

<b>Date of the Report</b>	04/07/2008
<b>Name of the Ministry/ Organisation:</b> Ministry of Science, Technology and Innovation,  National IT and Telecom Agency	
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## **I. Implementation and impact of the Directive**

### **1. In addition to transposition measures, could you please indicate additional practical/deployment measures (e.g. national portals, asset lists, etc.), that have been taken in your State or by the main Public Sector Content Holders in your country to facilitate the re-use of PSI?**

On 24 June 2005 The Danish Parliament adopted the Act on the re-use of public sector information (PSI-act). In the explanatory notes to the act it is stated that all public authorities has to publish online assets lists of main documents that are available for re-use. The assets lists have to be published on the respective homepages or in a central online database (Infostrukturbase) hosted by the Ministry of Science, Technology and Innovation.

The Ministry of Science, Technology and Innovation is currently considering the need for guidance to the PSI-act.

In order to facilitate the *commercial* re-use of the public sectors information, the Ministry of Science, Technology and Innovation has formed a working party. The working party is assigned to identify the needs for guidance, and if necessary provide legal and technical guidelines for companies who consider establishing different kinds of information services.

### **2. Do you consider that the Directive has had an impact on the information market in your country? If so, how?**

Currently, it is difficult to say whether the Directive has had a noticeable effect. In that connection, it is noteworthy that there is a long tradition of general access to public information – especially, as regulated in the Act on Public Access to Documents in Administrative Files.

As mentioned under question 1, the Ministry of Science, Technology and Innovation is currently considering how to increase the general knowledge of the legal and technical opportunities for re-use of public sector information.

**3. Has the implementation of the Directive resulted in a revised charging policy by public sector bodies?**

No.

The principle of making documents available at a charge that does not exceed the marginal costs for reproducing and disseminating the documents is in accordance with the governing regulation (The guidance on price calculation issued by The Ministry of Finance).

**4. What kind of problems do you believe private companies in your country are encountering when wishing to re-use public sector information?**

As mentioned under question 1, the Ministry of Science, Technology and Innovation is currently considering how to facilitate the commercial re-use of the public sectors information.

## **II. Scope of the Directive**

**5. Would it be appropriate to include cultural establishments, education and research organisations and public service broadcasters, within the scope of the Directive?**

These areas (cultural establishments, education and research organizations and public service broadcasters) currently fall within the various regulations on access to the public sector information – especially Act on Public Access to Documents in Administrative Files, Act on Public Administration, Act on Processing of Personal Data (Directive 95/46/EC) and Act on Access to Information Relating to the Environment (Directive 90/313/EC).

Currently, the Ministry of Science, Technology and Innovation can not foresee the consequences of including these areas within the scope of the Directive. Such an initiative will require further investigation where the special circumstances regarding research and the possible consequences for intellectual property rights have to be taken into consideration.

**6. What would be the impact and societal benefits of including these sectors within the scope of the Directive? What are the problems these excluded sectors may encounter should they be included within the scope of the Directive?**

See question 5.

## **III. Looking ahead**

**7. What technical, organisational, legal and practical measures could be established by national administrations and/or at European level to optimise the re-use of PSI (e.g. efficient dispute settlement mechanisms)?**

The Ministry of Science, Technology and Innovation has made great efforts in the area of data standardization and common open data standards. Standardization is the foundation for creating coherent IT solutions in the public sector and a potent means to ensure interoperability and hence better services for citizens and businesses.

Standardization serves – among other things – as an instrument to ensure a quick and flexible exchange of data between the public authorities and between the public sector and the private sector, and hence the re-use of public sector information.

**8. Should legislative amendments be introduced in the Directive to make it more efficient? If so, which ones and why? Would guidelines on proper implementation and application of the Directive be useful?**

Seen in a Danish perspective, The Ministry of Science, Technology and Innovation does not think that legislative amendments would make the Directive more efficient. On the other hand, the ministry – as mentioned previously – strongly considers producing different kinds of guidelines, with the purpose of facilitating the re-use of the Danish public sector information.

**9. Additional comments**

None.

15. September 2008

Dear Mr Hernández-Ros

Thank you very much for your mail of June 24, 2008 regarding the PSI directive.

The Danish Ministry of Culture is generally positive towards the idea of letting cultural institutions be covered by the PSI directive. This could be especially useful with regard to the digitisation efforts, which are undertaken in a Danish context.

At the same time, the Ministry of Culture agrees with the viewpoint of the official Danish member of the PSI group represented by the Ministry of Science, Technology and Innovation, which states that the consequences of including these areas within the scope of the Directive cannot be foreseen at present.

The Ministry of Science, Technology and Innovation furthermore states that covering cultural institutions by the PSI directive will require further investigation where the special circumstances regarding research and the possible consequences for intellectual property rights have to be taken into consideration. The Ministry of Culture also agrees with this viewpoint, and offers its support in case such investigations have to be undertaken.

Yours sincerely,

Sophie Bruun  
Special Advisor