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## ***Rationale and Benefits of Open Online Access to PSI***

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by

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**Comparison of some key characteristics of the print and digitally networked paradigms:**

### PRINT

- (pre) Industrial Age
- fixed, static
- rigid
- physical
- local
- linear
  
- limited content and types
- distribution difficult, slow
- copying cumbersome, not perfect
- significant marginal distribution cost
- single user (or small group)
- centralized production
- knowledge diffusion slow

### GLOBAL DIGITAL NETWORKS

post-industrial Information Age  
transformative, interactive  
flexible, extensible  
“virtual”  
global  
non-linear, asynchronous, with  
time/space collapsed  
unlimited contents and multimedia  
easy and immediate dissemination  
copying simple and identical  
zero marginal distribution cost  
multiple, concurrent users/producers  
distributed production  
accelerated diffusion, network effects

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### **Policy imperatives for placing government-generated data and information in the public domain or under open access conditions online:**

#### ***Legal***

- Public has a right of access to PSI.
- Government entity needs no legal incentives from exclusive property rights to create information.
- Both the activities that the government undertakes and the information produced by it in the course of those activities are a [global] public good.

#### ***Ethical***

- The public has paid for the production of the information, “owned” by the public.
- Burden of access fees falls disproportionately on those least able to pay.

#### ***Political***

- Government transparency and accountability undermined by restricting access to and use of PSI.
  - Rights of freedom of expression (1<sup>st</sup> Amendment) are compromised by restrictions on re-dissemination of PSI—related Constitutional prohibition against “prior restraint”.
  - Lack of access correlates with political repression, corruption.
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## **Policy imperatives for OA to PSI (continued)**

### ***Socio-economic***

- Maximizes economic and social returns on public investments in PSI
  - Direct economic value creation
  - Indirect economic potential
  - Positive externalities—especially through network effects—on an exponential basis
  - Direct and indirect social benefits for social welfare, better informed public, education, etc.
  - Proprietary and commercial treatment of PSI by government entities produces de facto public monopolies with inherent economic inefficiencies, transaction costs (not just access costs), and lost opportunity costs in economy and society.
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### **Policy imperatives for OA to PSI (continued)**

#### ***Scientific***

- Promotes interdisciplinary, inter-sector, inter-institutional, and international research;
  - Avoids duplication of research and promotes new research and new types of research;
  - Reinforces open scientific inquiry and encourages diversity of analysis and opinion,
  - Allows for the verification of previous results,
  - Enables the testing of new or alternative hypotheses and methods of analysis;
  - Supports studies on data collection methods and measurement;
  - Facilitates the education of new researchers;
  - Enables the exploration of topics not envisioned by the initial investigators;
  - Permits the creation of new data sets when data from multiple sources are combined;
  - Facilitates transfer of information North <-> South and South <-> South;
  - Promotes research capacity building in developing countries; and
  - Generally helps to maximize the research potential of new digital technologies and networks, thereby providing greater returns from the public investment in research.
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U.S. federal statutory regime encourages active dissemination of PSI at marginal cost (and no more than incremental cost):

- OMB Circular A-130, Paperwork Reduction Act (1995), E-Government Act (2002)
  - FOIA covers remaining PSI not actively disseminated
  - Determination of active dissemination consistent with legislative mandate and function of each government department/agency
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### **Countervailing policies that may trump the public right of access to and use of PSI:**

- **Statutory exemptions to public-domain access and use based on specific national security concerns, the need to protect personal privacy, and to respect confidential information.**
  - **Specific FOIA exemptions (9).**
  - **Government agencies not allowed to compete directly with the private sector in providing information products and services, outside their legislative mandate (Circular A-76)**
  - **Government agencies generally must protect the proprietary rights in private sector information that is made available for government use, unless expressly exempted from such protection based on overriding public interest.**
  - **Boundaries of these restrictions shift over time based on changes to legislation, regulation, policy, and judicial decisions.**
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