

## Presentation Outline for ELRC Workshop, Section 10:

# “Legal Framework for Contributing Data”

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- Need for:
  - a clear and easy-to-follow regime for data re-use across the EU
  - legal and technical interoperability
  - simple redress mechanisms
- Objective:
  - To develop a single European market for innovative apps based on public data
- Privileged Framework
  - Public Sector Initiative (PSI)
  - Directive 2003/98/EC / revised by Directive 2013/37/EU
  - Malta transposition through Legal Notice 20 of 2007.

# Does the PSI Directive make a difference?



- Yes!
- The new Public Sector Information Directive (PSI) solves a number of issues:
  - Amends/extends the initial PSI Directive
  - Emphasis on open data
  - Clearer cost rules
  - Includes Cultural Institutions (Museums, Libraries and Archives) within the scope of the Directive
  - Introduces a clear regime for exclusive agreements
  - Emphasis on standard and machine readable licences



- *The Government of Malta is committed to ensuring transparency throughout the way it works. One of the main tools to ensure transparency with citizens, is **to make Government's data widely available.***
- *We encourage you to use this data and find innovative ways how to build applications or display the data.*
- *Let us know how you will be using this data and we will promote you on the [data.gov.mt](http://data.gov.mt)*



PSI Rules

Copyright rules

Data Protection rules

Excluded Subject matter

PSI rules sit on the top of other legal regimes and ensure that, when the right conditions are met, public sector information is available to third parties for re-use with the minimum possible frictions

PSI Rules

Copyright rules

Data Protection rules

Excluded Subject matter

- PSI regimes are complemented by sector specific regimes, such as INSPIRE or statistical data regulations. Such regimes assist the re-use of data in specific areas.

PSI Rules

Copyright rules

Data Protection rules

Excluded Subject matter

- PSI has to be made available for re-use (both for commercial and non-commercial purposes)
- *Licences have to be standard and interoperable*
- MLAs are within the scope of PSI



PSI Rules

Copyright rules

Data Protection rules

Excluded Subject matter

- The Public Sector Information has to be owned by a **Public Sector Body**; or
  - If it is 3<sup>rd</sup> party Copyright, the PSB needs to have the necessary licences
  - If it is in the Public Domain they can be re-used





PSI Rules

Copyright rules

Data Protection rules

Excluded Subject matter

- Just because a data set contains personal data it does not mean that it can not be re-used:
  - You could obtain consent in order to process it
  - You could anonymize it
  - You could have a legal base for lawful processing

PSI Rules

Copyright rules

Data Protection rules

Excluded Subject matter

- It includes material that cannot be distributed (e.g. confidential information etc).
- This will be the exception rather than the rule.
- It should normally be designated as such



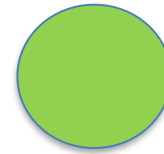
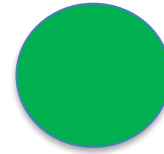
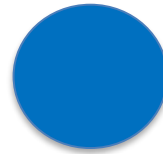
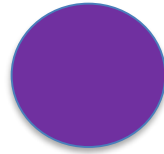
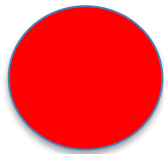
- Data are not to be re-used as such
- Data is used in order to produce new “models” to help automatically generate translations of new texts
- Individual data are used; not long texts

# What are the stages for releasing my data?

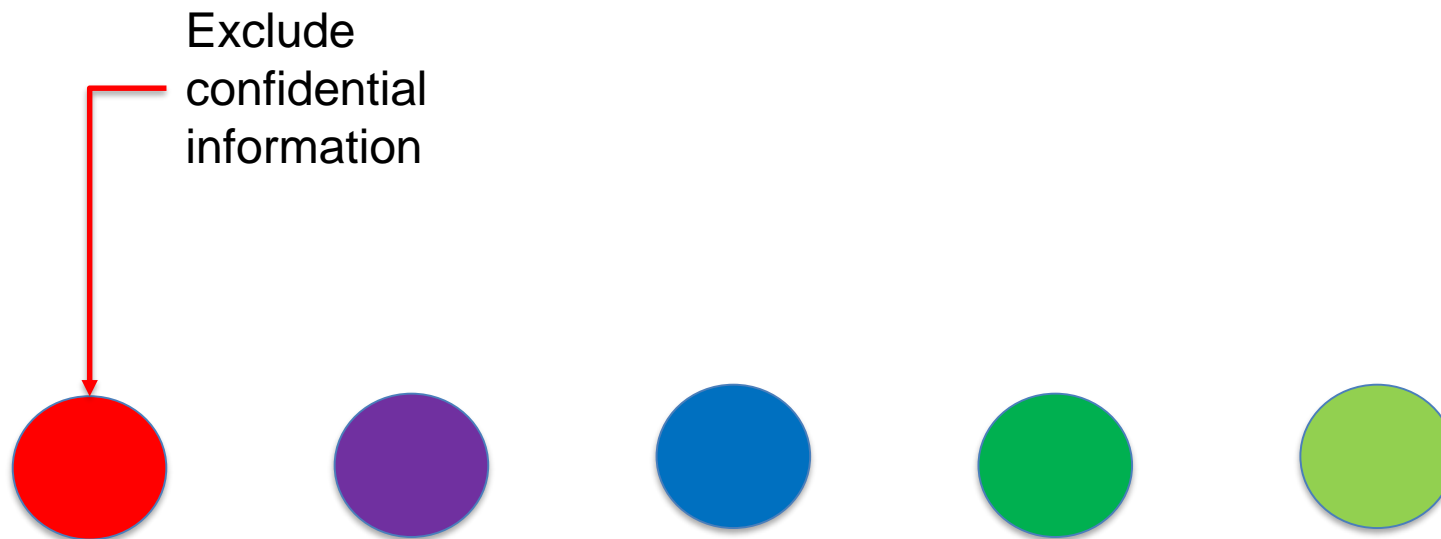


Releasing data under the PSI Directive is simple and easy

Just follow these stages



# What are the stages for releasing my data?



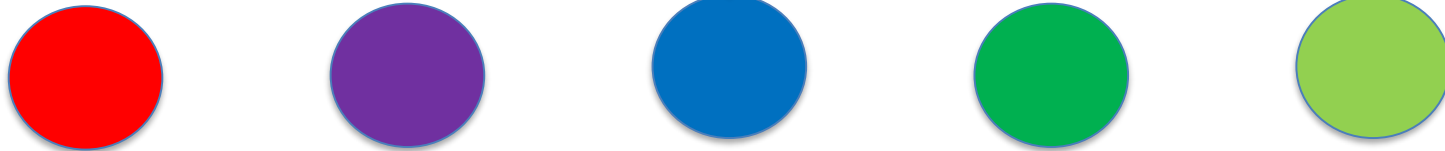
# What are the stages for releasing my data?



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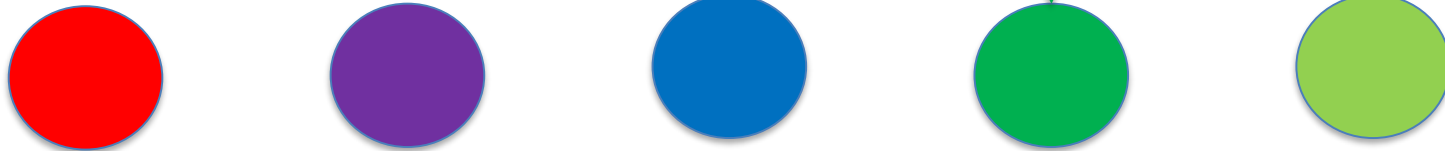
Ensure there is no 3<sup>rd</sup> party copyrights, that the material is in the Public Domain or that the necessary licences have been obtained



# What are the stages for releasing my data?



Follow the national PSI  
transposition rules (e.g. use the  
national Open Government  
Licences or the standard  
procedure for releasing PSI)

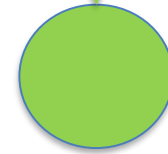
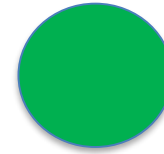
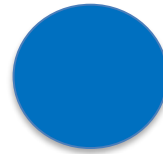
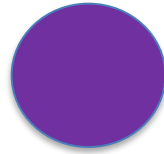
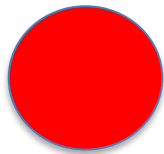




# What are the stages for releasing my data?

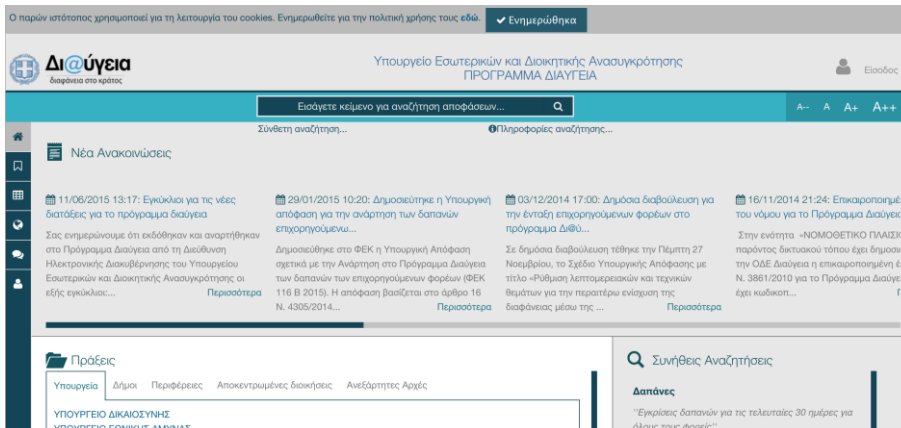


Use a standard Open Government Licence, Open public licence or re-use licence.  
Follow the national or organisational PSI re-use policy





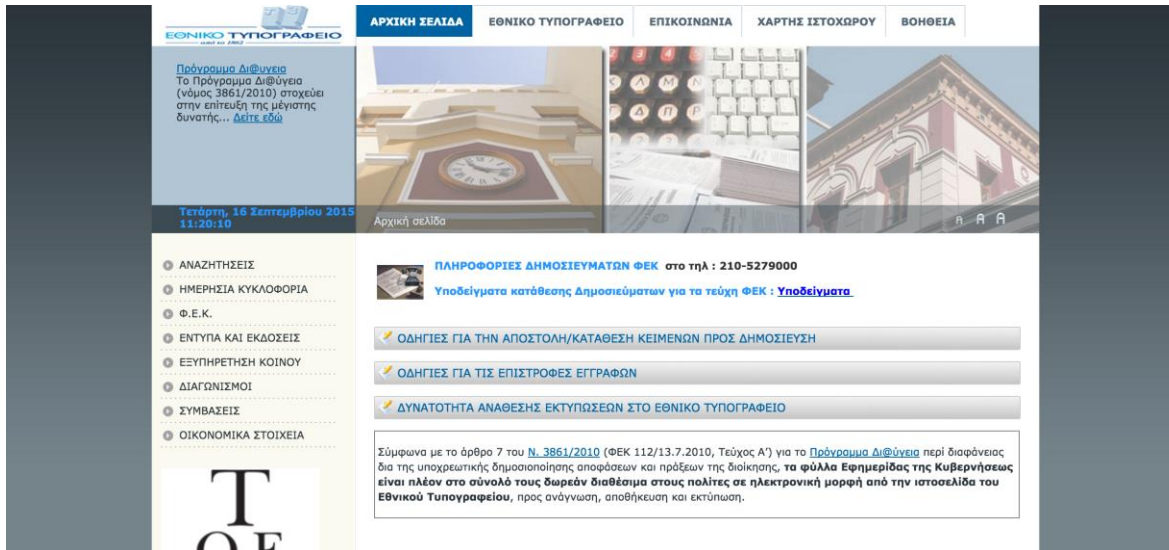
- Promoting innovation and transparency through the publication of Public Sector data in open, free and reusable formats.



The screenshot shows the Diavgeia website interface. At the top, there is a search bar with the text "Εισάγετε κείμενο για αναζήτηση αποφάσεων...". Below the search bar, there are several news items with dates and titles. The first item is dated 11/06/2015 and mentions "Εγκρίσεις για τις νέες διατάξεις για το πρόγραμμα διαύγεια". The second item is dated 29/01/2015 and mentions "Δημοσιεύθηκε η Υπουργική απόφαση για την ανάληψη των δαπανών...". The third item is dated 03/12/2014 and mentions "Δημόσια διαβούλευση για την ένταξη επιχειρηζόμενων φορέων στο πρόγραμμα διαύγεια...". The fourth item is dated 16/11/2014 and mentions "Επικαιροποιημένο νόμο για το Πρόγραμμα Διαύγεια...". At the bottom, there is a navigation menu with "Πρόξεις" and "Δαπάνες" sections.

## Transposition:

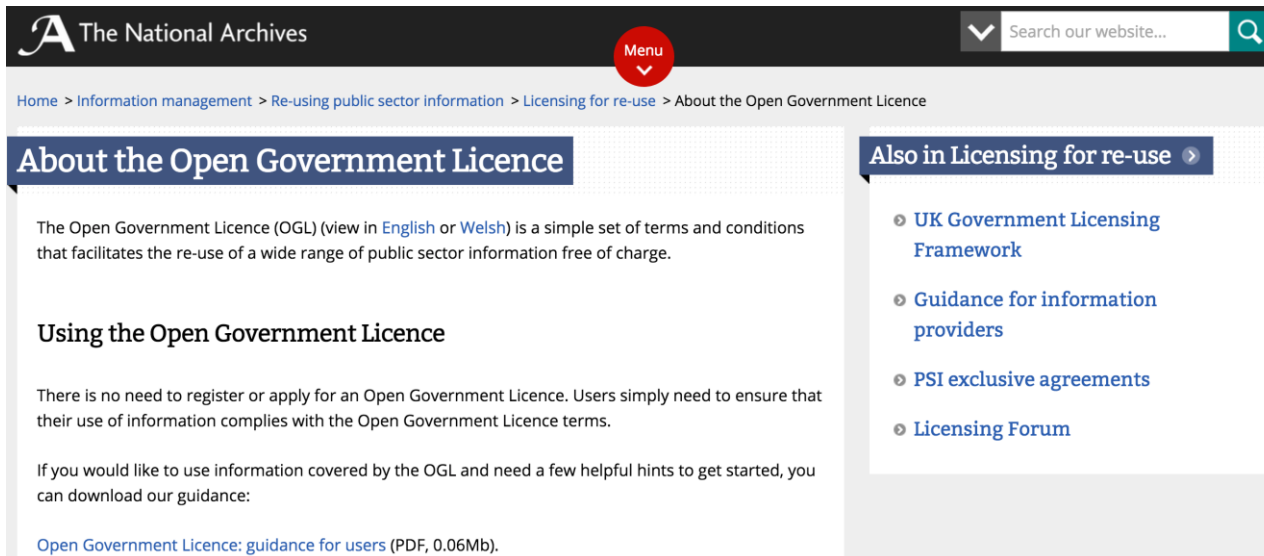
- Law 4305/2014
- Administrative Decisions/  
decrees
- Open by default
- Creative Commons  
Attribution Licence



The screenshot shows the homepage of the National Publishing House (ΕΘΝΙΚΟ ΤΥΠΟΓΡΑΦΕΙΟ). The navigation bar includes: ΑΡΧΙΚΗ ΣΕΛΙΔΑ, ΕΘΝΙΚΟ ΤΥΠΟΓΡΑΦΕΙΟ, ΕΠΙΚΟΙΝΩΝΙΑ, ΧΑΡΤΗΣ ΙΣΤΟΧΩΡΟΥ, ΒΟΗΘΕΙΑ. The main content area features a large image of a building and a keyboard. A sidebar on the left contains a menu with items like ΑΝΑΖΗΤΗΣΕΙΣ, ΗΜΕΡΗΣΙΑ ΚΥΚΛΟΦΟΡΙΑ, Φ.Ε.Κ., ΕΝΤΥΠΑ ΚΑΙ ΕΚΔΟΣΕΙΣ, ΕΞΥΠΗΡΕΤΗΣΗ ΚΟΙΝΟΥ, ΔΙΑΓΩΝΙΣΜΟΙ, ΣΥΜΒΑΣΕΙΣ, and ΟΙΚΟΝΟΜΙΚΑ ΣΤΟΙΧΕΙΑ. The main content area displays a news item titled 'ΠΛΗΡΟΦΟΡΙΕΣ ΔΗΜΟΣΙΕΥΜΑΤΩΝ ΦΕΚ στο τηλ : 210-5279000' with a sub-heading 'Υποδείγματα κατάθεσης Δημοσιεύματων για τα τεύχη ΦΕΚ : Υποδείγματα'. Below this are three buttons: 'ΟΔΗΓΙΕΣ ΓΙΑ ΤΗΝ ΑΠΟΣΤΟΛΗ/ΚΑΤΑΘΕΣΗ ΚΕΙΜΕΝΩΝ ΠΡΟΣ ΔΗΜΟΣΙΕΥΣΗ', 'ΟΔΗΓΙΕΣ ΓΙΑ ΤΙΣ ΕΠΙΣΤΡΟΦΕΣ ΕΓΓΡΑΦΩΝ', and 'ΔΥΝΑΤΟΤΗΤΑ ΑΝΑΘΕΣΗΣ ΕΚΤΥΠΩΣΕΩΝ ΣΤΟ ΕΘΝΙΚΟ ΤΥΠΟΓΡΑΦΕΙΟ'. A text box at the bottom contains a legal notice regarding the transposition of Law 4305/2014.

## Transposition:

- Law 4305/2014
- All official publications
- Open by default
- No licence required



The screenshot shows the top navigation bar of The National Archives website. It includes the logo, a search bar, and a breadcrumb trail: Home > Information management > Re-using public sector information > Licensing for re-use > About the Open Government Licence. The main content area is titled 'About the Open Government Licence' and contains the following text:

The Open Government Licence (OGL) (view in [English](#) or [Welsh](#)) is a simple set of terms and conditions that facilitates the re-use of a wide range of public sector information free of charge.

### Using the Open Government Licence

There is no need to register or apply for an Open Government Licence. Users simply need to ensure that their use of information complies with the Open Government Licence terms.

If you would like to use information covered by the OGL and need a few helpful hints to get started, you can download our guidance:

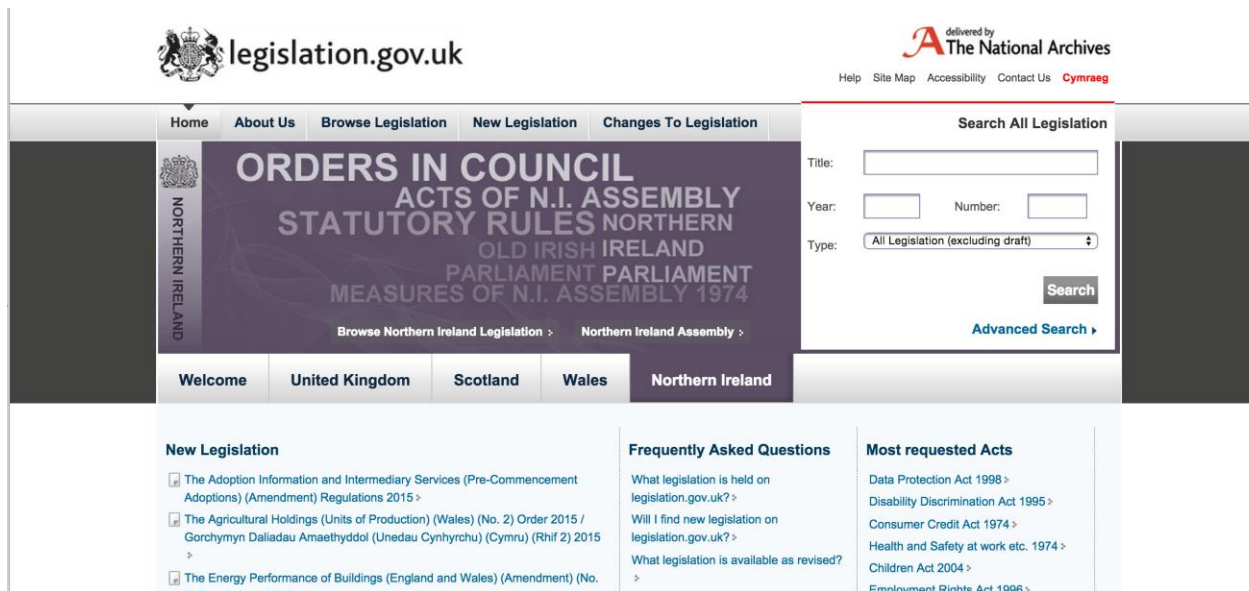
[Open Government Licence: guidance for users](#) (PDF, 0.06Mb).

On the right side, there is a sidebar titled 'Also in Licensing for re-use' with a list of links:

- UK Government Licensing Framework
- Guidance for information providers
- PSI exclusive agreements
- Licensing Forum

## Transposition:

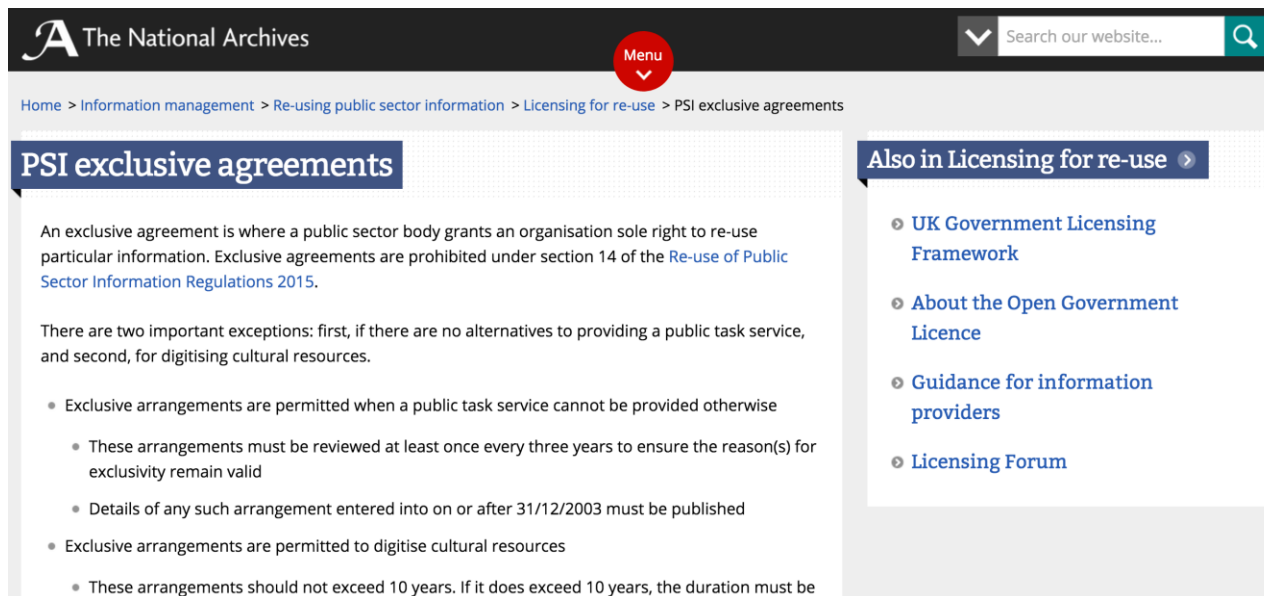
- PSI Regulations (2015 No. 1415)
- UK Government Licensing Framework
- Model Licences (Open and Re-use)
- Licensing Forum



The screenshot displays the UK Legislation Portal (legislation.gov.uk) interface. At the top, the Royal Coat of Arms and the text "legislation.gov.uk" are visible. To the right, it is noted as "delivered by The National Archives" with links for Help, Site Map, Accessibility, Contact Us, and Cymraeg. The main navigation bar includes Home, About Us, Browse Legislation, New Legislation, and Changes To Legislation. A large banner for Northern Ireland legislation is present, listing "ORDERS IN COUNCIL", "ACTS OF N.I. ASSEMBLY", "STATUTORY RULES NORTHERN IRELAND", "OLD IRISH IRELAND", "PARLIAMENT PARLIAMENT", and "MEASURES OF N.I. ASSEMBLY 1974". Below this, there are tabs for Welcome, United Kingdom, Scotland, Wales, and Northern Ireland. A search box titled "Search All Legislation" is on the right, with fields for Title, Year, and Number, and a dropdown for Type (set to "All Legislation (excluding draft)"). A "Search" button and a link to "Advanced Search" are also present. The main content area is divided into three columns: "New Legislation" (listing recent regulations), "Frequently Asked Questions" (with links to help pages), and "Most requested Acts" (listing popular acts like the Data Protection Act 1998).

## Transposition:

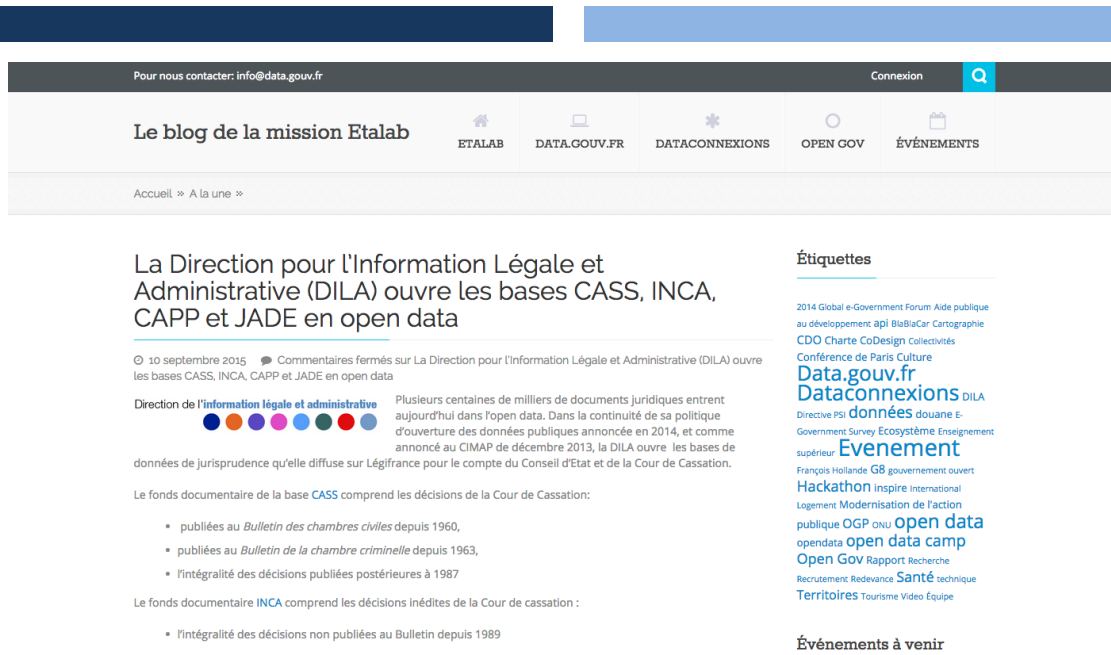
- PSI Regulations (2015 No. 1415)
- UK Government Licence (OGL v 3.0)
- Contains all up-to-date legislation as open linked data



The screenshot shows the National Archives website page for 'PSI exclusive agreements'. The page has a dark header with the National Archives logo, a search bar, and a menu button. Below the header is a breadcrumb trail: Home > Information management > Re-using public sector information > Licensing for re-use > PSI exclusive agreements. The main content area has a blue header for 'PSI exclusive agreements'. The text explains that an exclusive agreement grants a public sector body sole right to re-use information, prohibited under section 14 of the Re-use of Public Sector Information Regulations 2015. It lists two exceptions: no alternatives to providing a public task service, and digitising cultural resources. A bulleted list follows: Exclusive arrangements are permitted when a public task service cannot be provided otherwise; These arrangements must be reviewed at least once every three years to ensure the reason(s) for exclusivity remain valid; Details of any such arrangement entered into on or after 31/12/2003 must be published; Exclusive arrangements are permitted to digitise cultural resources; These arrangements should not exceed 10 years. If it does exceed 10 years, the duration must be... A sidebar on the right titled 'Also in Licensing for re-use' contains links to 'UK Government Licensing Framework', 'About the Open Government Licence', 'Guidance for information providers', and 'Licensing Forum'.

### Transposition:

- PSI Regulations (2015 No. 1415)
- Custom Licences
- Types of Data: audiovisual, geodata, textual
- Reasons:
  - Falling outside the public scope
  - Main source of funding for the PSB
  - Continuity and Service Level



Pour nous contacter: [info@data.gouv.fr](mailto:info@data.gouv.fr) Connexion

Le blog de la mission Etalab

ETALAB DATA.GOUV.FR DATACONNEXIONS OPEN GOV ÉVÉNEMENTS

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## La Direction pour l'Information Légale et Administrative (DILA) ouvre les bases CASS, INCA, CAPP et JADE en open data

© 10 septembre 2015 Commentaires fermés sur La Direction pour l'Information Légale et Administrative (DILA) ouvre les bases CASS, INCA, CAPP et JADE en open data

Direction de l'information légale et administrative

Plusieurs centaines de milliers de documents juridiques entrent aujourd'hui dans l'open data. Dans la continuité de sa politique d'ouverture des données publiques annoncée en 2014, et comme annoncé au CIMAP de décembre 2013, la DILA ouvre les bases de données de jurisprudence qu'elle diffuse sur Légifrance pour le compte du Conseil d'Etat et de la Cour de Cassation.

Le fonds documentaire de la base CASS comprend les décisions de la Cour de Cassation:

- publiées au *Bulletin des chambres civiles* depuis 1960,
- publiées au *Bulletin de la chambre criminelle* depuis 1963,
- l'intégralité des décisions publiées postérieures à 1987

Le fonds documentaire INCA comprend les décisions inédites de la Cour de cassation :

- l'intégralité des décisions non publiées au Bulletin depuis 1989

Étiquettes

2014 Global e-Government Forum Aide publique au développement api BlaBlaCar Cartographie CDO Charte CoDesign Collectivités Conférence de Paris Culture Data.gouv.fr Dataconnexions DILA Directive PSI données douane E-Government Survey Ecosystème Enseignement supérieur Evènement François Hollande GB gouvernement ouvert Hackathon inspire International Logement Modernisation de l'action publique OGP ONU open data opendata open data camp Open Gov Rapport Recherche Recrutement Redevance Santé technique Territoires Tourisme Vidéo Équipe

Événements à venir

### Transposition:

- PSI Transposition (CIPAC 2013) - (CASS- INCA-CAPP)
- Open by Law
- Types of Data: Legal and jurisprudence (State Council and Court de Cassation decisions)





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