

Groupement français de l'industrie de l'information

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Public Sector Information in France

Towards an economic approach

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Commercial re-use of PSI

From the origin to the EU Directive

Debate and legislation in France

Debates and reports for a long time in France

Important role of the public sector in the country

– EU

- 1989 : Synergy between private and public sectors on information market
- 1998 : Green Paper on public sector information
- 2003 : EU Directive

– France

- 1992 : Report
- 1994 : First document by the Prime Minister : Distribution of public data
- 1997 : Report
- 1998 : National Program for the Information Society
- 1998 : Report on electronic trade, including a specific chapter devoted to PSI
- 1999 : New Report on the distribution of public data
- 2005 : Transposition of the EU Directive in the French legislation
- 2006 : Transposition is completed (Responsible authority defined)

GFII and partners

- GFII is concerned with professional information
- Members include public institutions and private companies – Participation of all key stakeholders
- Participated in the work on PSI re-use since the beginning, created a specific working group in 1997
- Cooperation with other concerned organisations and setting up of a common working group :
 - ACSEL – Association for on-line business and services
 - AFIGEO – French Association for Geographic Information
 - GESTE – Association of on-line service publishers (targeted at *households*)
 - FIGEC – National Federation for Companies Information and Credit Management
 - GFII – French Association of Information Industry
 - SPDG – Club of users of geographic information
 - This group has issued a common position on PSI re-use

Position of the "inter-associations" group

- Economic importance of PSI
- Need to promote the emergence of a market and allow for transparency and competition
- No religious debate between "public and private" or "free (tax based) and commercial" or between "essential data" and others.
- Clear distinction between access and conditions for re-use.
- Evaluation of costs, transparency of licensing schemes
- Pricing can cover additional costs for adapting and preparing data

Position of the "inter-associations" group

- Respect of privacy – but not an excuse to keep all data confidential
- Apply general principles but always consider specific situations in a practical way and make the distinction between different types of information
- Avoid litigation and try to organise negotiation and consensus
- Proposition : set up a specialised authority, with high level experts from both public and private sector

The GFII aims to promote discussions and mutual understanding and contribute to improve the information and training of all participants : on going dialogue with administration and Parliament, "CADA" (authority in charge), Government General Secretariat - conferences and seminars on the topic.

Concertation and discussion

- After years of hard debates in main sectors as geographic, legal, business information, public information producers and companies are coming to agreements and more peaceful relations.
- It has to be said that both partners are today confronted to a phenomenon – and for some of them a common threat : the rise of the free Internet and the development of information sources for which the business model is not based on selling information.

Transposition of the European Directive

- Important evolution
 - Economic re-use is officially acknowledged as an objective
 - No exclusive licensing
 - Maximum fees based on costs
 - Definition of standard licensing schemes
 - Information registries with precise information on accessible data

Transposition of the Directive

- Questions still pending
 - Possible confusions between information and document
 - Pricing
 - Excluding any proportional royalty
 - But some argue that intellectual property right could generate a royalty, and the legislation does not exclude possible IPR
 - Answering a request for license
 - Delays for the procedures should be limited, but only experience will show
 - Difficult to apply privacy protections
 - A different institution is in charge (CNIL) – but coordination is underway
 - Information, training : changing public service culture

A responsible Commission

- Government decision : extend the domain of the "Commission for Access to Administration Documents" (CADA), which was in charge of requests from citizens but had until now no economic objective
- CADA will deliver advice on request by a company which cannot obtain information

Commercial re-use of PSI

Economic analysis and metrics of
public sector information...

Importance of PSI in France

- Not only legal, taxes, and administration
- Spatial information (geography, "cadastre" – land properties)
- Basis of business information : balance sheets are sent each year to Commerce Courts which transfer them to INPI (Patent Office)
- Healthcare and Public Health Insurance
- ...
- *Remind : public sector estimation :
300 G€ in GIP 1700*

PSI : drawing the lines

- Difference between a majority of administrative services and those whose public mission is to manipulate and publish information.
- Four main types of institutions :
 - Education, culture, research (outside the scope of the Directive)
 - Public Information Offices
 - such as INSEE (Statistics), IGN (Geo.), INPI (Intellectual Property), Documentation Française (Publishing), Journal Officiel (Law) National Meteorology – Those have been at the center of conflicts but they have a policy, they work with Information providers and Information specialists. Therefore, difficulties have been or will be solved and the situation has really improved in most cases.

Drawing the lines

(... 4 main types)

- Other government offices. Problem is to know which informations exists and to deal with local culture, usually not information oriented.
 - Other public offices, from local authorities to public institutions, chambers of commerce and other private structures but financed by taxes.
- Three main ways for identifying PSI
 - origin of financing
 - nature of the institution
 - existence of a public mission

Economic analysis is critical

- It is critical that governments look beyond direct budget constraints and consider PSI as an economic factor.
 - Development of Information Industry
 - Multiplicative effect : impact of 1 € in acquisition of information can be very great for companies (Information market does not say it all : in France about 1 G€ in a total GIP of 1700, but there is much more in economic value)
 - Evaluation is difficult, and hidden costs of non-information cannot be estimated in most cases.

Observation difficulties

- As information was not at the center of public mission for most administrations...
- ...and different status exist (local authorities, autonomous agencies, commercial structures),
- there is no general practice or rule to :
 - identify accessible and re-usable information
 - evaluate cost and potential (It is very difficult, and very often theoretical, to try to differentiate activities in the public sector and to identify special costs to make information available for re-use)
 - define distribution policy
- A national observatory is considered.

Negotiation difficulties

- Administration whose main mission is information started with monopoly or exclusive licensing approach, but they have evolved towards open rules
- They have sometimes developed a strong commercial department – now, they have to give equal treatment to private firms
- Others very often have few resources to make information available
- Evaluating specific costs : really no basis other than negotiation and consensual agreement in a sectorial community.

A different point of view

- Every institution knows its own domain, but administrations and public offices are organised in vertical silos
- Information industry identifies markets...
- And very often, there is an important added value in combining information from multiple sources, which can be very difficult

Conclusion

- It takes time...
- But importance of information is now better understood by a growing number of actors in Public Sector
- It is important and productive to set up working groups with representatives of public and private sector : there will not be an information market without mutual understanding
- The EU Directive has given a strong basis for the development of Information Industry
- International cooperation and discussion is more and more important in order to develop a market whilst considering national specific situations and cultures