



EUROPEAN COMMISSION

Communications Networks, Content and Technology Directorate-General

Data

**Data Policy and Innovation**

## **Minutes of the Joint 25<sup>th</sup> Meeting of the Public Sector Information Group and 11<sup>th</sup> meeting of the Working Group on the pan-EU Open Data portal**

**Wednesday, 15th November 2017**

**European Convention Center, Room D  
1 rue du Fort Thüngen,  
L-1499 Luxembourg**

### **Introduction**

The meeting was opened by the Head of DG CNECT unit Data policy and innovation, Mr Yvo Volman, who presented his experience with open data issues, including the lead drafting of the Directive 2003/98/EC and its 2013 revision, and outlined the ongoing work of the Commission in the areas indicated by the mid-term review of the Digital Single Market Strategy. There were two European Councils dedicated to Digital matters this year and within the DSM, data aspects are clearly important. More actions on this topic have been announced:

- An initiative on public and publicly funded data for spring 2018
- Continuation of the analysis on the issues of access to private sector data for public services
- Possible guidance on B2B data sharing and accompanying support actions under the Connecting Europe Facility (CEF) programme

The review of the PSI Directive is a key element of the initiative on public and publicly funded data. For the first time, the Commission will try to bridge the gap between Open Data and Open Access (to scientific information) policies. Concerning the PSI Directive, a public online consultation was launched in September to last until mid-December. This PSI Group meeting is considered as a formal part of the broader consultation process, in the purpose of engaging with key stakeholders around the PSI Review. The meeting is intended to provide first feedback from the Member States on the implementation of the Directive so far and on the way forward.

### **Review of the PSI Directive – policy and legal aspects**

Mr Szymon Lewandowski presented the main elements of the upcoming 2018 Data Package, which intends to streamline the policy approach towards public sector data, research data and private sector data (not yet on a regulatory level).

In this context, the Commission needs to evaluate the Directive (focus on 2013 changes), assess remaining barriers to the PSI re-use and possibilities of enhancing access to data of public interest.

Other elements of the package:

- Support centre to support B2B data sharing (on contractual matters, licensing, privacy etc.)
- Review of 2012 Commission Recommendations on access to and preservation of scientific information

The outcome of the review of the Directive should be completed by July 2018. This may include a legislative proposal for amendments.

Q/A

**Slovakia:** What is the intended interplay of personal data protection and re-use. Is there an intention to deviate from GDPR? What would be the impact on IPR?

**Commission:** No deviation from GDPR is possible. Data protection prevails, as stated in the Directive, and this principle will not be altered. In practice, maybe there are some interpretation questions but those need to be tackled on the implementation level, not from a legislative point of view.

IPR and the Directive: Another principle expressed in the Directive is that public sector bodies cannot give away what does not belong to them (Art 1.2(b)). Some misunderstandings have been signaled to the Commission which is why a clarification of interplay between the Database and PSI Directives is also on the table.

**France:** Another possible interaction is with trade secrets directive. Is the EC issuing guidelines on this topic?

**Commission:** The interplay with the Trade Secrets Directive (not yet fully transposed) is indeed being looked at and we will monitor the developments to react if necessary.

#### **Government as a platform – presentation** (slides attached)

Mr Perica Sucevic (Secrétariat général pour la modernisation de l'action publique, France) explained the new approach of the French government towards intra-government use of public sector data. France has moved from the pure transposition of the Directive to implementing of a concept of 'government as platform'. As a first step though, the rule of free re-use needed to be put in place, with very few exceptions: only 4 entities belonging to the geographical and meteorological sectors are allowed to apply charges.

The next big step was the adoption of the Digital Republic Bill ("Loi Lemaire"):

- Automatic publication on line of three categories of administrative data:
  - Those communicated to citizens already
  - Those set out in the list of the main re-usable administrative documents
  - Datasets or data whose publication has economic, social, environmental or sanitary interest
- All publication must be in machine readable format, open standard

It must be acknowledged that not all data are equal. The most important are reference data; 9 databases have been considered as such at the moment, belonging to the following categories: economic info, geographical info, administrative info and employment info. This information is characterized by high levels of reliability, availability and security.

*Data.gouv.fr*: the portal was established back in 2011. France's strategy changed in 2013 to allow and include more feedback and interaction with re-users. In the portal anyone can download public data and publish re-use cases and their own data (it is not a one-way communication portal). It can be considered more as a social network than data repository. Within the portal there are even spaces for thematic communities (e.g. transport data).

Open data initiatives can be costly. Therefore, the French approach recognizes that public services need to work more as start-ups do: they do not launch large processes but 'start small and think big'. The government needs to lead by example: re-use the tools of start-ups to solve frictions, identify entrepreneurs within administrations and teach them how to do things. This is why coaching programmes within the public administration are launched for a period of 6 months, dropped if the idea does not work. One example is the mes-aides.gouv.fr application: less than 7 minutes to fill in your data and get information on which benefits you are entitled to. This works because France has launched a portal with an API giving easy access to administrative data from different government services.

**Commission:** to what extent do you require smaller public entities to have APIs in place? It has a cost, especially for small administrations.

**France:** Only the central administration at the moment is required to have APIs. We are thinking to experiment with smaller entities but we are not forcing them at the moment since their financial situation is already strained. In the transport sector we do push a bit more. The idea is to simplify processes for all players, for example the APIs are used to get updated data from across the entire government in order to prepare Impact Assessments for upcoming policy initiatives.

**Finland:** Does the concept of government as a platform incorporate also personal data? This can be done if planned correctly. In the framework of 'My Data' initiative, Finland is setting up such a system with Estonia.

**France:** Not in France, this functionality was not intended as it would be difficult to align with the data protection rules.

### **The issue of De Facto Exclusivity – DG COMP**

Mr Geza Sapi from DG COMP highlighted a new type of public-private arrangements which the Commission is following closely, given that competition aspects may be at stake. For instance, DeepMind (Google subsidiary) had recently received detailed health patient data free of charge from various UK NHS trusts in exchange for data analytics services. In Italy, IBM is having an arrangement for patient data of all Italian citizens for the purpose of training AI algorithms. Some market participants complained about lack of transparency in the process of sharing these data and, given the size of these commercial entities, there are of course market power implications. There are 3 questions for the MS representatives:

- 1) Are you aware of similar arrangements?
- 2) Are there circumstances in which access to data is de facto exclusive? Is this desirable?
- 3) Is there scope and added value in ring fencing the PSI Directive regarding the use of patient data?

**France:** We face such challenges in the cases where digitalization of the (often cultural) material is at stake. But the exclusivity, in line with the Directive, cannot last more than 10 years. The reality is that at the local level local authorities do not have the money to digitalize content without help.

**UK:** It is not evident that the PSI Directive is relevant in such cases. Hospital information is not publicly accessible and patient data are personal data, so their processing needs to above all comply with personal data legislation (which takes precedence). It is true that the information commissioner in the UK has criticized a similar practice. We are very vigilant. But given that the arrangements are not exclusive per se, they are more relevant for procurement legislation.

**Finland:** Open data does not include personal data, especially so healthcare records. The processing of such personal information needs to be explicitly allowed by the data subject. On this basis, Finland is developing an initiative on the sharing of patient data for public good.

**Slovakia:** When implementing PSI Directive, Slovakia was very strict about exclusive agreements and introduced civil law sanctions: such contracts are legally void in Slovakia, which is a significant deterrent.

#### **Presentation on re-use of transport data** (attached)

Mr Lars Nieuwenhoff presented a Dutch app ([www.go-ov.nl](http://www.go-ov.nl)) which re-uses public data, and specifically public transport information, in order to empower people with disabilities to use public transport autonomously.

He emphasized the importance of the availability of the relevant data (routes to/from bus-stops), and the added value of indoor navigation in public buildings (railway/metro station). All public transport companies are obliged to provide dynamic data into a common platform in the Netherlands, which greatly facilitates the building up of Goov and similar services.

**Estonia:** Would it be economically viable to roll-out such an app in a small market like Estonia?

**Presenter :** This is possible, if not entirely from scratch, then at least our app could be adapted to the reality of another market quickly.

#### **Member States' interventions (tour de table):**

##### **Belgium:**

On the federal level, Belgium is still working on the royal decree for the conditions for re-use and licensing. Administrations are quite wary of CC0 license. The decree is delayed to convince administration that there is nothing to be scared about. There is a lot of legal work to do. We are working to make available big data sets for free but this is difficult: e.g. business registers. The re-use of specific datasets from the register is free of charge but re-using the entire register is charged in the order of 75.000 euro per year. This means that there are only two re-using companies that can afford to pay and they effectively lock out the market to all other companies. Belgium will also commission a study to calculate the costs and benefits of making business registers free to re-use.

Other problem that needs to be addressed is that the costs are to be borne by one entity while benefits are spread across the entire economy.

For the Directive review it would be very helpful to define on a legislative level which datasets are the most important and the way they could be made available: e.g. company registers: they should be made available as open data in all EU countries!

**Commission:** This is a valid remark and very much in line with what is happening in France as well as what was agreed by the G8 countries back in 2013 (Open Data charter and agreement on a list of high value datasets).

##### **Czech Republic:**

The Czech Open Data portal is linked to the EU portal. The ministry in charge recently conducted a study on the economic impact of open data. It is not an easy task to perform the tasks under the study and to get meaningful results. The Open Data Portal at the EU level could provide guidance on how to undertake such research, and what indicators to take into account for a harmonized

methodology. In September, a first hackathon was organized on public open data: 7 government bodies were involved.

There is an issue with transport data, which are often produced in proprietary formats. Companies complain about this and especially small players as they need to register to gain access to such data and then need extra investment to change the format.

#### **Denmark:**

Denmark's data programme is moving forward. In 2018 data on addresses and properties will be available. All data scheduled for opening should be available by May. Denmark supports more data sharing and looks forward to the revised directive.

#### **Germany:**

Germany now has an open data law, in force from July. Federal authorities will have to provide the necessary data within one year. In case where there are technical problems they have one year more. In principle in two years all federal data should be open. Currently, the modalities of implementation are discussed. Additionally, there is a demand among the services to set up a support unit for the authorities. There is also a demand to evaluate this act after 4 years and seek for improvements.

Two points:

- During the implementation, a survey was launched to enquire about exclusive agreements: feedback is that there is no problem (at the federal level). At the regional level we do not know.
- Experience with research data: there was an initiative to extend 'open by default' principle to research data. Significant resistance from the stakeholders was encountered, who complained that it would likely only apply to some publicly funded research agencies and not to universities which benefit from more academic freedom. On the other hand, researchers are asking how open data and open access requirements interplay and how to proceed on this.

Another newsworthy information is that a new German metadata model, based on DCAT, was adopted.

#### **Estonia:**

Estonia is still struggling with finding the benefits of using open data, especially in relation to countries with a limited market size. We have not found many open data sets which would be interesting for the private sector. Within Estonia there is already a well-developed layer of data exchange between administration so the efficiency gains are mostly due to this rather than to the opening up of data. We have chosen a way for pushing the government authorities to provide open APIs of their new systems. We hope that with this, we will have more open data available in the future.

From 2018 till 2020, a private contractor will help the government to increase awareness and organize events on open data.

**Commission:** opening up data serves the development of EU-wide applications. Maybe the market size in Estonia is not big enough on its own but if this market is combined with other markets there is a way to come up with commercially viable value-added services.

**Ireland:**

Ireland has already made approximately 5,500 datasets available on the national portal. More than 300 datasets on health are available on the recently launched eHealth regional portal which are linked to the national portal. An open data strategy for the next 5 years was published this summer. An Open Data Engagement fund has been run for the second year to encourage re-use. There is also a framework for open data training and technical support in place for drawdown by public sector organisations.

With regard to the review, Ireland will respond to the public consultation and is promoting the public consultation amongst Irish stakeholders.

They have a number of public authorities still charging for data as they need to cover their operating costs. So we need to look carefully at the question of ceasing charging completely.

**Spain:**

Work is being done on the promotion of open data and the reuse of information. Many improvements have been developed in the Open Data Portal, which already has more than 16,000 data sets. Also, a new Royal Decree on data reuse is being drafted to develop Law 18/2015 on the reuse of information from the public sector. This Royal Decree has two key points: the simplification of the licensing models and the reduction of the cost by the reuse of certain data. Regarding the revision of the Directive, in Spain there are two different laws: one on Transparency, access to public information and good governance and another on Reuse of Public Sector information. The two laws have different application deadlines and procedures, as well as two different entry points to request and publish information. We are trying to merge both in this new Royal Decree, but maybe, in this revision of the Directive, this situation can be taken into account.

**France:**

After the adoption of the Digital Republic Bill, the legal activities are almost completed. We have still one decree left related to open data and data protection. Work is underway to draw a list of public documents containing personal data which can be published and under which conditions. This can for instance refer to transparency registers of the gifts that doctors receive from pharmaceutical companies. Such information is public but should only be re-used for transparency purposes. Regarding the portal, its further development is based on nurturing communities around topics.

**Croatia:**

A new open government partnership (OGP) action plan is being drafted. It will incorporate the open data policy. A new government office for digital development was also established. The national open data license is adopted and authorities are obliged to use it. Regulation on charging is being drafted as well and will be adopted in February. The national implementation report will be sent to the Commission by the end of the month.

Regarding the national open data portal we have integrated 3 open data portals at the regional level into the national one. Others authorities will soon follow with their own data. Croatia is currently working on a draft guidance document for the charging criteria, in line with the Directive. If any MS state had relevant experience or best practice in this domain, it would be welcome.

**Italy:**

After the first phase of transposition and implementation of the PSI Directive, it is now time to make a further evolutionary step; it is no longer enough to talking about metadata, profile, catalogs and other basic technical topics, this is the first phase of implementation.

Now, I think that we must to launch a new data and open data management phase, focusing on the DATA, the effective reuse of data, and measurement of impacts. The review of PSI Directive must point out to this great evolution, where the principal goals could be:

- interception a request for re-use of data, in particular on the territory, by sectors of interest, (there are large difference of interest in the different territory – or region – of the same country) possibly with the involvement (and supporting) of municipalities or local gov.
- activate the dialogue with business, for better understand how to stimulate the meeting between demand and supply of data (but not only);
- identify companies and organizations that use open data to suggest, generate and develop products and services and to understand which type of data P.A. must to make available in open;
- carry out annual (or bi-annual) checks at companies that re-use data and follow open-end-reuse development, perhaps through a specific continuous observatory;
- promote open data culture, based on reuse of data and not on technical topics for expert. It's need to work at conceptual, administrative and economic level;
- promote data quality, by using standard that already exist: ISO 25012 on “Data quality model” and ISO 25024 on “Measurement of data quality”: we want the reuse of data, not metadata;
- promote Data Driven Decision policies at national, regional and local level of gov.;
- carry out studies on the impacts of the open data at economic and social level (but not only), and promote skills training;
- promote coordinated action between central, regional and local administration for a particular domain or ecosystem, aimed at opening datasets having the same object but containing different information that complement each other (continuity by domain);
- planned actions to make some regional or local dataset, available by all regions, so to have coverage across the national territory (continuity by territory);
- For all these activity or actions, Member States could activate a specific open-data body that could also play role between stakeholders requesting the data and the administrations that holding that data; so at European level, could be useful a general monitoring, with a common dashboard between member states in order to ensure a homogeneity in the content and assessments.

Another very important topic is a common governance for a wider public sector information infrastructure.

As we know, at European Union level, but also at national level, there is a growing need for a better coordination between the various policies. Several actions are recommended for this purpose. The Commission report on the implementation of INSPIRE Directive and the Maintenance and Implementation Work Programme (MIWP) 2017-2020 recommend to improve coordination between the national INSPIRE implementation and eGovernment, open data and other relevant processes. That issue is also addressed in the EU eGovernment Action Plan 2016-2020 and in the

new European Interoperability Framework that stress the need of using spatial data to improve the eGovernment policies.

It's necessary the Coordination between INSPIRE implementation and eGovernment policies.

First of all, we must consider the catalogue with all the data, so we can know both the open data and, very important, also the data not open yet: we remember that the PSI Directive gives the right to request the release the dataset not yet available in open data. This could also enable or support activities of back office, data management, decision support system, ecc.

Furthermore we must consider that we need two separate catalogues: one for geodata and another one for other various type of data (that we can define alphanumeric data).

For the geodata catalog we must respect PSI but also INSPIRE Directive and related profile, and then we must respect the rules about network services, while for alphanumeric data it isn't possible to use the INSPIRE profile and we generally use DCAT-AP profile or national extensions and we don't have network services.

So far, Open spatial data is probably documented both in the Catalogue for spatial data and in the Catalogue of open data. This can be a serious problem, we can have a possible misalignments between the metadata published in the two catalogues, we have sure a duplication of metadata and a double burden on P.A., or maybe metadata not updated in one of the catalog, and various combination of this.

We must to adopt a new approach, taking into account the four level of the interoperability, defining common rules at legal, organisational, technical and semantic level and introducing a stronger use of the "once only principle" to avoid the description of the same data in different domains and to make available information already collected by public sector bodies pursuant to other initiatives, facilitating cross-sector sharing of metadata. According to Once only principle, Open Geodata will be documented only once in geodata catalogue. Then, through the implementation of the GeoDCAT-AP specification (recently defined in the context of ISA actions) a bridge will be builds for enabling the discovery of open geodata also in alphanumeric data portal. So, INSPIRE principle "data should be collected only once and kept where it can be maintained most effectively", could be appropriately generalized in the PSI context.

#### **Latvia:**

There is some exciting news to report: Latvia established its first open data portal in June and is working on licensing guidelines. We are trying to focus more on quality of data these days rather than quantity. A very useful event organized at the ODI in London will help us roll out our own awareness programme within the administration.

#### **Lithuania:**

Legal requirements for PSI re-use are in place. All ministries are responsible for opening up of their datasets. We have already some encouraging examples of how companies use public sector data, especially statistical data and topographical data.

#### **Luxembourg:**

Right now the parliament is voting the law on open data and access to information. A great deal of documents published will not contain personal and will therefore be disseminated as open data. We are using the French data portal infrastructure and implementing updates. We are discussing the



possibility to launch a study on open data impact with the statistical office. We want public data in Luxembourg to be really free and this does not appear to be an issue on the national level.

However, a CC0 license is an issue and discussions are ongoing as to which standard license to use. We also support the idea of defining an EU list of datasets as 'open by default' (similarly to INSPIRE process which was difficult but the final list had the merit to be clear). Discussion on links between open data and open science: theoretically the same objective but we have seen while discussing with the researchers in Luxembourg that the approach is quite different. Scientists are afraid to lose the data at the expense of other researchers before they even publish the results of their work.

### **Hungary:**

Hungary has a huge portfolio of potentially high-value PSI. However, the policy uptake was slow and the most advanced stage so far was the 'white book' on national data policy -a strategic document analyzing the situation and the strengths/weaknesses of Hungary in terms of Open Data. After the adoption, for a while it seemed that nothing happened but in fact the mindset of many people has changed. We consider PSI reuse as an integral part of the data economy. Because of this approach, the PSI reuse has finally reached the highest level of decision making. Unfortunately, financing is an obstacle hard to overcome. Many large data producers are obliged to generate income, given that the state only covers around 10% of their operating costs (the total revenue generated from charges can amount to 13-16 million EUR annually). Promising developments are currently in drafting phase to secure budgetary support for these bodies but ultimately it is a question of the available budget income and the political will of course.

On the data portal: There must be a single gate for reaching data and also to help leverage new technologies and APIs. We are in the preparation phase of creating a structure for the future data portal. The current portal is more than a decade old and focused on transparency data. We would also like a coordinating body to be in charge of data policy. However, the real issue is not so much the administrative governance but rather the available funds to power change.

### **Malta:**

It may seem that little has been achieved but in reality many things happened in Malta on the open data front. Malta is also very much in favour of 'open by default' datasets across the EU along with stricter rules on formats. This would help to overcome administrative inertia and low level of proactivity. There are many datasets whose publication is a regulatory requirement based on other legal acts. However, these acts are often old and in the times they were drafted a simple pdf might have been considered sufficient. This approach should be updated. Even if we have a mandatory list on what should be published, if nothing is said on the how (what format) we will face problems.

Malta is still lagging behind on two elements of the open data policy: the legal aspect and the implementation of the national data portal. While the main body of legislation was adopted, complementary laws are being drafted to complete transposition. The National data portal is coming up and it will be based on base registers which would be the foundation for all registers and enable a once-only principle. A new register of registers will replace the need for all administrations to maintain similar data in their databases. Malta is also in the process of establishing a data classification scheme. Each authority should classify its data in terms of openness, clarity etc. Next year we will have the portal online with the registers and developed by a contractor. We would like to align with the Tallinn declaration and the Open Data charter which both envisage digital by default and open by default.

**Netherlands:**

After a change in government, the new policy agreement mentions open data explicitly. All developments of open data policy will have to be discussed with the new minister. In the meantime, work is under way to increase the quality of open data. For instance with the National Bureau of Statistics (CBS) and the National Cadaster, we are working on how to develop new citizen-focused services based on administrative data and geo-data.

The reporting exercise is being prepared but we find it is still a bit early to properly evaluate the effect of the Directive, with only 2 years since its implementation. It is also very difficult to quantify the impact as authorities on lower levels of government (e.g. municipalities) have little awareness of the EU-level laws and policies in the domain. We are very glad that the review will look into the questions on the links with other fields: e.g. data protection, IPR, databases. These topics were complicated when transposing the Directive.

There is an issue concerning competition law: public sector bodies are willing to give information for free but this causes problems for private parties that could offer similar services. It is also difficult to draw the line on what is actual enrichment of the data and when then you can make people pay for the data. Clarification on those matters from the Commission would be helpful.

Services of general interests (energy, transport) are very different from case to case and there is a lot of jurisprudence on it. Any action with regard to para-public bodies has to be very carefully prepared.

**Poland:**

We distributed the information on the consultation to our stakeholders and experts. We support the idea to strengthen the adoption of APIs. It might reduce costs and bureaucracy. However, adding APIs to existing systems can generate additional costs. Therefore, the use of APIs should not be mandatory and should be balanced. We already have developed some APIs financed under Digital Poland Initiative: 6 key public registers will be open through APIs and we will elaborate technical standards for APIs.

Poland is looking forward to discussing about widening the scope of the Directive. We support the idea of extending the scope to research data but we need to bear in mind that we have different types of documents held by those bodies. Administrative documents should be covered by PSI under meaningful restrictions. On research data, more information is needed to provide evidence on how to release these data.

Re-use of data from para-public entities is an area for which we can offer little experience so far. As regards the so called 'reverse PSI', we believe it is justified to open up data held by commercial entities for public purposes but appropriate incentives for the private sector should be found. Rigid rules would be more effective but less acceptable by stakeholders.

The main challenge for the future is the GDPR. An update of the 2013 opinion from the Article 29 Group is badly needed.

**Slovakia:**

The Ministry of Justice is in charge for issues of right to information and PSI re-use. Slovakia sent its contribution on the public consultation to the Commission. We would like to report that no entity in Slovakia has concluded an exclusive agreement. Even cultural institutions do not use the exception allowed under article 11. In any case, in Slovakia this type of contract would be legally void.

Most authorities respect the marginal costs and zero costs rules, and there is the presumption that public licenses should apply by default. On the 1<sup>st</sup> of March 2017, a Government Resolution action plan for Open Data was adopted. One of the aims is to launch 5 expert groups on open data.

Since 2010 Slovakia hosts the biggest European data portal (central register contract) on procurement data. Slovakia became a model in the world for anti-corruption policies. All contracts concluded by public bodies with private parties must be published on the portal: if not published they will not be legally binding. The Czech Republic based its law on the Slovak model. A reform of free information act is under way and the central register of contracts will be improved with more functions.

#### **Portugal:**

Portugal has launched a tender for the new portal and we will sign the contract in two weeks. We will be using the French EU Data model, as Luxembourg already does. We will also be launching new political requests for data across all ministries. Health and Justice ministries have their dedicated open data portals. In our opinion, this is good also for the national data ecosystem. We are doing interesting things with data at the municipality level as well.

A European data charter or at least a list of open by default datasets is needed. We have a very silo-oriented public administration and it is difficult to convince officials to open up their data. We need guidance on datasets.

#### **Slovenia:**

We will launch a new portal at the beginning of December. We have also cooperation agreements with universities and students to promote the use of public data. For the biggest data providers we are harvesting the data because they are using compatible tools. Our government publishes datasets in RDF and SML format. Some workshops with cultural institutions have been organised to see how best they could open up their data, given that they are just starting the discussion in this area. The statistical office has also been very active in disseminating its open data. As the data infrastructure and legislation are in place, the plan for next year is to promote open data among new groups, such as high school teachers.

#### **Finland:**

We have two new relevant legal acts coming up, including one on transport services. This act will oblige operators to provide extensive information on their services through open interfaces and in machine readable format. Health data was also mentioned during the discussion and there is in fact a proposal on secondary use of health data. The legislation looks into licensing possibilities for the use of such data, which is of course based on GDPR.

No news on PSI law which was already transposed. A report on Finland's achievements in the area of open data has been drafted. It will be published in English soon.

The open data portal is based on CKAN. It is updated regularly. We are working on new user interfaces and pushing forward APIs. No manual update, everything is already automatic. We are also publishing procurement data on the portal. Efforts are ongoing to encourage data start-ups and to look at open data from a company perspective.

#### **Sweden:**

Sweden is currently carrying out a study on data portal users' needs. The new version of the portal will go live in December. The applicable law says that all agencies should have a list of data which should be possible to re-use openly, as well as a list of those restricted in some way (through charges/licenses). The portal will show both types of data. Users have indicated the need for more documentation on the data they are using.

From the technical point of view, the portal can publish also data from semi-public authorities and even private sector if relevant. Regarding the issue of scope of the Directive, the research council at the national level will coordinate streamlining policies on the topics of open research data and open access.

#### **United Kingdom:**

The National report was submitted to the European Commission in July. We have 43,000 datasets available and we went through feedback sessions with users. Re-use is very clearly increasing. Open government license is compulsory for nearly all cases applicable by all central government bodies (300 authorities). The wider public sector has tens or even hundreds of thousands of organisations. Even amongst the latter who are permitted to use CC, many have adopted the OGL. A limited amount of bodies still trade and charge for data.

The questions in the consultations are very broad. In general the UK would prefer not to change the charging provision but is more flexible with regard to streamlining the approach on open research data and open access. On the topic of para-public bodies, a discussion should be held with procurement experts on what falls into scope. It would be useful to know what the additional costs would be on the contracting authorities. It is very difficult right now to assess the impact of the current Directive as it is too soon: we have only anecdotal evidence. On the issue of access to private sector data for public interest purposes, at the end of April an act was adopted which includes similar provisions in a limited scope (e.g to address the issue of 'fuel poverty' of households). There are however some doubts that the PSI Directive as currently conceived and titled could be used as a vehicle for the re-use of private sector data.

#### **Observers:**

##### **Norway:**

We are working on 5 prioritized sectors. We have already a lot of data shared and being used but we need to streamline this better. Not only open data but all kind of data (also sensitive) should be more easily shared. The national platform will cater for all types of users and data. An internal consultation is underway to enable common response to the public consultation. We welcome the proposed action on dynamic data, private sector data and para-public data.

##### **Switzerland:**

On the government level, we are renewing our mandate for open data and trying to align with the main principles of EU policies on open data. We are working on our data inventory which is very simple for the moment but very important to us. This includes discussions about data quality, liability issues etc. Data management is a more pressing issue and we try to enable a more efficient governance process before focusing on the opening up of data. We also try to engage in community management and we work with our regional and local authorities who choose to publish on the national portal.

#### **European Data Portal: update**

## 1) European Data Portal improvements

A new section dedicated to statistics on the portal content has been added. Users can display content statistics by various categories (by harvested catalogue, by country, by category) and visualize them numerically and graphically. Comparisons between two dates ("evolution") are also possible.

Small seamless improvements have also been made throughout the portal to improve the users' experience, as the introduction of specific icons and the introduction of more visible filters.

The Metadata Quality Dashboard went through many refinements and additional features. The navigation has been enhanced, together with the main pages design, and raw data can now be downloaded in multiple formats.

## 2) Open Data Maturity 2017

For the third time the annual Open Data Maturity in Europe was assessed and will be made public on the very same day following the meeting.

The presenter, after having thanked the participants for their great cooperation in providing the necessary input, showed that this 2017 report reveals that EU countries are fully racing to the top, with open data driving digital innovation. The average Open Data maturity index (the composite indicator measuring the overall scoring) raised from 59% in 2016 to 73%; Open Data readiness raised from 57% to 72% and Portal Maturity from 66% to 76%.

Countries are in fact improving on all indicators and sub-indicators:

- in 2017 all EU28 have a national Open Data Portal (Malta and Latvia now also have a national portal);
- 93% of the EU28 (amounting to 26 countries) recommend a specific licence. In comparison to 2016, this is an increase of 3 countries;
- significant increase in maturity in terms of national coordination (from 52% in 2016 to 87% in 2017)
- 57% (16 MS) of the countries score above the EU average on Open Data Readiness;
- 64% or 18 out of EU28 Member States have indicated that at least 90% of the available datasets are available in machine-readable formats (only 14 in 2016).

Also, a very important conclusion is that European Countries are understanding and documenting Open Data impact more systematically, and social and political impact continue to increase; economic impact appears to have slowed down, even if the trend is still positive.

Ongoing challenges in measuring impact and positive outcomes seem to be the following:

- it takes time to measure impact. However, with more countries becoming more mature and experienced in Open Data, impact can be better measured;
- tailored support workshops and regular contact with the EDP team have helped countries to better understand and document impact;
- countries learn from each other's best practices and develop similar apps used in other countries;
- making more data available and making portals more user friendly have resulted in more re-use of data used to create apps

The report adopted a new clustering of countries, classified into four categories: Trendsetters (14 EU), fast-trackers (8 EU), followers (6 EU), beginners (no EU country in this category).

Some recommendations to move even forward in the open data journey are the following:

1. enhance your Data Portal: develop a comprehensive sustainability strategy for your Open Data portal and embed it into the road map towards reaching the envisaged To-Be state;
2. sustain funding: address the question of funding by employing alternative financing models as well as by demonstrating the impact of Open Data to secure long term support;
3. document impact: hold events, rally further support around Open Data by gathering proof of impact, in particular on the impact of Open Data at micro-economic level;
4. interact with your users: get to know your audience and your users by using metrics and enhancing interaction and feedback mechanisms;
5. drive digital transformation: use Open Data and PSI as a means to drive digital transformation within the public administration;
6. explore privately held data: leverage the use of privately held data of public interest to increase efficiency and value of policy making;
7. offer real time data: become a one-stop-shop for data by offering information about and access to real time data.

The full report is available on the European Data Portal here:

<https://www.europeandataportal.eu/en/dashboard#2017>

and can be downloaded here:

[https://www.europeandataportal.eu/sites/default/files/edp\\_landscaping\\_insight\\_report\\_n3\\_2017.pdf](https://www.europeandataportal.eu/sites/default/files/edp_landscaping_insight_report_n3_2017.pdf).

### **Concluding remarks:**

The next meeting of the PSI Group will depend on the next steps of the preparatory work on the PSI Directive review, notably the opinion of the Regulatory Scrutiny Board and the outcome of the inter-service consultation, planned for the beginning of April 2018.