

“Legal Framework for Contributing Data”

RE-USE OF PUBLIC SECTOR INFORMATION

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EU Action 3: Open up public data resources for re-use

- Public authorities produce large amounts of data that could become the **raw material for new, innovative cross-border applications and services**. Examples of products and services based on the re-use of Public Sector Information (PSI) are GPS, weather forecasts, financial and insurance services.
- **What about Data expressed in Words !!**

- 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
- Dutch context
 - **Wet van 24 juni 2015, houdende regels over het hergebruik van overheidsinformatie (Law of 24 June 2015 laying down rules on the re-use of public sector information)**



- **What is open data? <https://data.overheid.nl/>**
 - The data is **public**;
 - **No copyright** or other rights of third parties based on;
 - The data are **paid for from public funds** made available for the performance of those duties;
 - The data preferably meet '**open standards**' (no barriers to the use of ICT users and ICT providers);
 - Open Data is preferably **computer-readable**, so that search engines can find information in documents.

1. SHARING

➤ Internal to admin

2. Re-use

➤ By third parties



- Some definitions in the NL PSI transposition:
- **'re-use'**: the use of **information contained in documents** held by a **body entrusted with a public task** for purposes other than the initial purpose within the public task for which the information was produced, not including information exchanged between such bodies solely in the performance of their public tasks;
- **'body entrusted with a public task'**: a public sector body as referred to in Article 2(1) of the Directive;
- **'document'**: a written record or other material containing data held by a body entrusted with a public task;

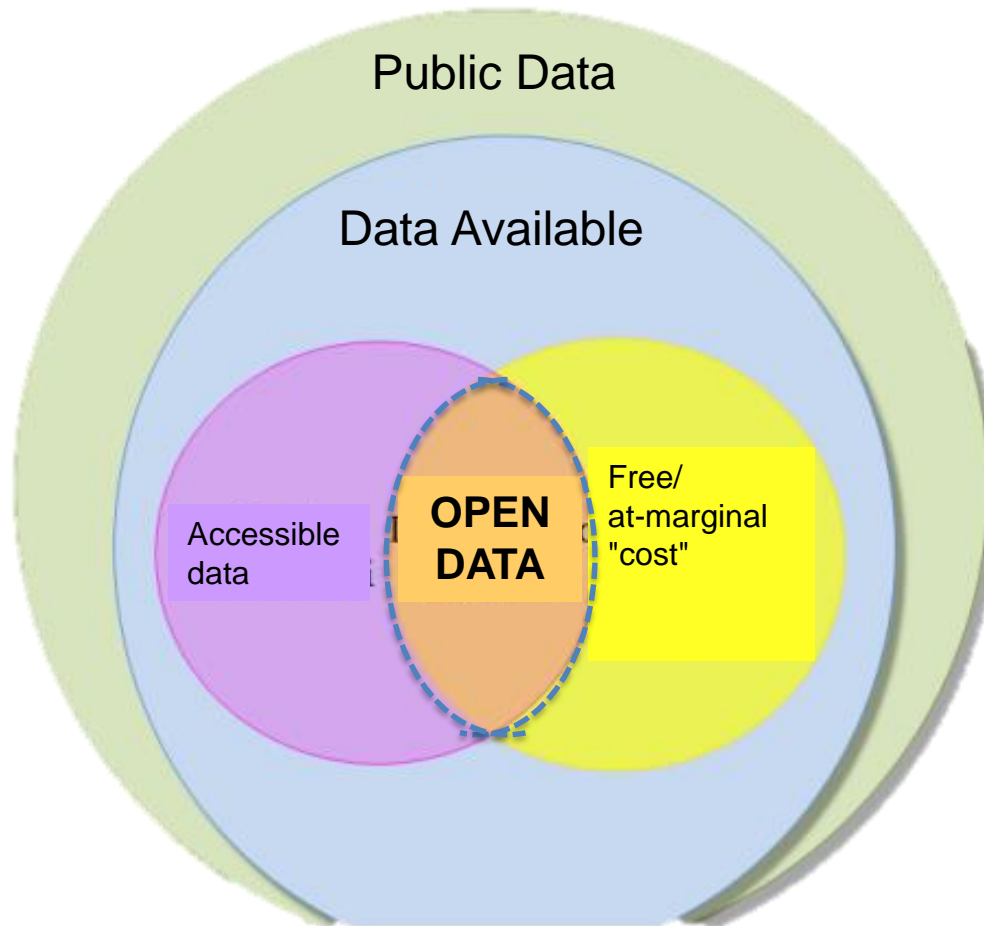


- This Act does not apply to:
 - Information to which the rights are held by a third party within the meaning of the **Copyright Act, the Related Rights Act or the Databases Act**;
 - Information held by a public service **broadcaster**
 - Information held by **educational and research establishments**
 - Information relating to **public personal data**, re-use of which is incompatible with the purposes for which the data were collected.

Does the PSI Directive make a difference?



- Yes!
- The new Public Sector Information Directive (PSI) solves a number of issues:
 - Amends the existing 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





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*
- MLA and all Public bodies 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 3rd 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
 - **Otherwise leave it out**

PSI Rules

Copyright rules

Data Protection rules

Excluded Subject matter

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



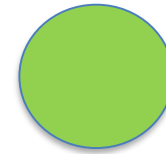
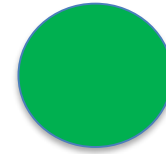
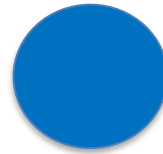
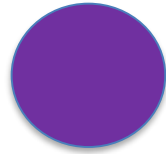
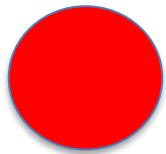
- Data are not to be re-used as such
- Data is used in order to produce new models to help automatically generate translations of new texts
- Individual data are used; not long texts

What are the stages for releasing my data?

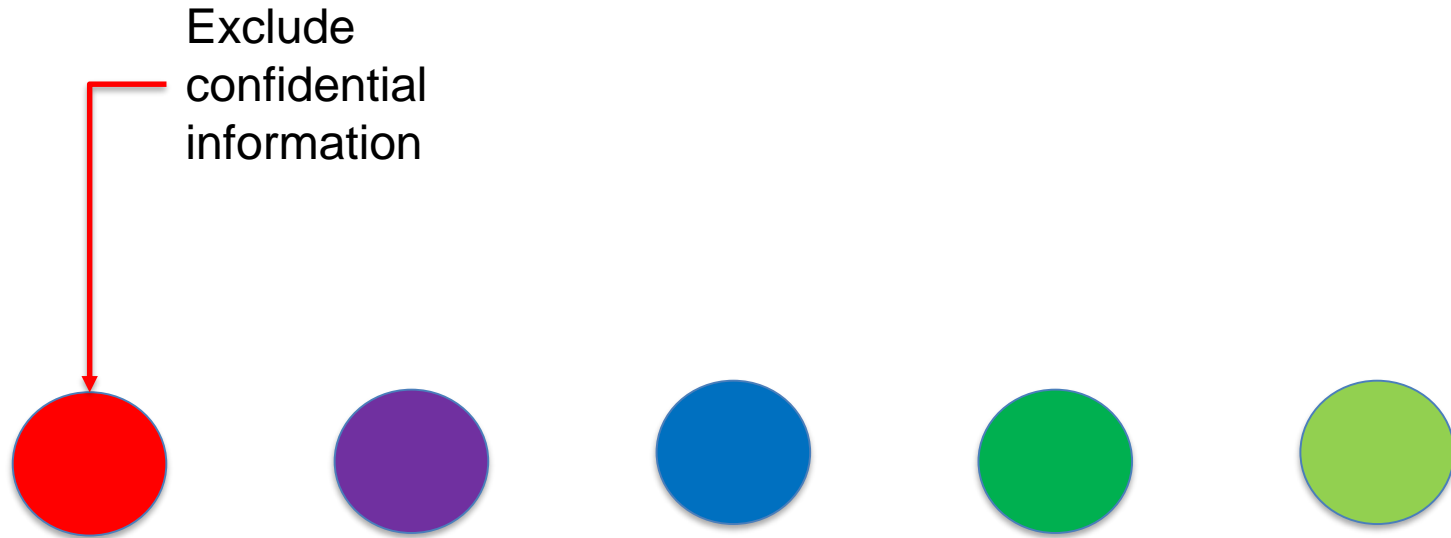


Releasing data under the PSI Directive is simple and easy

Just follow these stages



What are the stages for releasing my data?



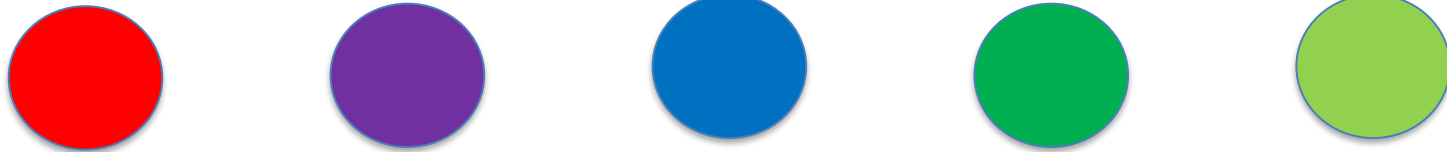
What are the stages for releasing my data?



What are the stages for releasing my data?



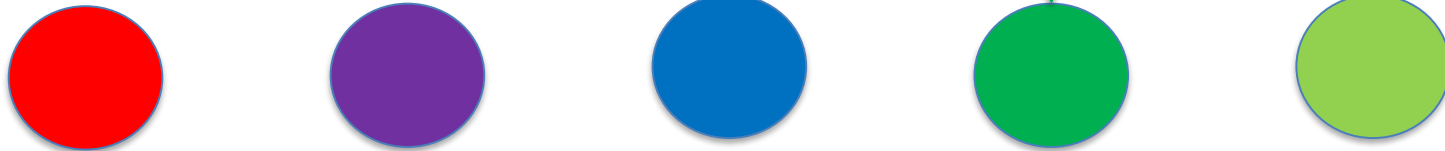
Ensure there is no 3rd party copyrights, that the material is in the Public Domain or that the necessary licences have been obtained



What are the stages for releasing my data?



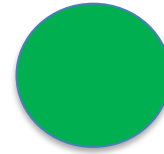
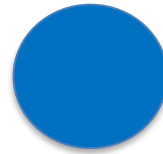
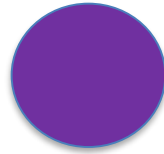
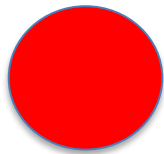
Follow the national PSI
transposition rules (e.g. use the
national Open Government
Licences or the standard
procedure for releasing PSI)

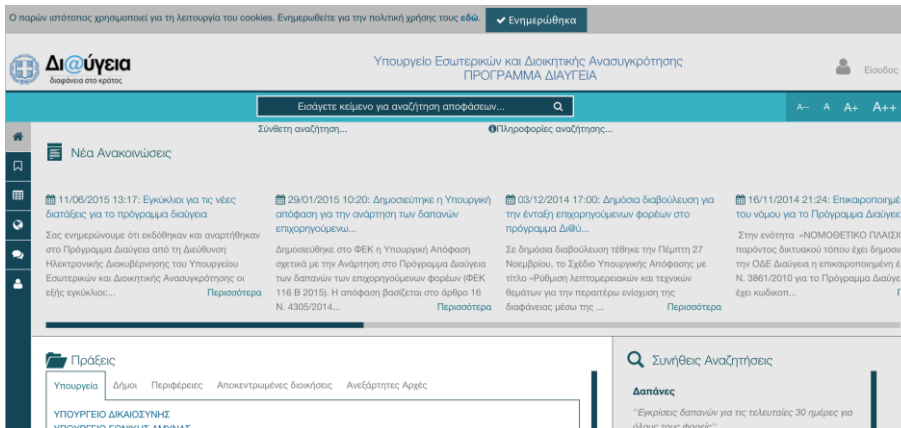


What are the stages for releasing my data?



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

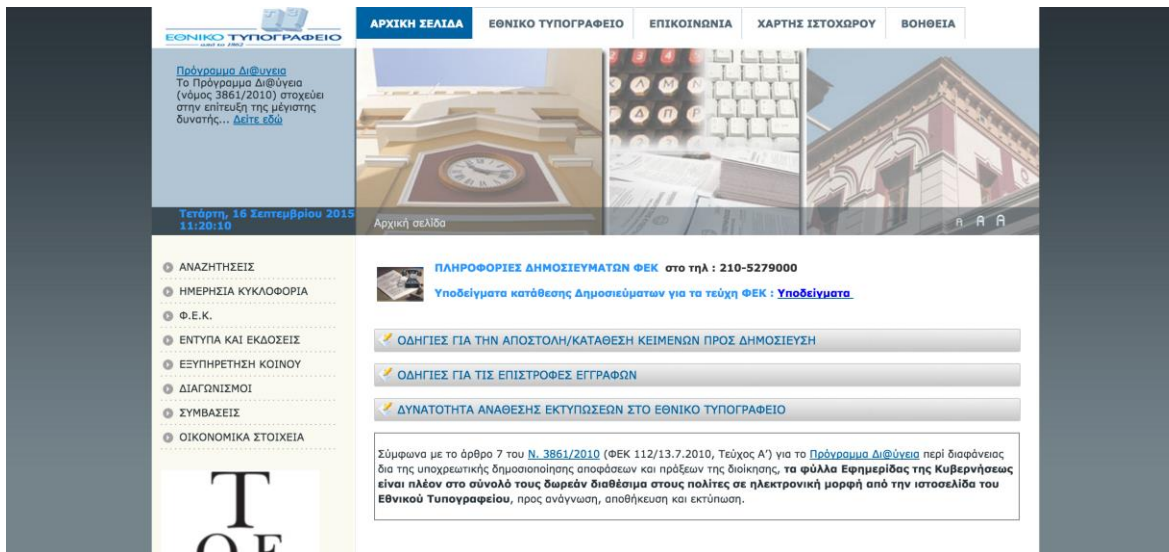




The screenshot shows the Diavgeia website interface. At the top, there is a search bar with the text "Εισάγετε κείμενο για αναζήτηση αποφάσεων...". Below the search bar, there are several search results. The first result is dated 11/06/2015 13:17 and is titled "Εγκρίσεις για τις νέες διατάξεις για το πρόγραμμα διαύγεια". The second result is dated 29/01/2015 10:20 and is titled "Δημοσιεύθηκε η Υπουργική απόφαση για την ανάκτηση των δαπανών επιχειρηζόμενων...". The third result is dated 03/12/2014 17:00 and is titled "Δημόσια διαβούλευση για την ένταξη επιχειρηζόμενων φορέων στο πρόγραμμα διαύγεια...". The fourth result is dated 16/11/2014 21:24 and is titled "Επικαιροποιημένο νόμο για το Πρόγραμμα Διαύγεια".

Transposition:

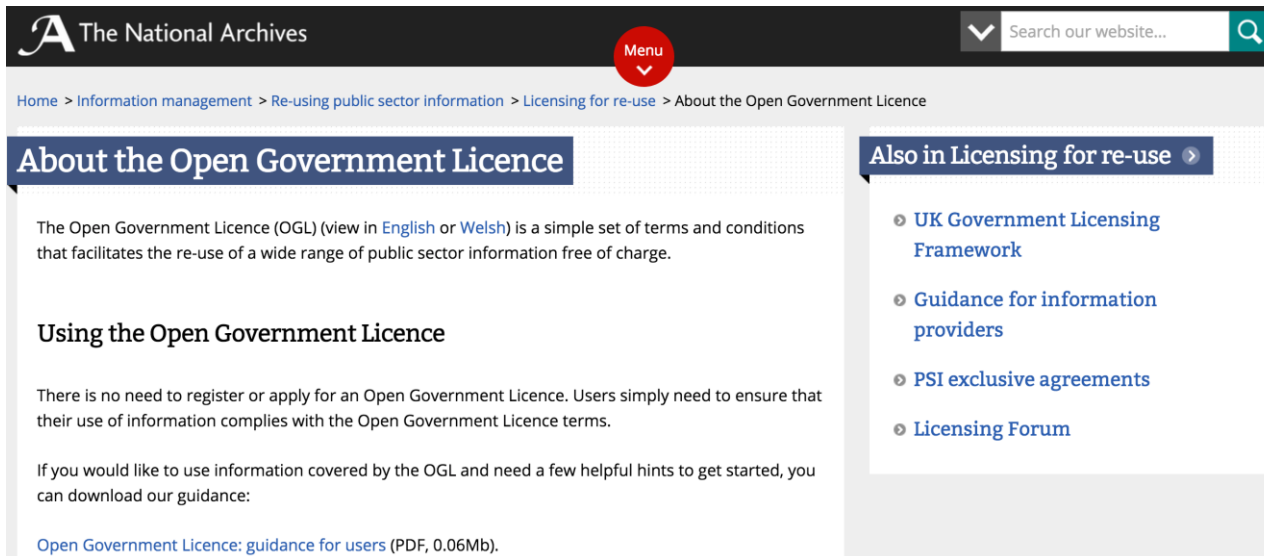
- Law 4305/2014
- Administrative Decisions/
decrees
- Open by default
- Creative Commons
Attribution Licence



The screenshot shows the homepage of the National Publishing House (ΕΘΝΙΚΟ ΤΥΠΟΓΡΑΦΕΙΟ). The navigation menu includes: ΑΡΧΙΚΗ ΣΕΛΙΔΑ, ΕΘΝΙΚΟ ΤΥΠΟΓΡΑΦΕΙΟ, ΕΠΙΚΟΙΝΩΝΙΑ, ΧΑΡΤΗΣ ΙΣΤΟΧΩΡΟΥ, ΒΟΗΘΕΙΑ. The main content area features a banner with the text: "Πρόγραμμα Δι@ύγεια Το Πρόγραμμα Δι@ύγεια (νόμος 3861/2010) στοχεύει στην επίτευξη της μέγιστης δυνατής... Δείτε εδώ". Below the banner, there are three images: a clock, a keyboard, and a building. The sidebar on the left contains a menu with items: ΑΝΑΖΗΤΗΣΕΙΣ, ΗΜΕΡΗΣΙΑ ΚΥΚΛΟΦΟΡΙΑ, Φ.Ε.Κ., ΕΝΤΥΠΑ ΚΑΙ ΕΚΔΟΣΕΙΣ, ΕΞΥΠΡΕΤΗΣΗ ΚΟΙΝΟΥ, ΔΙΑΓΩΝΙΣΜΟΙ, ΣΥΜΒΑΣΕΙΣ, ΟΙΚΟΝΟΜΙΚΑ ΣΤΟΙΧΕΙΑ. The main content area also includes a section for "ΠΛΗΡΟΦΟΡΙΕΣ ΔΗΜΟΣΙΕΥΜΑΤΩΝ ΦΕΚ στο τηλ : 210-5279000" and a link for "Υποδείγματα κατάθεσης Δημοσιεύματων για τα τεύχη ΦΕΚ : Υποδείγματα". There are three buttons: "ΟΔΗΓΙΕΣ ΓΙΑ ΤΗΝ ΑΠΟΣΤΟΛΗ/ΚΑΤΑΘΕΣΗ ΚΕΙΜΕΝΩΝ ΠΡΟΣ ΔΗΜΟΣΙΕΥΣΗ", "ΟΔΗΓΙΕΣ ΓΙΑ ΤΙΣ ΕΠΙΣΤΡΟΦΕΣ ΕΓΓΡΑΦΩΝ", and "ΔΥΝΑΤΟΤΗΤΑ ΑΝΑΘΕΣΗΣ ΕΚΤΥΠΩΣΕΩΝ ΣΤΟ ΕΘΝΙΚΟ ΤΥΠΟΓΡΑΦΕΙΟ". At the bottom, there is a legal notice: "Σύμφωνα με το άρθρο 7 του Ν. 3861/2010 (ΦΕΚ 112/13.7.2010, Τεύχος Α') για το Πρόγραμμα Δι@ύγεια περί διαφάνειας δια της υποχρεωτικής δημοσιοποίησης αποφάσεων και πράξεων της διοίκησης, τα φύλλα Εφημερίδας της Κυβερνήσεως είναι πλέον στο σύνολό τους δωρεάν διαθέσιμα στους πολίτες σε ηλεκτρονική μορφή από την ιστοσελίδα του Εθνικού Τυπογραφείου, προς ανάγνωση, αποθήκευση και εκτύπωση."

Transposition:

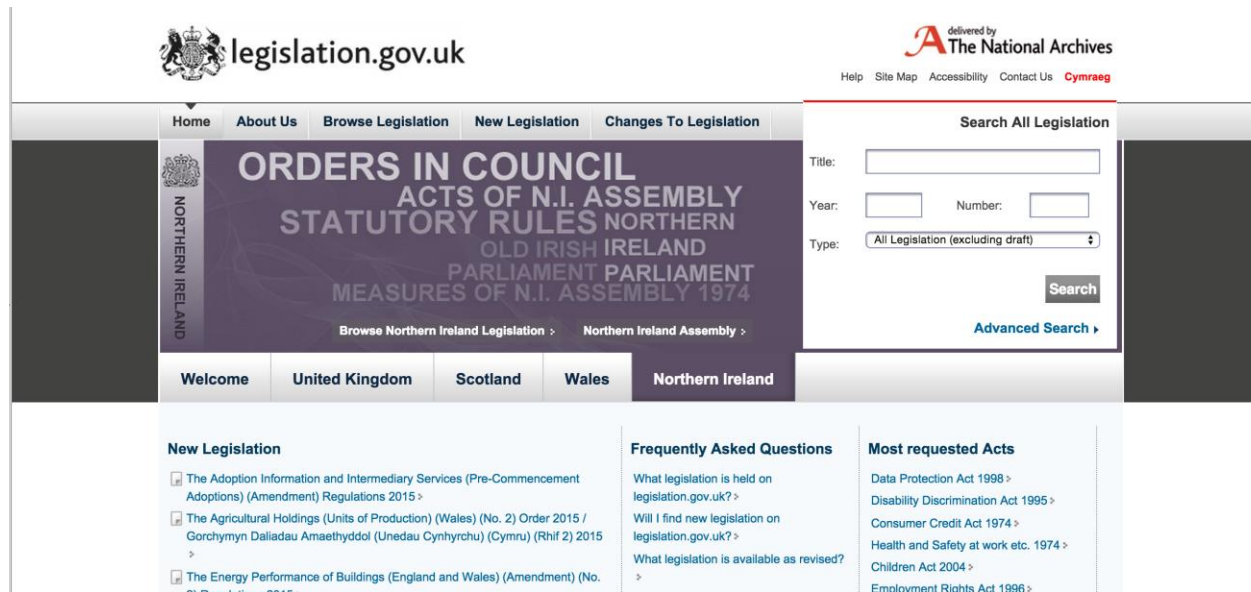
- Law 4305/2014
- All official publications
- Open by default
- No licence required



The screenshot shows the top navigation bar of The National Archives website. It includes the logo, a search bar, and a menu icon. The breadcrumb trail reads: Home > Information management > Re-using public sector information > Licensing for re-use > About the Open Government Licence. The main heading is 'About the Open Government Licence'. The text explains that the OGL is a simple set of terms and conditions that facilitates the re-use of public sector information free of charge. It also mentions that there is no need to register or apply for an OGL, and users simply need to ensure their use of information complies with the terms. A link is provided for downloading guidance: 'Open Government Licence: guidance for users (PDF, 0.06Mb)'. On the right side, there is a section titled 'Also in Licensing for re-use' with a list of links: 'UK Government Licensing Framework', 'Guidance for information providers', 'PSI exclusive agreements', and 'Licensing Forum'.

Transposition:

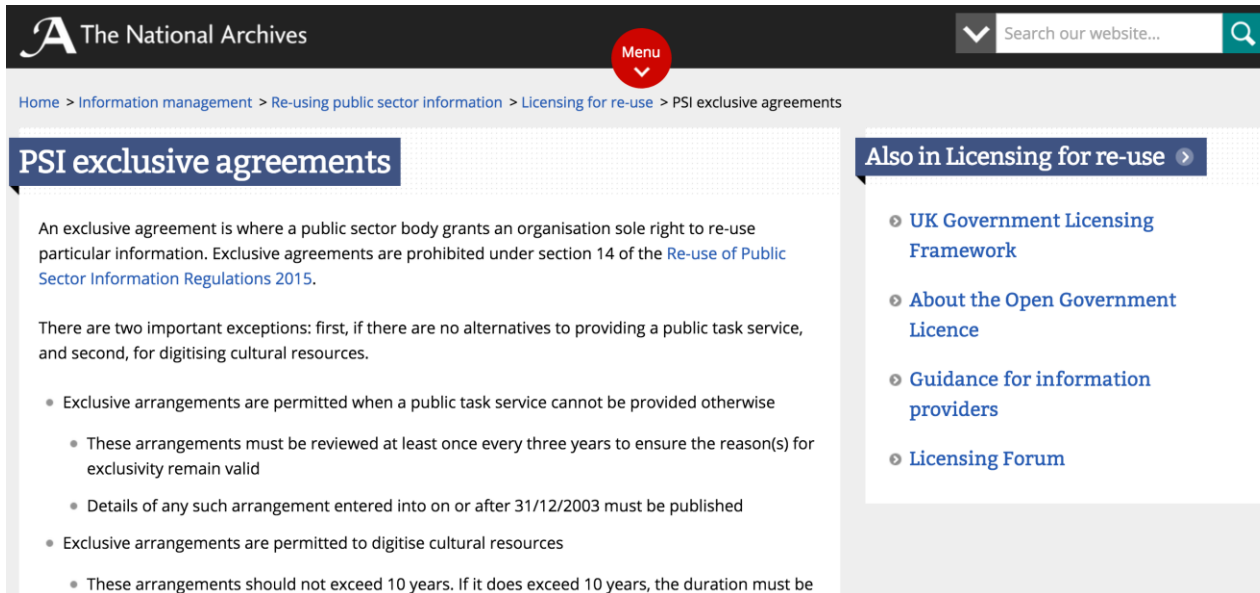
- PSI Regulations (2015 No. 1415)
- UK Government Licensing Framework
- Model Licences (Open and Re-use)
- Licensing Forum



The screenshot shows the homepage of the UK Legislation Portal. At the top left is the Royal Coat of Arms and the text 'legislation.gov.uk'. To the right, it says 'delivered by The National Archives' with a logo. Below this are links for 'Help', 'Site Map', 'Accessibility', 'Contact Us', and 'Cymraeg'. A navigation bar contains 'Home', 'About Us', 'Browse Legislation', 'New Legislation', and 'Changes To Legislation'. A large banner for Northern Ireland legislation is visible, 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 the banner are tabs for 'Welcome', 'United Kingdom', 'Scotland', 'Wales', and 'Northern Ireland'. On the right, there is a search box titled 'Search All Legislation' with fields for 'Title:', 'Year:', 'Number:', and '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 'The Adoption Information and Intermediary Services (Pre-Commencement Adoptions) (Amendment) Regulations 2015', 'The Agricultural Holdings (Units of Production) (Wales) (No. 2) Order 2015 / Gorchymyn Daliadau Amaethyddol (Unedau Cynhyrchu) (Cymru) (Rhif 2) 2015', and 'The Energy Performance of Buildings (England and Wales) (Amendment) (No. 2) Regulations 2015'), 'Frequently Asked Questions' (with questions like 'What legislation is held on legislation.gov.uk?', 'Will I find new legislation on legislation.gov.uk?', and 'What legislation is available as revised?'), and 'Most requested Acts' (listing 'Data Protection Act 1998', 'Disability Discrimination Act 1995', 'Consumer Credit Act 1974', 'Health and Safety at work etc. 1974', 'Children Act 2004', and 'Employment Rights Act 1996').

Transposition:

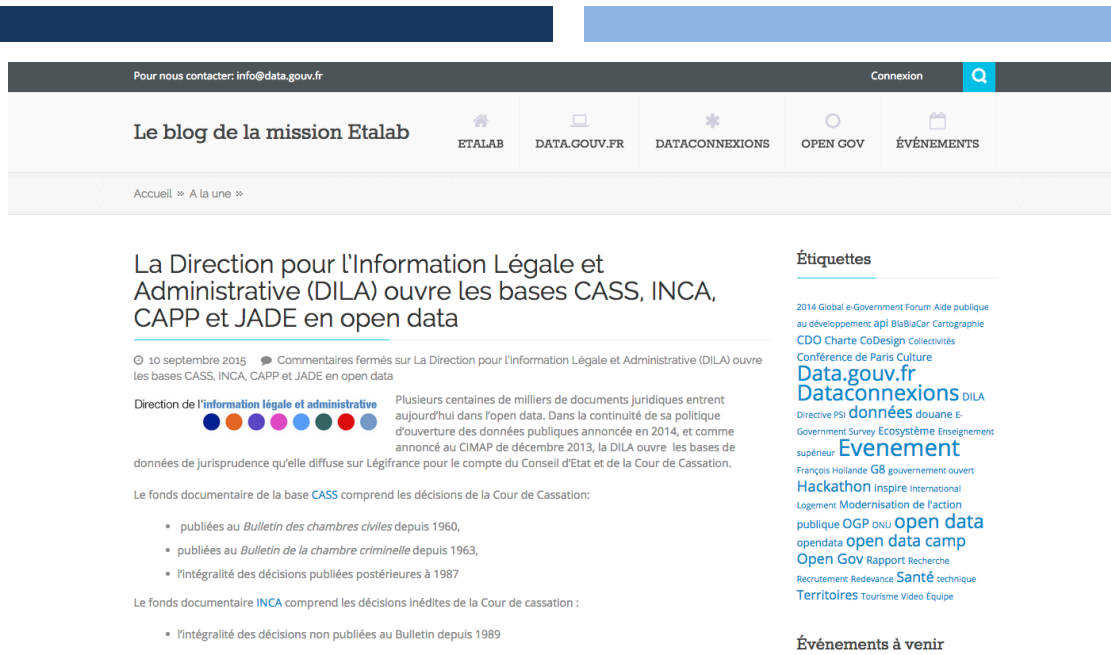
- PSI Regulations (2015 No. 1415)
- UK Government Licence (OGL v 3.0)
- Contains all up-to-date legislation as open linked data



The screenshot shows the National Archives website page for 'PSI exclusive agreements'. The page has a dark header with the National Archives logo and a search bar. 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 particular 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, detailing when exclusive arrangements are permitted and their duration. 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 Connexion

Le blog de la mission Etalab

ETALAB DATA.GOUV.FR DATACONNEXIONS OPEN GOV ÉVÉNEMENTS

Accueil » A la une »

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 Equipe

Événements à venir

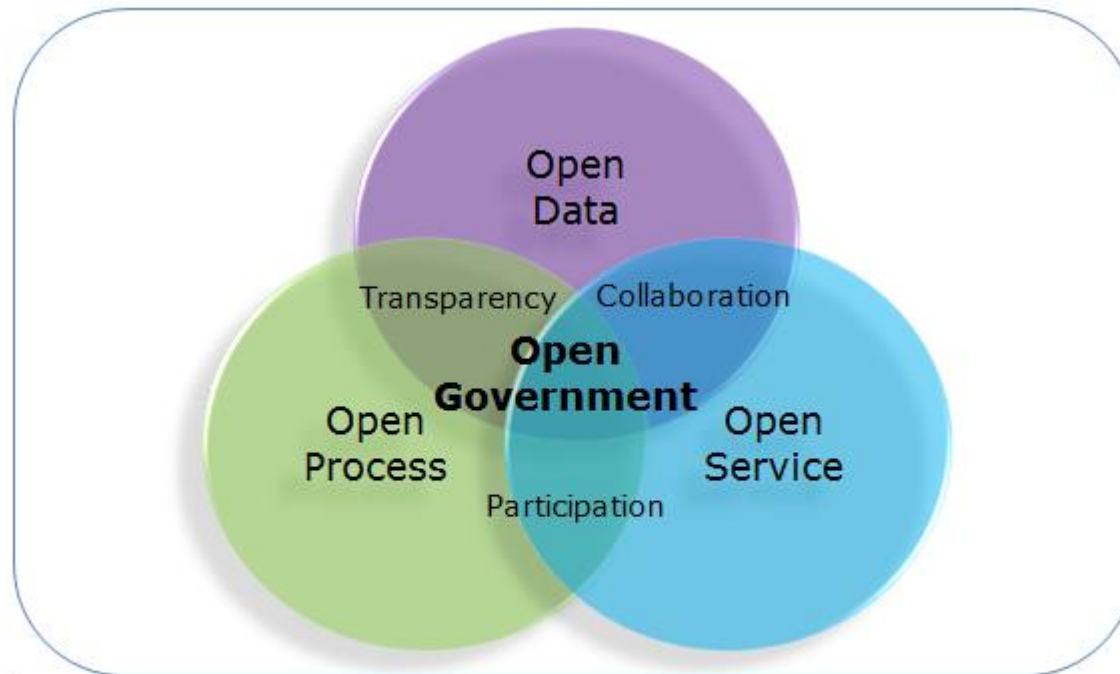
Transposition:

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



Data Public Administration Portal

<https://data.overheid.nl/>

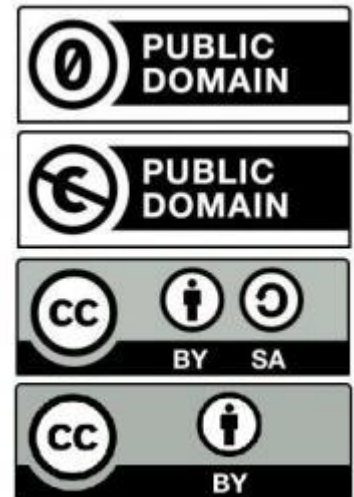


The Open Government Approach



What about the Netherlands' License recommendations ?

- Example of the Dutch National Archives
 - CC0,
 - Public Domain,
 - CC-BY-SA
 - and CC-BY





Ask our Legal experts through the Helpdesk