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Dear Javier

Public consultation (26 June 2008): Review of the Public Sector Information Directive 2003/98/EC

SCONUL's response, which follows, addresses the questions in part ii of the points raised in the consultation.

SCONUL (Society of College, National and University Libraries) is the association representing the heads of library and information services in all the universities, and most other 'higher education' or 'third-level education' institutions, in the UK and Ireland, together with the directors of the national libraries of the UK and Ireland.

For convenience, we shall refer to the institutions we represent as 'universities', although the true range of institutions is more diverse.

Most of the directors represented by SCONUL manage the collections of commercially-published information assembled for the research and teaching in our universities. Increasingly, they manage the public availability of the universities' research outputs, such as scientific papers and doctoral theses. Their advice is also sought on the management and preservation of raw research data.

In principle, SCONUL is committed to the principle of open access to information. But we firmly believe that the exemption from the Public Sector Information Directive which currently applies to educational institutions should remain.

Our reasons are

- 1 The disproportionate regulatory burden on universities that would result if the Directive were to apply to them

- 2 The threat to the normal academic research process posed by premature release of research data under the régime framed by the Directive.

Disproportionate burden

As their name suggests, universities collect information on a universal range of subjects. The data are not only highly diverse and specialist, but also very dispersed through the institution. The extraordinarily pervasive and varied nature of universities' data holdings is probably unique. For that reason, a removal of the exemption from the Directive would mean a very broad (possibly uniquely broad) range of potential enquiries for information, coupled with unusual difficulty in supplying and pricing it, as a result of the variegated nature of its metadata, format, provenance, and potential delivery mechanisms.

Data protection legislation and issues of commercial-in-confidence would often come into play. Moreover, much of the data held by university researchers is structured in ways to suit their own purposes, and would be unusable by others without substantial re-working before delivery.

In summary, a removal of the PSI exemption would certainly necessitate the creation of new bureaucracies in universities. Even then, consistent compliance could not be guaranteed, for the various reasons of practicality already mentioned

Disruption to normal research processes

University research functions through the collection of data and information, the inference of new conclusions from these, and the publication of the conclusions. Priority in the announcement of new results is essential to this process. A requirement under a PSI régime to release data, which had carefully selected for a specific research project, would threaten the achievement of priority, and thus would subvert the basic mechanism by which universities contribute to the advance of knowledge.

Conclusion

In SCONUL's opinion, a Public Sector Information requirement would be disruptive to universities and would not be in the public interest. Universities are making rapid advances in the electronic availability of their published results, and increasingly of the raw data underpinning the results. It will be more efficient to allow these developments to continue without inappropriate legislative intervention.

Yours sincerely

Toby Bainton
Secretary of SCONUL