

PUBLIC CONSULTATION
Review of the PSI Directive
July, 2008

Dear colleagues,

We are writing you for the purposes of the "Public Consultation - Review of the PSI Directive". Our comments below represent the viewpoint of a personal data protection supervisory body.

1) In our opinion, no change in the wording of the PSI Directive is necessary. However, the guidelines on proper implementation and application (as mentioned under the question iii.6.) could be useful.

2) In our view, re-using personal data held by public sector bodies is admissible only on condition they are used for a purpose which is not incompatible with the purpose for which the data have been collected. With the exemption that they were lawfully and fully published in accordance with special legislation.

3) Certain limitations to the public nature of data should be taken into account also for the re-use. For instance, information on real property in the Czech Republic is allowed to be searched only via the property itself and not its owner (investigation into the economic situation of owners). All relevant limitations should remain for the re-use.

4) Protection of personality and of personal data should take precedence over the right to access on information. This principle should be respected generally. Only in isolated instances of significant public interest done by law could the right to information as a political right outweigh the right to privacy as a basic human right.

Best regards,

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