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

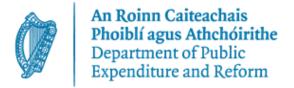
- > Renamed to 'Open Data and PSI Directive'
- Scope expanded to include Public Undertakings
- Scope expanded to include Research Data
- Charging Principles Amended
- > Exclusive Arrangements are discouraged
 - Any such arrangements must be made public
- > Links to other EU Directives clarified
- ➤ High-value 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:
 - O 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:
 - o Reproduction,
 - o Provision,
 - o 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
 - o GDPR
- > Limit administrative burden
 - Enhancing the role of 'open by default' data publishing (instead of a request-driven approach

High-Value datasets

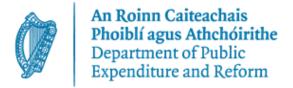
- Certain public sector datasets have important socio-economic benefits
- ➤ Increasing role of dynamic data for the creation of added value services.
- >HVD will be assessed on:
 - Potential to generate important socio-economic benefits
 - High number of users
 - Revenues they may help generate
 - Potential 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 Reuse of PSI
- >Cost implications for PBs to implement APIs on existing systems



Thank you.

