Re-use of public sector information. Recast

2018/0111(COD) - 26/06/2019 - Final act

PURPOSE: to facilitate the creation of Union-wide information products and services based on public sector documents.

LEGISLATIVE ACT: Directive (EU) 2019/1024 of the European Parliament and of the Council on open data and the re-use of public sector information.

CONTENT: public sector information represents an extraordinary source of data that can contribute to improving the internal market and to the development of new applications for consumers and legal entities. Intelligent data usage, including their processing through artificial intelligence applications, can have a transformative effect on all sectors of the economy.

Subject matter and scope

In order to promote the use of open data and stimulate innovation in products and services, this Directive establishes a set of minimum rules governing the re-use and the practical arrangements to facilitate the reuse of data held by the public sector.

The new Directive extends the scope of the rules on the re-use of public sector information (PSI) beyond public sector bodies, so as to also cover public companies in the transport and utilities sectors.

General principle

The Directive shall be based on the general principle that Member States shall ensure that the documents to which the Directive applies are reusable for commercial or non-commercial purposes. It promotes the use of open data (data presented in open formats that can be freely used and shared for any purpose).

Processing of requests for re-use

Public sector bodies and public enterprises shall process requests for re-use and make their documents available in any pre-existing format or language and, where possible and appropriate, in electronic form, in formats that are open, machine-readable, accessible, traceable and reusable, together with their metadata.

Member States shall encourage public sector bodies to produce and make available documents that fall within the scope of the Directive in accordance with the principle of 'open by design and by default'.

On a practical level, Member States shall adopt practical measures to facilitate the search for documents available for reuse, such as an asset list of key documents with relevant metadata.

Research data and dynamic data

Member States shall support the availability of research data by adopting national policies and relevant actions aiming at making publicly funded research data openly available ('open access policies'), following the principle of “open by default” and compatible with the FAIR principles.

In that context, concerns relating to intellectual property rights, personal data protection and confidentiality, security and legitimate commercial interests, shall be taken into account in accordance with the principle of “as open as possible, as closed as necessary”

The new rules shall also encourage the dissemination of dynamic data such as weather or transport data transmitted in real time.

High value data

The Directive introduces the concept of high-value data sets to be made available free of charge via application programming interfaces (APIs). It provides, in Annex I, a list of six main categories of high-value data sets: (i) geospatial, (ii) earth observation and environment, (iii) meteorological, (iv) statistics, (v) companies and company ownership, and (vi) mobility.

The Commission may adopt delegated acts to amend this list by adding new thematic categories of high value data sets to reflect technological and market developments.

Charging

The re-use of documents shall be free of charge.

However, the recovery of the marginal costs incurred for the reproduction, provision and dissemination of documents as well as for anonymisation of personal data and measures taken to protect commercially confidential information may be allowed.

No sooner than 17 July 2025, the Commission shall carry out an evaluation of this Directive, and submit a report on the main findings of that evaluation to the European Parliament and to the Council as well as to the European Economic and Social Committee.

ENTRY INTO FORCE: 16.7.2019.

TRANSPOSITION: no later than 17.7.2021.