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PSI: Identification of Potential Exclusive Agreements in Denmark

Summary Report Submitted to the European Commission

by A9 Consulting, Denmark

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Executive Summary

During January-April 2010, A9 Consulting carried out a study to identify potential exclusive agreements between public data providers and data reusers in Denmark in the context of Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information.

A review of the literature suggests that there is awareness of the market potential inherent in unhindered access to public data, and the official policy is indeed to provide data for reuse as widely as possible. Denmark's Ministry of Finance (see <http://uk.fm.dk/Publications/2007/Danish%20e-government%20strategy%202007-2010.aspx>) suggests the government is fully engaged in supporting efforts to leverage data collected in the course of the public service's activities.

A total of 26 public data providers and 24 data reusers in the chosen PSI information domains were identified and approached, and 23 and 23 respectively provided responses to questions issued in the original invitation to participate and in subsequent telephone interviews. Their input highlights that access to data is hindered in some cases by practical barriers such as prices deemed too high for some market players. In other words, limitations in access to data is not policy driven but results from the fact that Denmark's public entities are autonomous in setting their own policy towards data availability and for setting the prices they wish to charge for their data. Some respondents signalled to the variability and inconsistency in the availability of data due to such autonomy.

Based on the literature review and the interviews conducted, we can conclude that ***the challenge in Denmark is not associated with the potential existence of exclusive agreements but rather with (1) finding practical means to disseminate public data and (2) the funding the activity.***

The study did not identify any exclusive agreements as defined by the PSI Directive. However, the Commission may wish to pursue what in the views of some respondents is an overly close relationship between one supplier of IT services and public sector buyers.



Introduction

A9 Consulting hereby submits the Summary Report on a study on the potential existence of public data reuse exclusive agreements in Denmark.

The report describes on the project steps, summarizes published material, reflects some observations made from responding individuals associated with public and private entities, and highlights the study team's conclusions.



1. Project Steps and Number of Responses

1.1 Project Steps

Work Step / Deliverable	Subcomponents	Status
<p>1. Research and information extraction; project planning</p>	<p>Preliminary checks indicate that sources of information about reuse of public data in Denmark and sources for identifying private sector re-users are scattered. The focus in Step 1 was:</p> <ul style="list-style-type: none"> ▪ Identify and contact appropriate national associations ▪ Review material found through standard public search engines and through the resources of appropriate libraries ▪ Extract contextual information (trends, issues, policy) and any names of private sector re-users that may appear as examples ▪ Scan for pointers to sources of identification of private sector re-users ▪ Prepare work plan for the study - to be discussed with the Commission 	<p><i>Literature search performed.</i></p> <p><i>Relevant entities identified for initial interviews.</i></p> <p><i>Preliminary interviews held for orientation.</i></p>
<p>2. Identification of entities in the domains and sub-domains deemed appropriate by the Commission (supply and demand side)</p>	<p>Identification of national level PSBs is more straightforward than the identification of private sector re-users. Steps included:</p> <ul style="list-style-type: none"> ▪ Identify and approach national level PSBs within the areas of Geographic Information, Meteorological, Legal, Car Registries, and Business Registries ▪ Ascertain whether PSBs possess any inventories or lists of private sector re-users, and request those lists ▪ Consult business registries and other sources to search for "data intensive" companies, using results of research in Step 1, to identify private sector re-users 	<p><i>Informants from public and private sectors identified for interviews.</i></p> <p><i>Preliminary interviews held for orientation, using questions drafted for the purpose of a future survey.</i></p> <p><i>Initial interviews yielded further referrals to additional interviewees.</i></p>
<p>I. Inception Report</p>	<p>A summary of the results of the above two steps was submitted to the Commission, along with an outline of the work still to be performed.</p>	<p><i>Commission expressed satisfaction with the nature of targets identified.</i></p>

3. Design and issuance/analysis of survey to supply side entities and telephone or in-person follow-up with 20%	Interviews were supported by a questionnaire filled out by interviewees or their colleagues.	<i>Preliminary findings - that EAs are rare if not non-existent - suggested it was advisable to continue the in-person and telephone interviews with all identified individuals and with additional individuals suggested by them.</i>
4. Design and issuance of interview instrument(s) for associations and demand side entities and execution of the interviews	Using the information found in Step 1 about trends, issues, and policy, the team interviewed a number of private sector re-user to probe for the existence and nature of exclusive agreements.	<i>Preliminary findings - that EAs are rare if not non-existent - suggested it was advisable to continue the in-person and telephone interviews with all identified individuals and with additional individuals suggested by them.</i>
Meeting in Luxembourg	A9 Consulting, represented by Ms. Annie J. Olesen, attended the meeting in Luxembourg to confirm the general orientation of the study and refine the methodology if necessary.	<i>In January 14 meeting, A9 stressed that contrary to expectations, it appears unlikely any EAs will be found. However the investigative interviews will continue.</i>
5. Assembly and summarization of the findings	Collate all findings and summarize the key discoveries. A9 participated in the February 4 conference entitled Public Data in Play focused on digitization and dissemination of public data.	
II. Draft Summary Report	Prepare summary of findings	<i>Submitted 17 March 2010.</i>
6. Finalization of summary sheet for each EA with indicators of legal aspects and contact information for individuals the Commission could contact.	Design and finalize a summary sheet for each EA identified	<i>According to the findings, summary sheets are controversial.</i>
III. Final Summary Country Report	Based on the Commission's comments on the Draft Summary, revise accordingly and submit final report.	<i>Hereby submitted.</i>

1.2 Number of Responses

Using a variety of research methods to identify respondents - including referrals - 26 public data providers and 24 data reusers in the chosen PSI information domains were selected and approached:

Domain	Public Data Providers		Data Reusers	
	# Requests	# Responses	# Requests	# Responses
Geographic	4	4	10	9
Meteorological	1	1	-	-
Legal / Social / Technical	5	5	4	4
Transportation / Navigation	8	6	1	1
Business and Related Registries	4	3	3	3
General / Other	4	4	6	6
Total	26	23	24	23

The requests included a brief set of questions to orient recipients about the nature of the study and the scope of our interests; 4 individuals chose to add commentary into that set of questions while the remainder chose to provide information through a telephone interview.

Those responding were uniformly cooperative.

Four of the non-responders indicated an intention to respond but had not done so as of 30 April 2010.



2. Context and Literature Summary

2.1 Context

The official policy of Denmark's Ministry of Finance (see <http://uk.fm.dk/Publications/2007/Danish%20e-government%20strategy%202007-2010.aspx>) suggests the government is fully engaged in supporting efforts to leverage data collected in the course of the public service's activities. Two representatives from the Ministry of Finance confirmed the policy: Lars Frelle-Petersen (lfp@fm.dk; +45 3392 4018) and Peter Stensgaard Mørch (psmoe@fm.dk; +45 3392 2671).

The policy is set out on the Ministry of Finance's website:

Danish e-government Strategy 2007-2010

The public sector can and must provide better, more cohesive and efficient digital service to citizens and businesses. The Danish E-government strategy 2007-2010 aims to fulfill these goals.

E-government has come a long way the past recent years, and Denmark occupies a leading position in this field. The goal is to keep and improve this position. With the new strategy, the Government and the local authorities will build on the good experiences and further improve the unique Danish way of cooperating and taking joint initiatives in order to seize the opportunities arising in an increasingly digitalized society.

The strategy contains general goals as well as 35 specific initiatives. The strategy has three priority areas:

- *Digitalization focused on creating improvements in the service to citizens and businesses;*
- *Digitalization that enables resources to be transferred from administration to citizen-focused service;*
- *Coordination and prioritization of digitalization efforts in the public sector through more binding, cross-governmental collaboration at all levels.*

The strategy is part of a long-term development towards more cohesive and efficient digitalization, and as such it gives the individual authorities a new framework for digitalization efforts up to 2010.

2.2 Literature Summary

As a first step in the study, A9 Consulting researched through the literature to identify recent material discussing the re-use of public data in Denmark. A limited number of documents were identified; their key points are summarized below.

The literature indicates that the government's support of digital initiatives as described in the Ministry of Finance website is less consistent than what the official statement suggests to be ideal.

Document's Translated Title and Date		Original Document Source Reference
1	Shared Public Knowledge in Digital Denmark March 2009	National IT and Telecom Agency, ISBN 87-92311-71-7 www.oioest.dk/Downloads/Offentlig_fællesviden_i_Det_Digitale_Danmark.pdf
2	Innovative use of public data 16 January 2009	Gartner Group Report http://digitaliser.dk/resource/237763/artefact/Gartner-innovativ-udnyttelse-v1.1.pdf
3	Journalists risk huge fees 6 October 2009	http://journalisten.dk/journalister-risikerer-kaempe-gebyrer-ved-simpel-research
4	Data hunters anticipate better access to Danish data 26 February 2009	http://www.comon.dk/nyheder/Datajaegerne-ser-frem-til-friere-adgang-til-danske-data-1.139239.html
5	Public Data has significant potential 22 June 2009	http://www.erhvervsbladet.dk/vaekstmaskinen/offentlige-data-har-stort-potentiale
6	The Public Service Puts Data on Sale 26 February 2009	http://www.comon.dk/nyheder/Det-offentlige-saetter-sine-data-pa-udsalg-1.139240.html
7	Public data meanders 23 January 2009	http://www.prosa.dk/aktuelt/nyhed/artikel/offentlige-data-er-paa-slingrekurs/

The key points made in the above mentioned sources are summarized below, according to the left hand reference number.

1. Shared public knowledge in Digital Denmark

The OIOREST project's aim was to facilitate the dissemination of public data through a uniform infrastructure in such a way that the data can be used across systems, platforms, and applications. The intention is to reduce learning curves and increase the opportunities for mash-ups of data from multiple organizations. As examples, police data combined with real estate data can give potential buyers a picture of the incidence of crime in a particular area; forestry information can be combined with library works to guide those interested in nature trails; data from the patent registry can be combined with data from the companies registry; and so on. The overall goal is to have all Danish public institutions offer their data in ways providing not just for individual users' access but also for automated extractions into whatever applications any other public or private entity may construct.

Barriers: The key barrier is lack of coordination. No central inventory of public data appears to exist. The public data landscape is uncoordinated. Some public sector organizations charge fees for data extractions. Security presents challenges (authentication of the requestor as well as protection of privacy). The cost of developing and maintaining data delivery systems may be difficult to justify individually by each public institution as such activity may not be included in the formal mandate. However, the point is made that the cumulative value of widespread availability of data in systematic structures would be exponential. Further work will be necessary to develop standards to enable transparency and consistency across data repositories.

Competitive advantage: It is felt that in a knowledge economy, coordinated data structures and availability will provide added competitive strength for Denmark's enterprises.

2. Innovative use of public data

Denmark is considered fairly advanced when it comes to public data accessibility. Examples such as **findvej.dk** (address data combined with Google maps) illustrate the value generated for society when public data is made available at affordable prices to private enterprises. The potential is however deemed to be minimally exploited, and it is recommended that the Danish government expand upon 2005 legislation by investing centrally in data infrastructure and take active steps to provide guidance and technical solutions for private enterprises to build businesses based on public data - including establishing a central directory of data.

3. Journalists risk huge fees

In a new digital system, data relating to real estate transactions have recently become restricted behind fee barriers and the level of detail has been reduced. Journalists' ability to trace speculative trades artificially raising prices has therefore been curtailed.

4. Data hunters anticipate better access to Danish data

Although the official government line is that making data available freely is "a good thing to do", there are concerns. One is that government agencies will look to the sale of data as a complementary source of revenue and that simultaneously, data detail will be restricted because the government cannot be seen to compete with its resellers. Journalists are concerned about the implications for democracy, for example if certain companies get temporary exclusive rights to voting data.

5. Public data has significant potential

Denmark's government agencies at all levels collect a massive amount of data that could be exploited for economic growth and societal benefit. However, while certain agencies (such as the National IT and Telecom Agency) are exemplary trailblazers, the lack of central coordination is a barrier.

6. The Public Service puts data on sale

The National IT and Telecom Agency believes that public data must become more easily available and, pointing to the practices in the UK, suggests that the business community could point out what data would potentially be most interesting for re-use. Thus, income for public agencies could be retained for some data while fees for the most promising data could be removed. Gartner estimates that the Danish government could take in DKK 400 million and that a further DKK 200 million could be realized from resale. *[Note: The title of the article is misleading. We have not found evidence that the Danish government is moving aggressively to make data available.]*

7. Public data policy meanders

Raw data from government agencies could be a gold mine if they were freely and conveniently available. Lack of cooperation between agencies is a serious barrier. Projects such as digitaliser.dk are a good start, but challenges are associated with various privacy aspects (e.g. was data collected originally by a government agency or obtained from a third party).

2.3 A Special Case: IT Services

Mention was made by some interviewees about the close relationship between municipal governments and KMD, a privatised IT firm with roots in municipalities' IT departments. KMD provides extensive services to municipalities - to such a degree that there has been media coverage of the "inside track" manner in which contracts have been awarded **without public tenders** for many years. There are concerns that data collected by KMD in the course of its service delivery to municipalities is not readily available because KMD may consider it a byproduct of its services rather than a specified deliverable. Comments have been made to suggest the municipal governments are beholden to the decisions made by KMD rather than the other way around, and that barriers to data access are the result.

Representatives from the Association of Municipal Governments (Local Government Denmark), to which all 98 municipalities belong, support the concern about KMD "owning" (or claiming it owns) data arising from its IT services to municipalities.

Should the Commission wish to pursue the matter beyond the current study, A9 Consulting will be pleased to provide assistance.



3. Summary of Interviews

A number of entities were indentified as being in a position to provide input to the study and cooperated accordingly. The comments obtained from these representatives are summarised below .i

3.1 Government Entities - Providers of Data

3.1.1 Geodata

The National Survey and Cadastre (Division of the Ministry of the Environment)	Peter Pouplier, Head of Division, Digital Administration and Geo-Information ppo@kms.dk +45 7254 5000 Kim Lindskov Knudsen, Head of Division, Deployment & Advisory Services kilkn@kms.dk +45 7254 5321
<p>The National Survey and Cadastre is Denmark's central authority for surveying, topographic and hydrographic mapping, land registration and the authorization of surveyors. Its scope is to provide Denmark's public sector, private companies, and the general public with accurate and updated geographic information about the territories and waters of Denmark, Greenland, and the Faroe Islands.</p> <p>The Survey and Cadastre has cross-cutting responsibility for geographic infrastructure documentation across all government entities.</p> <p>Together, the National Survey and Cadastre's eight departments manage and provide geographic information to a range of customers from Denmark, the EU and abroad. The authority's four main areas of work are: The Reference Network, Topographic Data, Nautical Charts, and The Cadastre. Key functions include coordination and support of the Ministry of Environment's sourcing, purchase, storage, and manipulation of geographic data and the associated IT infrastructure.</p> <p>The entity is the official publisher and vendor of topographic, maritime, and cadastral maps, and prices are published in a catalogue. All buyers pay the same prices. In the case of topographic maps, they are available as well from other sources (Teleatlas, Nautica).</p> <p>The National Survey and Cadastre collaborates with similar entities in the EU - again using the same prices.</p> <p>There is a collaborative agreement - involving an annual fixed fee - with national government entities and the municipal governments respecting access to data. Regional authorities will be offered the opportunity for a similar agreement.</p> <p>Mr. Lindskov Knudsen stresses that transparency is paramount and that there are no intentions to restrict access to data in any way.</p>	

FOTdanmark (Association /Forum for Specifications)	Niels Mørck, Member - Grontmij/Carl Bro +45 4348 6060 niels.morck@grontmij-carlbro.dk
<p>FOTdanmark is an association established in 2007 between the National Survey and Cadastre and six municipal governments. Today, 88 municipalities are members. FOTdanmark works to establish a unified public topographic mapping of Denmark with the aim to become one of the main elements in the national strategy for eGovernment in Denmark. A coherent mapping is a necessary element in giving all Danish authorities - state as well as local- a common understanding and a solid base for cooperation on a local and national scale. The FOT-specification forms the basis for the creation of a geographic database containing a seamless and uniform set of geodata that covers all Danish territories except the Faroe Islands and Greenland.</p> <p>According to Mr. Mørck, there are no exclusive agreements. He does, however, note that KMD (mentioned elsewhere in this report) "sits on" huge silos of data that is difficult for other entities to obtain - even when the law dictates it must be made available.</p>	

Agency for Land Use and Environmental Planning	Henrik Larsen hla@blst.dk +45 7254 4805
<p>Part of the Ministry of the Environment, the Agency is the public authority with responsibility for physical planning under the Land Use Planning Act. Its mandate is to ensure optimal use of rural and urban space within environmental guidelines for ground water, coastal waters, waste water, municipal residential heating infrastructure, and the like.</p> <p>As a result of its geological research, the Agency has data to sell to e.g. oil companies. However, they claim that there are no exclusive agreements.</p>	

Danish Energy Agency	Steffen Svinth stv@ens.dk +45 3392 7532 Anton Beck, Director anb@ens.dk +45 3392 6656 Dewi Dylander, Director dnd@ens.dk, +45 3392 6700 Hanne Normann, Chief Advisor hn@ens.dk +45 3392 6828
<p>Operating within the Ministry of Climate and Energy, the Agency is responsible for the entire chain of tasks linked to production, transportation, and consumption of energy in a framework of ensuring a legal and political foundation for reliable, affordable, and clean energy supply.</p> <p>General data accumulated in the course of operations - for example drilling overviews, production data, and seismic surveys - are freely available for download (comma delimited files). Certain geographic data is acquired from the Danish Meteorological Institute.</p> <p>Ms. Normann is not aware of any exclusive agreements.</p>	

3.1.2 Meteorological Data

Danish Meteorological Institute	Niels Hansen, Manager nsh@dmi.dk +45 3915 7575
<p>A subsidiary institution of the Ministry of Climate and Energy, DMI manages the collection of meteorological, climatological, and oceanographic data for the use of governments in Denmark, the Faeroe Islands, and Greenland.</p> <p>Mr. Hansen indicates that various climate and weather related organisations exchange data but that there are no exclusive agreements to his knowledge.</p>	

3.1.3 Legal / Social / Technical Information

Courts of Denmark	Klaus Rugaard kru@domstolsstyrelsen.dk +45 7010 3322 Merete Munch Thorsen +45 3395 5376 Maria Louise West-Hansen +45 3395 1134 mlw@domstolsstyrelsen.dk
<p>The Courts of Denmark is the highest judicial authority, vested with administrative functions attached to court operations. Initiatives are under way to develop an openly accessible database containing information about all court decisions in Denmark. There are no intentions to enter into any exclusive agreements with any publishing company.</p>	

Data Protection Agency (Ministry of Justice)	Janni Christoffersen, Director +45 3319 3200
<p>According to the Act on Processing of Personal Data, the Agency's concern is to protect personal data - for example data from the national resident registry - and prevent its release to third parties. Ms. Christoffersen is not aware of any exclusive agreements.</p>	

UNI•C, The Danish IT Centre for Education and Research, Statistics and Analysis Unit	Jesper Lund, Director of Analysis Jesper.Lund@uni-c.dk +45 3587 8874 Rita Smedegaard, Counsel rita.smedegaard@uni-c.dk +45 3587 8889
<p>The Danish Research Network is a self-governing organization for which the Danish Ministry of Science, Technology and Innovation sets out the political and economic framework. On a consultancy basis, the group works with all aspects of statistical analysis for clients in the public and private sector. A special field of competence is implementation of questionnaire surveys, including wording of questionnaires, printing, distribution and data collection, scanning or web solutions for data capture, database creation, and statistical analysis and reporting.</p> <p>The Centre's data is freely available via the website. There are fees if a client wishes the Centre to perform custom data manipulation. The data is not subject to copyright, but the Centre requests that it be cited as the source. There is no knowledge of any exclusive agreement.</p>	

Statistics Denmark	Lars Thygesen, President lth@dst.dk +45 3917 3941
<p>As the national statistical agency, Statistics Denmark collects data on all aspects of life and activity in the country.</p> <p>Anyone may request readily available files at no charge. In cases where additional analysis and extraction is required, a cost recovery fee is charged to fully compensate for the extra work. In addition, the agency undertakes custom surveys on behalf of paying clients. The agency retains the rights to all data issued. (See comments made in Section 3.1 by the Harvest Copenhagen representative.)</p> <p>Mr. Thygesen estimates approximately 10,000 customers have purchased custom data or surveys from the agency.</p>	

Danish Patent and Trademark Office	Eva Bernt Høegh, Senior Counsel ebh@dkpto.dk +45 4350 8280
<p>The Office examines applications for protection of intellectual property rights. Legislation dictates that the Office must keep a register of these rights and that the register must be accessible to the general public. The register is electronic and may be searched online.</p> <p>Search services are offered to clients at a fee as such services are not covered by the Office's legislated activities. No data is sold and no exclusive agreements are possible according to the legislation under which the Office operates.</p>	

3.1.4 Transportation and Navigation

The Public Transport Authority (an agency within the Danish Ministry of Transport)	Anne Niebuhr, Manager ane@trafikstyrelsen.dk +45 7226 7000
<p>The Authority is responsible for regulation, planning, safety, and coordination nationally and internationally for rail and ferry transport. It advises the Ministry of Transport on matters relating to transport policy and the strategic development of the transport sector and collects and publishes statistical information regarding railway safety, punctuality, etc.</p> <p>Using data from other government entities - some obtained at no charge and others at a fee, for example in the case of data purchased from transportation companies - the PTS prepares analyses for internal use and makes such data available to interested parties. Ms. Niebuhr is not aware of any exclusive agreements.</p>	

Danish Road Directorate	Hans Jørgen Larsen, Chief Consultant hjl@vd.dk +45 7244 3336 Anne Kjølhede Revald, IT Project Manager anr@vd.dk +45 4128 9497
<p>The entities within the Directorate collect and disseminate information and data concerning roads and road traffic. Much of the data collected is geodata, and the Directorate participates in an extensive network of entities involved with that type of data.</p> <p>Key users are the 98 municipal governments, the 5 regional authorities, and other government agencies; however private entities request data as well. Most data is freely available; however there is a charge if a request entails significant work (for example, due to large file sizes). The Directorate retains the rights to all data.</p> <p>There are no exclusive agreements according to Mr. Larsen and Ms. Revald.</p>	

The Danish Maritime Safety Administration (Ministry of Defence)	Charlotte Wiin Havsteen, Manager cwc@frv.dk +45 3268 9670
<p>The authority is in charge of shipping traffic statistics in the main waterways, navigation information, weather forecasts, emergency warnings, and the like, including land-based AIS (Automatic Identification System) data in Denmark. Entities with an operational need for data may apply for access. Access is granted on a case by case basis.</p> <p>Authorities like the Danish Maritime Authority and Admiral Danish Fleet may have unlimited access to AIS data free of charge. All others are allowed only limited for-fee access. For instance, harbour authorities may purchase access to AIS data from ships whose destination is the harbour in question and to data from the harbour area and within a radius of approximately 50 nautical miles from it. Shipping companies may purchase access to AIS data from their own ships.</p> <p>The Danish Maritime Safety Administration is entitled to collect payment for AIS services under the terms set out in the Budget for 2010, and the individual prices are calculated in accordance with the budget guidelines of the Danish Agency for Governmental Management.</p> <p>There are no exclusive agreements according to Ms. Wiin Havsteen.</p>	

Danish Civil Aviation Administration (CAA-DK)	Henrik Vestergaard, Counsel + 45 3618 6257 heve@slv.dk
<p>A government entity under the Ministry of Transport, the CAA-DK regulates civil aviation in Denmark, on the Faeroe Islands, and in Greenland. All regulatory functions - safety, security, airspace, and financial regulation - are integrated within a single specialist body. CAA-DK supports a framework that enables air traffic to operate as safely and efficiently as possible.</p> <p>Mr. Westergaard indicates that the CAA-DK offers for sale to the general public certain items such as maps that in turn are purchased from the Danish Meteorological Institute. He is not aware of any exclusive agreements.</p>	

Danish Maritime Authority	Lea-Valeska Giebel, Head of Section +45 39 17 45 66 lgi@dma.dk
<p>An agency under the Danish Ministry of Economic and Business Affairs, the Danish Maritime Authority handles tasks related to regulation of maritime navigation. (Buoyage, vessel traffic and coastal surveillance, enforcement of sovereignty, policing, all aspects of pilotage, pollution prevention, environmental surveillance, ice-breaking, etc. are undertaken by the Danish Ministry of Defence.)</p> <p>The Strategic Planning Division has the following responsibilities: IT development projects, general controlling, documentation, statistics, communication and PR. The Division administers tasks concerning external and internal information as well as design of websites and publications.</p> <p>All data is made available freely and at no charge. However, the Authority is often required to purchase data from other government entities, including Statistics Denmark, in order to meet its mandates.</p>	

Rail Net Denmark	Per Lindholm Larsen, Director, Strategic Planning Johan Pauli Helgason +45 8234 2177 jphe@bane.dk
<p>An entity within the Ministry of Transport, Rail Net Denmark manages over 2,000 km of rail tracks and orchestrates 38,000 daily arrivals and departures. More than 160 million passengers and 7.5 million tons of freight are transported annually on the rail network.</p> <p>Regional transportation companies and companies engaged in web-based real-time traffic information are co-owners of or suppliers of timetable information to Rail Net Denmark. All timetable information is made available for sale to anyone. There are no exclusive agreements.</p> <p>Rail Net Denmark is working with Microsoft to put all its scheduling information "into the cloud" in collaboration so that individuals and organisations will be able to access and display the data on cell phones and display screens in public places (www.computerworld.dk/art/55280?page=1).</p>	

3.1.5 Business Registries / Business Related Entities

The Central Business Register (CVR)	Vivi Basballe, Sales and Support Manager vib@eogs.dk +45 3330 7553
<p>The Central Business Register (CVR) is the central register containing primary data on all businesses in Denmark, regardless of economic and organizational structure. CVR covers public and private businesses and contains detailed information on all limited companies, including fiscal reports, management and financial information and status, etc. According to Ms. Basballe, all data originates from public authorities and CVR coordinates the collection and refinement of the data in order to facilitate sales. Anyone may purchase data according to a purchase agreement signed by the purchaser and CVR. There are no exclusive agreements at CVR and Ms. Basballe knows of no such situation elsewhere. Purchases with a value above a certain threshold must be tendered, and CVR is diligent in meeting this requirement.</p>	

Danish Competition Authority	Peter Langkjær, Cartels and Public Law Unit, pl@ks.dk + 45 7226 8007 Karen Berg, Construction, Trade and Services Unit kb@ks.dk + 45 7226 8045
<p>The Competition Authority's mandate is to ensure a competitive marketplace offering equal opportunities for all private sector companies to bid for and obtain contracts for services to the public sector. Working with a number of related entities, it is responsible for investigations of suspected illegal activity (such as cartels), coordination of the units prior to inspections, cooperation with the Public Prosecutor for Serious Economic Crime, and development of investigation techniques.</p> <p>Ms. Berg is not acquainted with exclusive agreements in connection with distribution and sales of public sector information in Denmark. However, she points out that there have been a few cases concerning inconsistent pricing of such data, but the overall impression is that most public entities also comply with the law when it comes to price calculation by sales of public sector information.</p>	

Danish Enterprise and Construction Authority	Lars Ølgaard, Administrative President lo@ebst.dk +45 3546 6000 Morten Lind mli@ebst.dk +45 3546 6245
<p>The Authority is in charge of various registries and IT systems holding data on buildings, dwellings, utilities and addresses, collecting information from multiple public sources. As part of the Danish government's overall strategy for digitizing data, the Authority is responsible for the coordination of registries to ensure that they can be used more effectively by citizens, the business community, and other entities. The challenge is to ensure the coordination of data to enable a smooth and safe flow between public authorities and private users. The Authority coordinates work with other public entities to ensure proper coherence between geodata and property and enterprise related data. Anyone may purchase data and there are no exclusive agreements according to Mr. Ølgaard.</p>	

3.1.6 General / Other

National IT and Telecom Agency (Division of the Ministry of Science, Technology and Innovation)	Frederik Siegumfeldt frhs@itst.dk +45 3545 0123
<p>As part of a broader mandate to stimulate scientific and technical development, the Agency regulates the telecommunications industry and works to develop standards for IT. The Agency has developed an index of public data (via digitaliser.dk) to assist in the identification of available data.</p> <p>In many cases, data sales help finance the work of the public entity. Hence the Agency works to develop a business model giving public entities an income even though data is made available at no charge to researchers and others so that the data can contribute to innovation.</p> <p>Mr. Siegumfeldt does not believe there are exclusive agreements although he states there are barriers to obtaining data from public agencies, in varying degrees depending on the specific agency.</p>	

The Danish Agency for Governmental Management	Thomas Fjeldberg, Vice President tfj@oes.dk +45 3392 8000
<p>The Danish Agency for Governmental Management supports and develops efficiency and good financial management within the area of public administration.</p> <p>The Center for Public Digitization and Procurement within the Agency manages cross-departmental digitization projects and projects to streamline the procurement process for government entities. Mr. Fjeldberg is not aware of any exclusive arrangements - all information is made available to anyone who needs it.</p>	
The Danish Food Industry Agency	Bjarne Laang, Office of Land Allocation bjl@dfpe.dk +45 3395 8280 Ole Heinager olhe@dfpe.dk +45 3395 8104 Lars Kolze, Counsel +45 3395 8605
<p>A national operating agency within the EU agricultural scheme, the Ministry of Food, Agriculture, and Fisheries has set up a National Network Unit within the Danish Food Industry Agency to facilitate development in rural areas and fisheries. The unit administers subsidies to farmers and fishers, administers the Law of Land Holdings and the law respecting consolidation and acquisition of land. In the course of this work, data is accumulated and acquired from other entities.</p> <p>The Agency will supply custom data extractions when they are feasible.</p>	
Civil Affairs Agency	Nina Kock, Legal Information Division n.kock@civilstyrelsen +45 3392 3334
<p>The Legal Information Division publishes the national legal gazettes containing information provided by the relevant ministries. The Agency operates www.retsinformation.dk, the official nation legal information resource.</p> <p>There are no restrictions in terms of access to the content. Commercial publishers (e.g. Thomson) may purchase content for re-publication at a fee that compensates the Agency for its expense in delivering the data.</p>	

3.2 Non-Government Entities - Reusers of Data

3.2.1 Geodata

www.findvej.dk (Mapping Service)	Peter Brodersen peter@korruption.dk +45 3022 2955
<p>Established 3 years ago, the "find your way" service attracts 10,000 users daily. The founder used a combination of Google Maps and various types of data to launch their service. Findvej.dk goes beyond an address-reference-plus-map tool to offer e.g. a mashup between mapping and the "smiley" inspection reports from the Ministry of Food, Agriculture and Fisheries so that users may see in a single visual display where restaurants carrying negative smileys are. There are links to Wikipedia articles associated with the maps so users can learn about e.g. historic sites by clicking directly on a display.</p> <p>Mr. Brodersen stresses that quite a few authorities possess raw data of interest to the public. But there are no overall guidelines for coordination between various public bodies to guide the use of the data by citizens and private enterprises. Hence public entities are not uniformly willing to deliver data financed by taxpayers. Practices vary from one entity to another. The smiley data are an example how the Ministry of Food, Agriculture and Fisheries make data available for all to use. Mr. Brodersen suggests the model could be used by the Workplace Authority (www.at.dk), but it is unwilling to release raw data due to an agreement with the CVR, Central Enterprise Registry (www.cvr.dk). That is surprising in that CVR data are public (every company has a CVR number) and in that the data has no immediate interest for the general public.</p> <p>He comments on the desirability of closer collaboration between public sector entities toward achieving consistency and cohesion in public data. For example, it would be beneficial to have the 98 municipal governments release data so citizens could search for locations of schools, kindergartens, and other institutions country wide instead of having to search each municipality separately.</p> <p>The lack of coordination, according to Mr. Brodersen, is the greatest barrier. He is unaware of any exclusive agreements anywhere.</p>	

Geomatic A/S (IT firm)	Martin K. Klarvig, Founder and President mkg@geomatic.dk +45 7020 5046
<p>Geomatic handles data for the Public Information Server (OIS). Geomatic's largest competitor is KMD (a privatized firm with origins in municipal governments' IT departments). It is difficult to win tenders as the large IT firms have a track record as suppliers to the government.</p> <p>Mr. Klarvig is not aware of outright exclusive agreements but notes that access to public data is uneven.</p>	

Mapicture Aps (Geoinformatics)	Samo Olsen, President mapicture@mapicture.dk +45 3177 4400
<p>Mapicture provides data and visualisation software and services to plot all manner of public data (employment, education, public support of cultural activities, commuting to work, and so on are just some examples of client applications) against the map of Denmark.</p> <p>Mr. Olsen has worked for several years to "mash up" public data in order to transform statistics and other public data into information and knowledge for public and private sector entities.</p> <p>Denmark possesses an incredible wealth of data in repositories, but it is not well known just how much is available and how much more convenient it would be to use the data if it were transformed into visual form. As an example, Mr. Olsen has extracted population growth data from Statistics Denmark into online tools used by clients to prepare and manipulate various graphs to indicate trends. Visual representations are far more useful than lists of numbers.</p> <p>Huge quantities of data are just waiting to be transformed into visual and therefore useful formats to supply knowledge to enterprises and the public sector. The data needed may be available at no cost, but the companies needing it may not be aware it exists. Mr. Olsen cites the example of a company manufacturing industrial shelving; it needs to know the outlook for manufacturing but may not know where to go for that information.</p> <p>Smaller private companies are at a disadvantage in the case of very large and complex projects. Mr. Olsen cites an example where the tender materials ran to 800 pages, noting that only firms of a certain size (like KMD) are in a position to bid.</p>	

BlomInfo A/S	Peter Normann Hansen, CEO pnh@blominfo.dk +45 3525 5500 +45 2399 1484
<p>The company is a mapping and GIS company within the Blom Group whose operations are based on collecting and processing high quality geographical information and developing software applications and services based on it. Located in twelve offices and production units throughout Europe and employing more than 1,100 experienced staff, Blom provides a wide variety of mapping, geographic, and navigation/location products and services meeting local, regional and international standards and specifications.</p> <p>Mr. Normann Hansen explains that in Denmark and the rest of Scandinavia, there are no issues with respect to curtailment of competition. However, he indicates that Blom Group has experienced significant challenges competing for contracts in other EU countries where it appears a variety of tactics are employed in order to award contracts locally. For example, there are requirements that the bid and the deliverable must be in the local language, or a bid may be rejected on a minor technicality. The challenges are associated with newer EU nations but also with France, where it has not been possible for Blom to penetrate the market at all. It is time consuming to complain to the relevant EU authority; hence it is not the practice to appeal.</p>	

LIFA/OIS (Land surveying firm in partnership with the Public Information Server)	Niels Gammeltoft Hansen, Manager www.lifaois.dk +45 6313 6800
<p>LIFA's primary activity is the collection of information related to geographic information including land surveying associated with public construction projects (e.g. roads) and residential property lines. Customers include public and private entities and property owners. LIFA sells web based data access to information on the Public Information Server (OIS) to over 100 firms.</p> <p>LIFA has entered into an agreement with the Enterprise and Construction Authority for the distribution of public property data from the Public Information Server (OIS). There is access to all publicly registered real estate data, including the information normally reserved for owners. LIFA's property data includes information from a number of registries associated with real estate. LIFA pays approximately DKK 200.000 per year for the data.</p> <p>According to Mr. Gammeltoft Hansen, access to public data is not equitable. For example, his firm was denied access to a set of geographic and social security number data while KMD (an IT firm mentioned in Section 2.3) was permitted to extract, manipulate, and resell that data. He believes innovation is hindered through this type of restriction. This approach may not be in conformity with the principles of the Directive.</p>	

Seismonaut (Data mapping and data mining)	Christian Schwarz Lausten, President www.seismonaut.dk christian@seismonaut.com
<p>Mr. Lausten stresses that the large volume of data (in Denmark) provides a significant business potential. For example, there is a growing reliance on maps. Google Maps and Google Earth have demonstrated the power of visualisation and mapping. There are interesting implications for companies - especially for IT companies but just as much for regional governments - in matching data from multiple sources. The key is accessibility of public data. There are barriers because government agencies are wary about the purposes for which their data are used.</p>	

Geojournalistik.dk (Data Visualisation and Maps)	Jesper Ishøj, Journalist TV 2/FYN jesper@geojournalistik.dk +45 6315 6000
<p>According to Jesper Ishøj, the terms for access to data are problematic. In practice, pricing regulates access. While recognizing that personal data of course cannot be disseminated, all other data collected by public institutions should be available to everyone. During the last election, he and business partner Geomatic requested extractions of data from individual voting sites, but was told by the Ministry of the Interior and Social Affairs that KMD, an IT firm, had exclusive rights to that data for a minimum of 10 days after the election. Such a situation is may be in effect a monopoly or an exclusive agreement.</p>	

Geoforum Danmark (Association)	Jesper Skovdal Christiansen jes@geoforum.dk +45 3886 1075
<p>Geoforum is an association of firms and organizations and individuals working in the geodata industry (200 entities and 400 personal members). Collaborating with similar associations internationally, it offers members a number of services including an annual conference.</p> <p>Mr. Skovdal Christiansen is not of the opinion there are cartels or exclusive agreements when it comes to mapping projects; he believes all projects are tendered giving all bidders an equal opportunity. However, in Denmark three IT firms win most of the mapping projects. In his opinion, it is logical that a small number of large firms work closely with government agencies as the preferred business partners.</p>	

Netamia	Henrik Biering hb@netamia.com +45 4696 5631
<p>Specialising in web portals and user centric community services, Netamia develops web presences and capabilities for a variety of clients. In his work, he has encountered some situations illustrating limitations to data access:</p> <p>Citing a recent project to map horse riding trails, Mr. Biering indicated that the Forest and Nature Agency (an entity within the Ministry of the Environment) offers e.g. inventories of riding trails as i-frames only and not as data that could be repurposed by others. Similarly, he noted that the Agency's service does not permit the integration of Google Maps. On the other hand, the service is intended to allow municipal governments to include local maps in their own internet offerings.</p>	

3.2.2 Meteorological Data

[No private sector entities were identified.]

3.2.3 Legal / Social / Technical Information

Schultz Information A/S	Mette Kaagaard, CEO mk@schultz-information.dk +45 6162 8373
<p>The company publishes information obtained from public entities at all levels of government and from private sector entities such as law firms and pharmaceutical companies. Topics range from legislation and case law and labour collective agreements to trends in education and global climate news.</p> <p>The company collaborates with certain clients, e.g. trade organisations, to develop web portals for the members.</p> <p>Ms. Kaagaard points out one business challenge Schultz Information is facing: It seems there is an arrangement between the Association of Municipal Governments and Kommuneinformation.dk, a spun-off private firm, in the area of information regarding legislation and directives for budgets.</p>	
CASA - Danish National Centre for Social Research (Non Profit Consultancy)	Karl Vogt-Nielsen, Chemical Engineer kvn@casa-analyse.dk +45 3389 0157
<p>The non profit entity sells consulting and research services to a large number of Danish and international clients both public and private. Using publicly available data and primary data from its own studies, it produces a wealth of reports covering a wide range of social topics (poverty, housing, the labour market, climate change, and so on) that would not otherwise be produced by government.</p> <p>Given that CASA makes reports available freely for download on its website, there are no exclusive arrangements.</p>	
Danish Standards	Jesper Jerlang, President jej@ds.dk +45 3996 6191 Martin Fabiansen +45 3996 6101
<p>Danish Standards is a private commercial foundation. Profits are applied to the development of new activities for the benefit of society and the corporate sector. Within the core activity of ensuring standardisation, Danish Standards operates under a performance contract with the Ministry for Economic and Business Affairs setting out the framework and objectives for its activities as a national standards organisation. In addition, there is a performance contract with the Danish Environmental Protection Agency to administer ecological product labeling.</p> <p>According to Mr. Jerlang and Mr. Fabiansen, the company's vision is to support competition in an open market by leveraging expertise and data regardless of origin. In some cases, data is purchased. They are not aware of any exclusive agreements.</p>	

Danish Technological Institute (Non Profit Consultancy)	Jane Wickmann jw@teknologisk.dk Andras Splidt asp@teknologisk.dk
<p>A non profit institution, the Institute sells consulting, research, and education services to support innovation and commercialisation in technology based sectors such as construction, energy, manufacturing, chemical and food industries, and environmental protection.</p> <p>Given that DTI offers services and reports to all paying clients, there are no exclusive arrangements.</p>	

3.2.4 Transportation and Navigation

Naviair A/S	Bo Pedersen, Director, PR and Communication bop@naviair.dk +45 3247 7900
<p>Reporting to the Ministry of Transport, the State Enterprise provides air navigation services including area control services in København Flight Information Region as well as approach and tower control services at the Copenhagen Airports of Kastrup and Roskilde, and at 5 other airports. Flight Information Services is provided to flights in the airspace of the North Sea. Additionally, Naviair coordinates the Search and Rescue Service in Greenland.</p> <p>Operations are funded by fees paid by customers requiring air navigation services. The fees are approved by the Danish Civil Aviation Administration, and there are no barriers to sale.</p>	

3.2.5 Business Registries / Business Related Entities

Experian A/S	Robert Neble Larsen, Chief of EMEA Marketing rnl@experian.dk +45 7010 0107 Heidi Hoelgaard hhs@experian.dk Christina Hald chh@experian.dk Peter Brandt pbr@experian.dk
<p>Experian offers customers a suite of data and software products to support lead identification, credit assessments, and client management. Some data is purchased from the Central Business Register and from the Central office of Civil Registration (CPR) via its IT contractor, CSC.</p> <p>Mr. Brandt indicates that in the latter case, CSC in effect acts as a buffer between CPR and customers wanting to purchase data; it is not possible to extract data directly from CPR. CSC (a global IT company) won the contract with CPR in an EU tender to supply IT services; the contract runs 2009-2013.</p> <p>In 2008, Experian lodged a complaint against the Central Business Register due to its introduction of pricing practices unfair to the private sector. The complaint was judged valid, and the Register altered the pricing model.</p>	

DM Partner A/S	Henrik Hobel +45 3997 1029 hh@dmpartner.dk
<p>DM Partner is a consultancy offering services in creating and maintaining client databases on behalf of its customers. Among other services, it acts as a distributor for the Public Information Server (OIS) register. Key services are geodemographic segmentation, analysis of marketing campaign responses, and identification of target groups.</p> <p>Mr. Hobel is not aware of any exclusive agreements, but like many other interviewees he pointed to KMD as "operating on the verge" thereof due to the unique access KMD has to certain types of data as a result of its close relationship with the municipal governments.</p>	

Harvest Copenhagen	Leif Kirchhoff Larsen lkl@harvest-cph.dk +45 5123 4371
<p>Harvest Copenhagen assists clients in applying public data to sales lead identification, marketing, and client retention efforts. As an example, the company would use "no flyers please" data to filter a target mail list or birth/death data to help a client target families where such events have occurred. Geodata is a key tool for the company.</p> <p>Mr. Larsen comments that Statistics Denmark (see next section) appears to lack appreciation for the needs of the business community, citing examples of a request for custom data taking 6 months to be delivered. (Harvest Copenhagen indicates having convinced a Statistics Denmark employee to work overtime in order to expedite an order.) In addition, Mr. Larsen points to the fact that Statistics Denmark does not provide estimates of the cost of custom requests; only when the work is done is it known what the fee is.</p> <p>Overall, Mr. Larsen's view is that there is inconsistency in the public service when it comes to what data is free vs. what data is available for a fee.</p>	

3.2.6 General / Other

Gartner Consulting Denmark	Kristian Billeskov Bøving, Associate Managing Partner + 45 4558 6400
<p>Mr. Bøving was responsible for the 2009 report on PSI in Denmark (item 2 in the literature summary in Section 2 above). He states that to his knowledge, there are no exclusive agreements.</p>	

www.aabenhedstinget.dk (Organisation for Transparency)	Nils Mulvad, President and Journalist nils.mulvad@kaasogmulvad.dk
<p>The price for data is a major concern in matters respecting freedom of information access. Several examples suggest public entities compete with each other in setting prices for data. Mr. Mulvad has lodged complaints with the ombudsman regarding several matters including CVR data prices. (http://www.aabenhedstinget.dk/?p=548 is a starting point for interested readers.) It is yet to be determined whether the complaint to the ombudsman will have any effect on the government agencies' arbitrary prices.</p> <p>The Danish Commerce and Companies Agency (http://www.eogs.dk/sw21252.asp) argues that the Act respecting reuse of public data (the PSI Directive interpretation) authorises the Agency to levy surcharges for CR data, based on the fact that citizens may extract data "by hand" but not in any automated way. As a consequence, the Agency imposes significant labor cost related fees on private sector companies and individuals wishing to obtain the data.</p> <p>The data crawling service fee of DKK 60,000 per year prevents anyone other than large enterprises from having usable access to data. Hence smaller companies and members of the public are in effect prevented from finding out about the establishment of new enterprises.</p> <p>Costs of data are the primary barrier according to Mr. Mulvad. He is not aware of any exclusive agreements between public entities and private companies.</p>	

Silverbullet A/S (IT firm)	Kåre Kjelstrøm, IT Architect kkj@silverbullet.dk +45 2092 8244
<p>Mr. Kjelstrøm believes initiatives such as the Public Information Server (OIS) are positive. By law, all IT projects are to be tendered, however in practice most go through National Procurement Ltd. - Denmark, owned 55% by the Ministry of State and 45% by the Ministry of Finance.</p> <p>He is not aware of any exclusive agreements but notes that for reasons of capacity; only a few large IT firms are able to undertake the largest projects.</p>	

Ciber A/S	Lars Severin Klausen, CEO Lars.Severin.Klausen@ciber.dk Jasper Arildslund Jasper.Arildslund@ciber.dk +45 4466 2466
<p>Ciber is an international consulting firm offering custom IT and web solutions to its clients. Mr. Arildslund indicates the company has a smooth and well functioning relationship with public entities, pointing to some unevenness when it comes to policy - some public entities offer data at no charge while others charge a fee. Overall, however, he believes it's a level playing field.</p>	

Ugebrevet A4 (Weekly labour market newsletter)	Jan Birkemose, Editor jbi@lo.dk +45 3524 6264
<p>The newsletter, published by LO, the Danish Confederation of Trade Unions, is a key contributor to the public discourse in the area of labour market, welfare policies, and the values and trends influencing society. Key audiences are union representatives, political and administrative decision makers and other media.</p> <p>Mr. Birkemose is not aware of any exclusive agreements but points out that some government agencies have a near-monopoly position. He notes that the prices charged by Statistics Denmark for custom extractions are so high that smaller firms would not be able to afford them.</p>	
KMD (Previously Kommunedata - See Section 2.3)	Rolf Sørensen rs@kmd.dk +45 4460 7837
<p>Evolved from municipal governments' IT departments, KMD is among Denmark's largest IT firms, offering IT services to a large number of municipal governments.</p> <p>Mr. Sørensen stresses that some IT projects are of a size and complexity naturally limiting the number of companies able to provide valid bids, and confirms that KMD's philosophy in fact supports unhindered access to public data for the private sector to use in developing new products and services. He indicates that in some cases, the prices charged by public entities for data and data extractions are high, thus in effect acting as a barrier to entry.</p> <p>Referring to SKI National Procurement (www.ski.dk), a company acting as a purchasing agent for over 32.500 public entities using 850 prequalified suppliers of goods and services, he indicates it is not uncommon for a supplier to have "preferred" status (the example being SKI using a single supplier of printers).</p>	



4. Conclusions

The study did not identify any exclusive agreements as defined by the PSI Directive. (Two reports from re-Users have been highlighted, please clarify)

Based on the literature review and the interviews conducted, we conclude that ***the challenge in Denmark is not associated with the existence of exclusive agreements but rather with (1) finding practical means to disseminate public data and (2) the funding the activity.***

One (two) respondents indicated knowledge of what appear to be some sort of arrangement to be very near to an exclusive agreement; the study team members will be happy to help in pursuing the matter if needed. Some other respondents highlighted that the real problems as regards access and re-use of PSI in Denmark are due to a ***lack of consistency in the availability of public data***. It appears individual public entities are at liberty to determine for themselves what data they wish to make available and under what terms and conditions. Examples include outright refusal to provide data on request, willingness to provide data at no charge, sale of data and maps, and for-fee services associated with custom data extractions or manipulations - adding up to conditions resembling monopolies in the opinion of some respondents.

Among positive examples of proactive activity to offer data - for example, Rail Net Denmark's intention to put all its scheduling information "into the cloud" in collaboration with Microsoft so that individuals and organisations will be able to access and display the data on cell phones and display screens in public places (www.computerworld.dk/art/55280?page=1) - there are criticisms that inconsistent policies and high prices are putting a damper on what could otherwise be a significant stimulus to industry.

As noted in Section 2.3, there are concerns that the special relationship between KMD, a privatised IT firm supplying IT services to municipal governments, and the municipal governments may be too close. For example, KMD may possess data - collected in the course of service delivery - that is effectively not accessible to others. Although no formal exclusive agreement exists, the barriers to data access resulting from the relationship could warrant the Commission's attention.