

Act amending the Act on the re-use of public sector information¹

(Extension of scope, possibility of exclusive agreements on digitisation of cultural resources, authorisation of Minister for Finance to lay down detailed rules on publication of documents and data collections, etc.)

WE MARGRETHE THE SECOND, by the Grace of God Queen of Denmark, do hereby make known that:

The Danish Parliament has adopted and We have granted Our Royal Assent to the following Act:

Section 1

The following amendments are made to Act No 596 of 24 June 2005 on the re-use of public sector information as amended by Act No 551 of 17 June 2008:

1. The footnote to the title of the Act is worded as follows:

‘1 This Act contains provisions implementing parts 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 (OJ L 345, 2003, p. 90) and Directive 2013/37/EU of the European Parliament and of the Council of 26 June 2013 amending Directive 2003/98/EC on the re-use of public sector information (OJ L 175, 2013, p. 1)’.

2. In Section 2(1) the following is inserted after ‘public sector bodies’: ‘, including public libraries, museums and archives,’.

3. In Section 2(3), point (3) the following is inserted after ‘cultural establishments’: ‘, except as provided for in paragraph 1’.

4. In Section 4 the following new paragraph is inserted before paragraph 1:

‘Public sector bodies, including public libraries, museums and archives, may make documents and data collections available for re-use except where precluded elsewhere in this Act or by other legislation’.

Paragraphs 1-5 are renumbered 2-6.

5. In the second sentence of Section 4(1), which is renumbered as Section 4(2), the following is inserted after ‘The conditions shall not’: ‘unnecessarily’.

6. Section 4(3) and (4), which is renumbered as Section 4(4) and (5), is worded as follows:

‘(4) The authority shall decide without delay whether the request should be granted. Requests for re-use shall be processed within seven working days of receipt except in exceptional cases where this is not possible, for example on account of the scope or complexity of the documents and data collections to which the request relates. In that case the applicant shall be informed of the reasons for the longer processing time and be advised when their request is likely to be processed.

(5) Where it is necessary to conclude an ongoing re-use agreement, the authority shall send a proposed agreement to the applicant within seven working days of receipt. Where this is not possible, for example on account of the scope or complexity of the documents and data

collections to which the request relates, the authority shall inform the applicant of the reasons for the delay and state when a proposed agreement is likely to be drawn up’.

7. The following is inserted as Section 6(2):

‘(2) The provisions of paragraph 1 shall not apply when the negative decision is given by a public library, museum or archive’.

8. Section 7 is worded as follows:

‘Section 7. Public sector bodies shall ensure that documents and data collections made available for re-use are accessible in any pre-existing language or format, including electronic formats. Documents and data collections shall, where possible and appropriate, also be made available in formal, open and machine-readable formats together with their metadata except where this goes beyond a simple operation.

(2) Paragraph 1 shall not imply an obligation for public sector bodies to create or adapt documents or provide extracts in order to comply with that paragraph where this goes beyond a simple operation’.

9. Section 8(1) is worded as follows:

‘A fee may be charged to cover the additional costs associated with making documents or data collections available for re-use’.

10. In Section 10(1) the following is inserted after ‘except as provided for in paragraphs 2’: ‘and 4’.

11. The following is inserted as Section 10(4):

‘(4) The duration of an exclusive agreement on the digitisation of cultural resources may not exceed ten years except where necessary for the provision of a service in the public interest. After consulting the Minister for Finance, the Minister for Culture shall ensure that the duration of an agreement lasting longer than ten years is reviewed in the eleventh year and every seven years thereafter’.

12. The following is inserted as Section 11(3):

‘(3) The Minister for Finance may lay down detailed rules on the publication of documents and data collections pursuant to paragraphs 1 and 2’.

Section 2

(1) This Act shall enter into force on 1 July 2014.

(2) Exclusive agreements which were concluded before the entry into force of this Act and do not qualify for the exceptions under Section 10(4) shall be terminated at the end of the contract and in any event not later than 18 July 2043.

Section 3

This Act shall not apply to the Faeroe Islands or Greenland but may by Royal Decree be wholly or partially enforced in the Faeroes and Greenland, subject to the amendments required by the situation in those territories.

Given at Amalienborg, 2 June 2014

By Our Royal Hand and Seal

MARGRETHE R.

/ Bjarne Corydon

¹ This Act contains provisions implementing parts of Directive 2013/37/EU of the European Parliament and of the Council of 26 June 2013 amending Directive 2003/98/EC on the re-use of public sector information (OJ L 175, 2013, p. 1).