Re-use of public sector information. Recast

2018/0111(COD) - 07/12/2018 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Industry, Research and Energy adopted the report by Neoklis SYLIKIOTIS (GUE /NGL, CY) on the proposal for a directive of the European Parliament and of the Council on the re-use of public sector information (recast).

The Committee on Internal Market and Consumer Protection, exercising its prerogative as an associated committee in accordance with Rule 54 of the Rules of Procedure, also gave its opinion on the report.

The committee recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission's proposal.

Subject matter: the proposed Directive aims at establishing a regulatory framework governing the re-use of public sector information in order to promote the use of open data and stimulate innovation in products and services.

Scope: the Directive shall not apply to documents related to the provision of services in the general interest; to the re-use by direct competitors of public undertakings of documents produced in the scope of the activities directly exposed to competition and exempted from procurement rules under Directive 2014 /25/EU, for as long as they fulfil the conditions therein.

Due to the critical nature of their activities and to security and notification requirements, neither shall the Directive apply to documents access to which is excluded or restricted on the grounds of the protection of the security of network and information systems or according to rules governing operators of critical infrastructures including operators of essential services.

General principle: Member States shall ensure that documents to which this Directive applies shall be re-usable for commercial or non-commercial purposes.

For documents in which libraries, including university libraries, museums and archives hold intellectual property rights and for documents held by public undertakings, Member States shall ensure that, where the re-use of such documents is allowed by the public undertaking or private undertaking which produced them, these documents shall be re-usable for commercial or non-commercial purposes.

Member States shall ensure the creation of data based on the principle of '**open by design and by default** ', with regard to all documents falling in the scope of this Directive, while ensuring a consistent level of protection of public interest objectives, such as public security, including where sensitive information related to critical infrastructures are concerned.

Requests for re-use: public sector bodies, public undertakings and private undertakings shall, through electronic means where possible and appropriate, **process requests for re-use** and shall make the document available for re-use to the applicant or, if a licence is needed, finalise the licence offer to the applicant within a reasonable time that is consistent with the time-frames laid down for the processing of requests for access to documents.

The decision whether or not to authorise re-use of any or all documents under this Directive shall remain with the public undertaking or private undertaking concerned.

Member States shall ensure that:

- support is granted in seeking access to documents;
- lists of public sector bodies, public undertakings and private undertakings are publicly accessible;
- practical arrangements are defined for ensuring that the re-use of public-sector information can be exercised effectively;
- public sector bodies public undertakings and private undertakings inform the public adequately of the rights they enjoy on the basis of this Directive and as a result of existing access to information rules, laid down at national or at Union level, and to an appropriate extent provide information, guidance and advice to this end.

Protection of personal data and anonymous information: all obligations arising from this Directive shall be fulfilled guaranteeing the protection of privacy and personal data in respect with the Union data protection legislation, including in cross-border data reuse, by ensuring the anonymisation of the personal data.

Members considered that the term '**anonymous information'** should be defined. It shall mean any information that cannot be related, directly or indirectly, alone or in combination with associated data, to a natural person or personal data rendered anonymous in such a manner that a data subject is no longer identifiable.

Practical arrangements: the Commission and the Member States shall further **simplify the access to datasets**, in particular by providing a **single point of access** and progressively make available suitable datasets from public sector bodies with regard to all documents to which this Directive applies as well as to data from Union institutions.

Preservation of public sector information: Member States shall ensure the implementation of meaningful preservation policies for public sector information in any format which offers the best possible guarantees of long-term access.