

Recast of PSI Directive

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Impact Assessment – Problem Areas

- Dynamic Data
 - *Real time access to data*
- Charging
 - *Overcharging for reuse*
- Scope of the PSI Directive
 - *Utilities / transport / research*
 - *Public funding or governance*
- Lock-in of public sector data
 - *Arrangements with the private sector*
 - *Limiting the number of potential re-users*



Main Changes Proposed

- Renamed to 'Open Data and PSI Directive'
- Scope expanded to include Public Undertakings
- Scope expanded to include Research Data
- Charging Principles Amended
- Exclusive Arrangements are discouraged
 - Any such arrangements must be made public
- Links to other EU Directives clarified
- High-value Datasets
- Implementing Acts with Lists of Data Types



Inclusion of Public Undertakings

- Data in **the utilities and transport sector** has become more important, but there can be problems in re-using the data
- Data, held by public undertakings, will be covered by a **light set of obligations**
- Public Undertaking will not be covered by the 'right to re-use' will be allowed set charges above the limits of the default principle
- In order to limit compliance burden, public undertakings will not have to comply with the 'request procedure' in Article 4



Exclusive Arrangements Discouraged

- Exclusive arrangements are in principle not allowed under the PSI Directive.
- New types of agreements may lead to situations where one private party becomes the sole re-user of public data.
- To minimise this risk, the proposal puts in place **transparency requirements**:
 - *Public-private agreements with a high-risk of a data lock-in will face additional public scrutiny, including before the final agreement takes effect.*



Charging

- In principle all documents should be made free of charge
- Marginal costs to allow for:
 - Reproduction,
 - Provision,
 - Dissemination,
 - Anonymisation
 - And measures to protect commercial information
- Reasonable return allowed where the public body is required to generate revenue
- Criteria for charging above marginal charges must be objective, transparent and verifiable.
- Reuse of High Value Datasets – free of charge



Links to other EU Directives

- Increase clarity and legibility of the Directive: Recast
- Clarify relationship with other EU legal acts
 - *INSPIRE Directive 2007/2/EC*
 - *Database Directive 96/9/EC*
 - *GDPR*
- Limit administrative burden
 - *Enhancing the role of 'open by default' data publishing (instead of a request-driven approach)*



High-Value datasets

- Certain public sector datasets have important socio-economic benefits
- Increasing role of **dynamic data** for the creation of added value services.
- HVD will be assessed on:
 - Potential to generate important socio-economic benefits
 - High number of users
 - Revenues they may help generate
 - Potential to be combined with other datasets
- According to the proposal, dynamic data should be published immediately after collection, via Application Programming Interfaces (APIs).
- Where making data available for free would have a substantial impact on a Public Bodies they may be exempted for 2 years
 - only applies to PBs that are required to generate income to cover a substantial part of their costs



Implementing Acts

- **Implementing Acts** to specify a list of high value datasets.
 - Free of charge, machine readable, provided via APIs and where relevant as a bulk download.
- Will specify the modality and reuse of the high values datasets - compatible with open standards
- The final list will be determined by the Committee for Open Data and the Re-use of PSI
- Cost implications for PBs to implement APIs on existing systems



Thank you.



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