

An on-line survey on the PSI Directive

The Digital Agenda for Europe lists the revision of the Directive 2003/98/EC on the re-use of public sector information (PSI Directive) among its first key actions. It highlights that governments can stimulate content markets by making PSI available on transparent, effective and non-discriminatory terms. This is an important source of potential growth of innovative on-line services. Consultation of interested parties forms part of the review process. The purpose of this open consultation is to gather information from as many sources as possible, including governments, public sector content holders, commercial and non-commercial re-users and other interested parties on their views on the review of the PSI Directive. The consultation will feed into the debate on possible policy options that should be considered for the review, and will contribute to the impact assessment that will be carried out subsequently, associated with proposals for possible legislative or other measures. The consultation includes questions on 1) the PSI re-use context and possible action to consider, 2) substantive issues regulated by the PSI Directive, 3) practical measures, 4) changes that have taken place and barriers that still exist, and 5) other issues to comment regarding the review of the PSI Directive. It will take you approximately 15 minutes to complete the survey. The consultation will close on 30 November 2010. The replies to this consultation will be published on the Commission's PSI web site http://ec.europa.eu/information_society/policy/psi/index_en.htm. Thanking you in advance for your collaboration and help.

Preliminary questions

I reply as /on behalf of a: **(compulsory)**

(at most 1 answer)

- PSI content holder (mapping agency, meteorological agency, etc.)
- PSI re-user
- public authority (other than PSI content holder)
- academic/expert
- citizen
- other

Please provide your name, and where relevant the name of your organisation **(compulsory)**

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Please provide your country of residence / establishment **(compulsory)**

Austria, Italy

Context and possible action to consider

Do you think that PSI re-use has reached its full potential in Europe?

(at most 1 answer)

- agree strongly
- agree
- no opinion
- disagree
- disagree strongly

Could further action towards opening up public data resources and practical measures facilitating re-use (asset lists of available documents, simplified or no licensing conditions, marginal costs etc.) contribute to unlocking innovation and developing new services, applications and mash-ups? **(optional)**

(at most 1 answer)

- X agree strongly
- O agree
- O no opinion
- O disagree
- O disagree strongly

Community-wide products and services using PSI are not limited to national borders. Do you think that divergent national rules can make it more complicated to grasp economic opportunities and to develop cross-border products and services? **(optional)**

(at most 1 answer)

- X agree strongly
- O agree
- O no opinion
- O disagree
- O disagree strongly

Should further action be taken at Community level to promote cross-border products and services re-using PSI? **(optional)**

(at most 1 answer)

- O agree strongly
- X agree
- O no opinion
- O disagree
- O disagree strongly

In your opinion, should the PSI Directive be amended? **(optional)**

(at most 1 answer)

- X yes
- O no

Amendments to the Directive

If yes, should there be

	yes	no
more substantive amendments to the Directive? <small>optional</small>	X	O
and/or technical adjustments to the Directive clarifying some of the provisions? <small>optional</small>	O	X

If you think that the PSI Directive should be amended, which issues should in your opinion be addressed?
Which provisions should not be amended? (optional)

Should "soft law" measures be taken possibly in addition to a modification of the Directive, such as Commission guidance or recommendations, regarding the application / interpretation of the PSI Directive? (optional)

(at most 1 answer)

X yes

O no

If yes, which "soft law" measures would you favour? (optional)

The establishment of a stakeholder platform to advance the execution of the PSI directive and similar coordination initiatives would be useful.

Substance

Scope (Article 1)

Currently, the PSI Directive is not applicable to information held by cultural, educational and research establishments and public service broadcasters. In your opinion, as far as information is not covered by third party intellectual property rights (excluded in any case from the scope of the PSI Directive), should the Directive apply to information held by

	agree strongly	agree	no opinion	disagree	disagree strongly
public service broadcasters? optional	O	X	O	O	O
educational and research establishments? optional	O	X	O	O	O
cultural establishments? optional	O	X	O	O	O

Could you please indicate reasons for or against the inclusion of information held by these establishments? What would be the benefits / difficulties if the scope was extended to cover such information? Are there certain data sets, if not all, held by these establishments that could be valuable for developing new services or applications and that should be made available to re-use? (optional)

We see no reason to exclude them, but there should be no mandatory inclusion. This will depend on a case by case assessment, depending on the situation, goal and setup in the member states.

Definitions (Article 2)

Do you think that the definitions of the PSI Directive cause problems and should be amended or clarified? **(optional)**

(at most 1 answer)

yes

no

If yes, could you please indicate which definitions / problems, and how they could be clarified / addressed? **(optional)**

General principle (Article 3)

Do you think that all public sector information which is already publicly accessible should also be re-usable? **(optional)**

(at most 1 answer)

agree strongly

agree

no opinion

disagree

disagree strongly

In your opinion, what would be the advantages / disadvantages of this? **(optional)**

Agree in principle, but data owners should be able to opt out.

Processing of requests (Article 4)

Do you think that the requirements applicable to the processing of re-use requests should be tightened or clarified? **(optional)**

(at most 1 answer)

yes

no

If yes, how should this be done? **(optional)**

Available formats (Article 5)

In your opinion, should more re-use friendly formats (e.g. machine readable) be promoted?

(optional)

(at most 1 answer)

yes

no

If yes, could you please specify which formats and how? **(optional)**

The EU commission should promote, support and allow the creation of open frameworks (software toolkits like OGDl) that are able to translate different file formats in machine readable data and

that are able to offer the government agencies the possibility to upload their data on a self-service base without the need of deep developers skills .

The toolkit needs then be able to expose data for programmatic access: with API's that can be accessed from different software development environments like JavaScript, PHP, Python, Ruby, Silverlight, Flash. In addition, it should support the discovery of data sources, map web sites and render data using a number of formats, including Open Data Protocol (oData), Atom Publishing Protocol (AtomPub), Keyhole Markup Language (KML), JSON and JSONP . The Metadata framework could be based on the Dublin Metacore, or RDF to name a few established frameworks and technologies. The traditional rapid innovation in IT industry to create new technologies and formats should always be leveraged.

Charging (Article 6)

In your opinion, public sector information should be made available for re-use

	agree strongly	agree	no opinion	disagree	disagree strongly
at charges based on full cost recovery, together with a reasonable return on investment? <small>optional</small>	0	0	0	0	0
at charges based on full cost recovery? <small>optional</small>	0	0	0	0	0
at charges based on partial cost recovery? <small>optional</small>	0	0	0	0	0
at marginal costs for reproducing and disseminating the documents? <small>optional</small>	0	0	0	0	0
at marginal costs as the basic rule with certain limited exceptions? <small>optional</small>	0	0	0	0	0
for free as regards both commercial and non-commercial re-use? <small>optional</small>	0	0	0	0	0
for free as regards non-commercial re-use? <small>optional</small>	0	0	0	0	0

What would be the benefits of charging based on marginal costs? What could be the disadvantages? (optional)

What could be the exceptions to a default rule of marginal costs? (optional)

Based on the established principle of subsidiarity, this level of detail may not be appropriate for harmonization. We do not believe that the rules need to be tightened, but we believe that predictability, accountability and transparency with regard to the rules applied will be important.

Do you think that the current rules on charging (allowing full cost recovery, together with a reasonable return on investment) should be tightened and/or clarified in respect of how much re-users can be charged? **(optional)**

(at most 1 answer)

yes

no

If yes, in what way? **(optional)**

Transparency (Article 7)

Do you think that the current transparency rules regarding conditions and standard charges for re-use of PSI should be changed / clarified? **(optional)**

(at most 1 answer)

yes

no

If yes, could you please indicate how you think this should be done? **(optional)**

Licences (Article 8)

Do current licensing regimes of Member States or of individual public sector bodies still create problems for re-use (e.g. by imposing unfair conditions or by unduly restricting the possibilities for re-use)? **(optional)**

(at most 1 answer)

yes

no

If yes, what can be done to address these issues? **(optional)**

Please take a look into the positive experience with the use of the Creative Commons and Science Commons frameworks for the reuse of data

Practical arrangements (Article 9)

Do you think that more measures should be taken to facilitate the search for documents available for re-use?
(optional)

(at most 1 answer)

yes

no

If yes, which measures? (optional)

The evolution of the PSI Directive should allow that new emerging gateway and portals could be used to get access to data, e.g.

For instance, government driven platforms like Data.gov.uk and industry driven initiatives like Data as a Service platforms driven by cloud computing.

Commercial offerings like Data marketplaces, Amazon web services, the Open Government Data Initiative as well as end user tools to browse, connect and re-use the data.

Non-discrimination (Article 10)

In your opinion, have the current rules on non-discrimination caused problems in practice and should they be tightened / clarified to foster fair trading conditions? (optional)

(at most 1 answer)

yes

no

If yes, could you please specify how you think this should be done? (optional)

Prohibition of exclusive arrangements (Article 11)

Do you think that exclusive arrangements are a problem and that more measures should be taken to address them? (optional)

(at most 1 answer)

yes

no

If yes, could you please specify which? (optional)

Practical measures

Should the Commission encourage deployment measures at national level such as exchange of good practices, awareness raising and/or practical measures facilitating re-use? (optional)

(at most 1 answer)

yes

no

- **Creating awareness about the availability and benefits**
- **Sharing best practices**
- **Information days and events**
- **Potentially a more structured approach to help accelerate the deployment of the Public Sector Information (Similar to ENISA for European Network and Information Security)**

If yes, could you please indicate which deployment measures? (optional)

Should the Commission promote practical measures such as national portals (like the www.data.gov.uk or the www.data.gov in the US) with a strong political drive towards opening up the wealth of public sector data?

(optional)

(at most 1 answer)

yes

no

If yes, could you please specify which measures? (optional)

In line with established practices at community level, practical measures are beneficial to the uptake and acceptance of the Directive. The overall objective of the Directive is based on the principle that unleashing data held by public authorities could contribute equally to the economic growth in Europe and cost reduction in public services delivered to citizens.

Please find below some examples of possible measures that would be useful to help take up:

- **Creating a light weight platform for interested parties to convene regularly to share ideas, best practices.**
- **Establishing an advisory group on a time-limited base during the migration phase towards the PSI vision.**
- **Considering research programs in identified gap areas, like data classification and minimum metadata added to information sources (to facilitate pickup of data offered).**
- **Consideration of large scale demonstrator projects under the CIP (Competitiveness and Innovation Program) in collaboration with the eGov unit.**
- **Supporting 2-3 interested member states with accelerated programs to demonstrate the viability of the approach taken.**
- **Disseminate information early, especially to the European ICT sector and in particular SMEs to create the necessary level of awareness and incentive to leverage the offered data sources.**
- **Allow non-discriminatory value creation at multiple levels (aggregation, facilitation, curating) to foster sustainable commercial stakeholder's interest and ability in offering PSI data.**
- **Address data regulation inconsistencies and contribute to the harmonization within Europe and in a global context.**
- **Partner with global organizations like WEF, OECD, World Bank to evaluate how PSI is contributing to global indices and include its progress in relevant surveys and benchmarks.**

General issues

What changes in policy of Member States and/or public sector bodies regarding re-use of public sector information have you noticed since the adoption of the PSI Directive in 2003? (optional)

What have been the positive effects of the PSI Directive and of these changes? Please give also figures on growth in terms of turnover, staff, number of clients, downloads etc., where possible. (optional)

What are the remaining barriers to re-use (availability of information, charging, licensing conditions, etc.)? (optional)

- **Data is held in application-specific, non-reusable formats (sometimes technical formats, but more often proprietary government semantics)**
- **Lack of data consistency (one-time publications vs. ongoing update; live stream vs. snapshot; “lifecycle” of data)**
- **Cost of provisioning and delivery. Data is most often stored on servers within public administrations, not prepared to allow external, scalable access. Additional cost factor from network bandwidth for public authorities and especially for SMEs leveraging this data.**
- **Lack of harmonization of the regulatory framework for data governance.**
- **Lack of cost-efficient platforms to initiate the network effects of combining different data sources in innovation solutions and services.**
- **Software development frameworks for developers to facilitate the development of innovative applications. These should be technology and business model neutral, inclusive and open. These would contain i.e. sample code, documentation how to access data and the “meaning” of data.**
- **Open and transparent frameworks should exist to enable interested governments to expose and publish data as timely as possible.**
- **Swift adoption of new platforms and resources in the ICT sector. For instance, cloud computing can provide revolutionary economies of scale compared to traditional IT service delivery.**
- **Cloud computing would especially support the “pan-European” component in the PSI directive with its non-discriminatory delivery of data and applications across European member states.**

Would you have any other comments or input that you wish to give regarding the review of the PSI Directive? (optional)

Assessment of Network effects at European and global level.

The impact of cloud applications on positive network effects and efficient provisioning of public data should be considered.

Useful links

1. Link to the Commission's PSI re-use website:

http://ec.europa.eu/information_society/policy/psi/index_en.htm

2. Next steps and privacy statement:

The Commission will take all contributions into account and prepare a summary report on the consultation, which will be published on the Commission's PSI website [see below]. Electronic replies to this consultation will also be published on the Commission's PSI website. The on-line publication of your contribution will be regarded as acknowledgement of receipt by the Commission. If you do not wish your contribution to be made public, please indicate this clearly at the beginning of your reply. In that case, your reply will also not be mentioned in future documents which may refer to this consultation. Received contributions, together with the identity of the contributor, will be published on the Internet, unless the contributor objects to publication of the personal data on the grounds that such publication would harm his or her legitimate interests. In this case the contribution may be published in anonymous form. Otherwise the contribution will not be published nor will, in principle, its content be taken into account.

http://ec.europa.eu/geninfo/legal_notices_en.htm#personaldata