.

A recent study estimates the total market for public sector information in 2008 at €28 billion across the EU<sup>2</sup>. The same study indicates that the overall economic gains from further opening up public sector information by allowing easy access are in the order of €40 billion a year for the EU27. However, the total direct and indirect economic gains from easier PSI re-use across the whole EU27 economy would be in the order of €140 billion annually.

### **What are the elements of the Commission's Open Data package?**

The package consists of 3 elements:

- A Communication on Open Data where the Commission presents its vision and policy on data re-use, including legislative, deployment and funding elements;
- A proposal to revise the 2003 Directive on re-use of public sector information (Directive 2003/98/EC);
- A revision of the Decision governing re-use of Commission's own information ([Decision 2006/291/EC, Euratom of 7 April 2006](#)).

In addition, the Communication will support the creation of Europe-wide open data portals, making public data easily useable.

### **Why do we need a European Directive on this?**

Rules and practices around the re-use of public sector information differ between the EU Member States. Common rules that apply across the EU will help companies to capitalise on the size of the Internal Market, and make it easier to use public data from other EU countries. Only a harmonised set of ambitious rules can enable the market to take full advantage of the commercial and non-commercial opportunities that re-use of public data represents.

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<sup>1</sup> Assessment of the Re-use of Public Sector Information in the Geographical Information, Meteorological Information and Legal Information sectors, MICUS, December 2008.

<sup>2</sup> Review of recent studies on PSI re-use and related market developments, G. Vickery, August 2011.

## **Which public bodies have to comply with the Directive and what will change in this respect?**

The Directive is applicable to all public sector bodies. Under the existing rules from 2003, these bodies are already complying with a minimal set of rules on fair competition, transparency and a number of practical requirements. Public bodies are obliged to:

- be transparent on conditions for re-use;
- avoid any form of discrimination between re-users, including a re-use by the public sector body itself;
- deal with applications for re-use within a set maximum time;
- not enter into exclusive arrangements other than in exceptional circumstances.

The Commission's updated Directive will broaden the scope of applicability of the provisions of the Directive by bringing in sectors previously not covered, and move to a **presumption of openness** for those bodies where the Directive already applies.

More specifically, the updated Directive proposes to make these minimal set of rules applicable to cultural heritage institutions such as libraries (including university libraries), museums and archives which are currently not subject to EU PSI rules

For those public bodies to which the 2003 Directive has already been applied, the proposal for the Directive introduces new features

- All public data that is not covered by one of the exceptions will become re-usable. Thus, the Directive creates a genuine right to re-use public information, absent from the original Directive;
- The general rule for charging will be that public sector bodies can charge at maximum the marginal cost for disseminating the information. In exceptional cases only, full cost recovery (plus a reasonable return on investment) will remain possible.
- Data should be made available in machine-readable formats where possible;
- There will be independent supervision of the implementation of the rules in all the Member States.

Under the 2003 Directive, and the new update, the EU open data rules will **not** apply to:

- Bodies of industrial or commercial character, e.g. public transport authorities;
- Educational and research establishments,
- Performing cultural institutions such as operas, ballets and theatres as well as public service broadcasters, as there may be issues related to intellectual property rights.

## **What about privacy, or copyright protection?**

Personal data (e.g. medical data), data protected under existing privacy protection or accessibility rules (e.g. protection of national and public security) are not re-usable. Likewise, data protected by intellectual property rights of third parties are excluded from re-use.

## **What is the relationship between access and re-use?**

Access, under national freedom of information regulations, is all about obtaining the information. The Directive does not touch upon the existing access regimes in Member States.

Re-use builds on existing access rules, but involves making use of the public information other than the original purpose for which it was created or collected.

### **Why should a public body, which has spent time and money producing this information allow others to re-use it?**

Information prepared as part of a public sector organisations' public task has been gathered at the taxpayers' expense and for their ultimate benefit. As such, it is a public good and the taxpayer has a right to access and re-use that information.

However, it is also reasonable sometimes to expect the re-user, not the taxpayer, to cover the costs of making the information available for re-use. In some special cases some of the costs of gathering that information may therefore be recovered.

### **Can there be conditions on re-use?**

Public bodies should make their data available for re-use as freely as possible. However, there can be conditions on re-use, such as the requirement to indicate a source reference, but they should not unnecessarily restrict the way in which the information can be reused or restrict competition.

On the other hand, all type of re-use is allowed irrespective of its purpose – commercial or non-commercial (the rule is "purpose blind").

### **How can re-users contest the charges, the re-use conditions etc?**

Re-users will have the right to appeal to an independent authority, which the Member State is obliged to establish either by creating a new one or by granting appropriate competence to an existing regulator, such as a national competition authority or the authority dealing with access to information.

In case of dispute over the charges, the burden to prove that the charges for re-use comply with the rules of the Directive will in the future be on the public body and not (as previously) on the re-user.

### **When is the proposal likely to come into effect?**

The revised Directive is likely to come into effect in 2013. Member States will then have 18 months to implement it into their national legislation. There is, however, nothing to prevent any public body adopting before this date the types of improvements to access and use which the Directive introduces. Those Member States that have already adopted more open policies on this issue are already benefitting from the growth of new services in this area.

### **What are the changes in terms of re-use of information held by the Commission?**

The Commission's existing rules on re-use already go beyond the provisions of the Directive: Re-use is allowed at no cost for all accessible Commission information. In exceptional cases marginal costs of dissemination can be recovered. The changes brought by the revised Decision on re-use of Commission information are therefore limited. The main changes are:

- Research information of the Joint Research Centre (<http://ec.europa.eu/dgs/jrc/index.cfm>) will be covered by the Commission's re-use policy, and
- Machine-readable formats will become the norm.

## **What is the role of Open Data web portals?**

Citizens and business sometimes find it difficult to know what kind of information exists and which authority holds this information, in particular if the information is in another Member State where the structure of government and public administration may be unfamiliar.

A number of countries, regions and municipalities have already created portal websites on accessible data. These include [http://opendata.paris.fr.](http://opendata.paris.fr;); [www.dati.piemonte.it](http://www.dati.piemonte.it); [www.data.gov.uk](http://www.data.gov.uk), [www.data.gouv.fr](http://www.data.gouv.fr); [www.data.overheid.nl](http://www.data.overheid.nl).

In 2012, the Commission will set up an Internet portal for its own data. It proposes that other EU institutions, bodies and agencies make their information accessible through this portal, making it the single access point to EU information.

In 2013, the Commission will establish a pan-European portal, bringing together data from different Member States as well as from the European institutions.

## **What financial assistance will the EU provide to support Open Data?**

The Commission funds research and will use different instruments to test and promote the development of innovative solutions, and to ensure the widest possible uptake of open data. Funding will include:

- Funding for research on data-handling technologies ( from 2011-2013 the Commission will spend around €100 million) through the 7<sup>th</sup> Framework Programme for Research and Development and from 2014 onwards [Horizon 2020](#);
- Funding for portal websites, coming from the [CIP](#) programme (2011-2013) and later from the [Connecting Europe Facility](#), which will also contribute to improving the interoperability of data from different Member States and their aggregation into the portals;
- Support for research data infrastructures through the Capacities programme and later [Horizon 2020](#).

### **To find out more:**

[ICT Policy Support Programme](#)

[Digital Agenda for Europe](#)