



From PSI to Open Data Directive: Main changes and next steps

Workshop

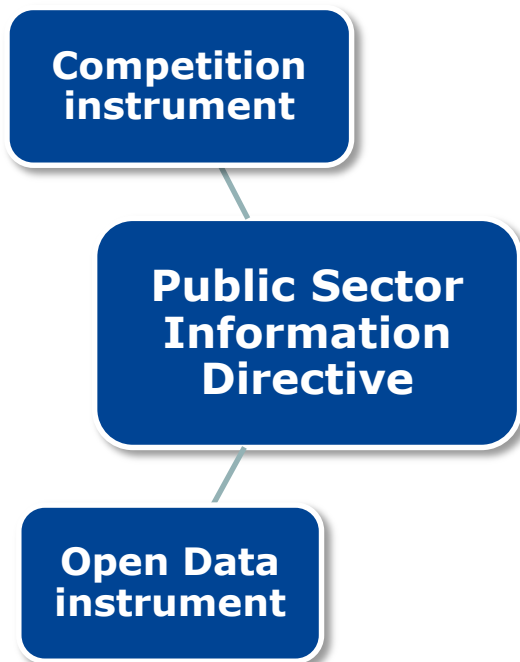
"Public sector data: still a missed opportunity?"

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Public Sector Information (PSI) Directive 2003/98/EC



- Introduces a minimal set of rules on **fair competition, transparency and practical requirements** to ensure that public sector information can be used outside of that sector (i.e. re-used) for commercial or non-commercial purposes.
- The Directive does not apply to:
 - **data not publicly accessible under access to information regimes**
 - **information protected by third party intellectual property rights**
- Application of the Directive must fully respect the Union and the national data protection rules
- PSI Directive was first revised in 2013 (via amending Directive 2013/37/EU)
- Latest revision launched in April 2018 – trilogue discussions concluded on 22 January 2019

Public Sector Information Directive 2003/98/EC

Requirements to ensure that accessible public sector information can be re-used across sectors

Re-use for commercial or non-commercial purposes

Public bodies are obliged to:

- address re-use applications within a time limit
- limit charges: marginal cost of reproduction (subject to exceptions)
- be transparent on conditions for re-use
- avoid discrimination between re-users
- limit use of exclusive arrangements

The new Directive on 'Open Data and the re-use of public sector information': What is new (I)?

The new Directive is a recast: it brings together the original Directive and all the amendments made to it, in a single legal act.

It introduces the following key changes:

- **List of High Value Datasets** (free of charge, disseminated in machine readable formats through APIs) to be laid down in an implementing act, within a thematic range indicated in an Annex (which can be extended via delegated act)
- **New rules on charging:** free re-use becomes a principle, with narrowly defined exceptions (and stronger transparency, e.g.: list of all public bodies that charge above marginal costs of dissemination to be made public)
- **Extension of scope:**
 - a) Re-use of data held by public undertakings in utilities and transport sector will now comply with the principles of transparency, non-discrimination and non-exclusivity set out in the Directive (unless exempted from public procurement rules under article 34 of the Procurement Directive)
 - a) Re-use of publicly-funded research data will also be governed by the rules of the Directive (if data already accessible via repositories). MS under obligation to adopt open access policies to support availability of research data.

The new directive on 'Open Data and the re-use of public sector information': What is new (II)?

- **Prevention of data lock-in:** Directive imposes new transparency and review requirements to public-private agreements which may lead to a situation in which the range of potential re-users would be severely restricted
- **Real-time data and APIs:** obligation on public sector bodies and public undertakings to make dynamic data available for re-use immediately after collection, via suitable Application Programming Interfaces (APIs) and where relevant as a bulk download
- **Licensing:** to promote openness, the re-use of documents shall not be subject to any conditions, unless justified by public interest
- **Practical arrangements to facilitate re-use:** Member States shall encourage the availability of documents according to the principle of 'open by design and by default', facilitate metadata aggregation at Union level, promote data preservation and simplify access to documents
- **New title:** The Directive will now be entitled 'Directive on Open Data and the re-use of public sector information' to reflect the shift towards a fully free/open re-use.

The new directive on 'Open Data and the re-use of public sector information': What is new (III)?

List of thematic categories of high value datasets:

1. Geospatial
2. Earth observation and environment
3. Meteorological
4. Statistics
5. Companies and company ownership
6. Mobility

Examples in recitals:

"the thematic categories listed in the Annex could inter alia cover postcodes, national and local maps (Geospatial), energy consumption and satellite images (Earth observation and environment), in situ data from instruments and weather forecasts (Meteorological), demographic and economic indicators (Statistics), business registers and registration identifiers (Companies and company ownership), road signs and inland waterways (Mobility)."

The new directive on 'Open Data and the re-use of public sector information':

Next steps

- Approval by the Council – early June 2019
- Publication in the Official Journal of the EU in June/July 2019
- 2 years of transposition in Member States

- Work towards the definition of the List of HVDs (2019-21)
 - **PSI Group**
 - **Open Data Committee**

High Value Datasets Implementing Act

- DG CNECT in the lead of the adoption process
- An **Implementing Regulation** will define the list of specific high-value data sets within the 6 thematic categories set out in Annex I and held by public sector bodies and public undertakings **among the documents to which the Directive applies**
- The Commission will work in line with better regulation principles
 - **Study**
 - **Online public consultation**
 - **Public hearing**
- The Commission will be assisted by the Committee on open data and the re-use of public sector information
- The Implementing Regulation is expected to be adopted in 2021