

Different PSI access policies and their impact on social and economic values

Frederika Welle Donker - researcher geo-information
f.m.welledonker@tudelft.nl

OECD Headquarters, Paris
4 February, 2008

Overview

- Research project
- Public sector geo-information
- Directives, legislation & guidelines
- Access policy in the Netherlands
- Case studies
- Other developments
- Conclusions

GeoPortal Network project

- RGI project (2005 – 2008)
- Consortium of 14 partners from public & private sector; universities & knowledge institutes
 - create a framework that allows easy and transparent access from technological, informational, financial, organisational and legal perspectives
 - motto: *Be able to find and be allowed to use*

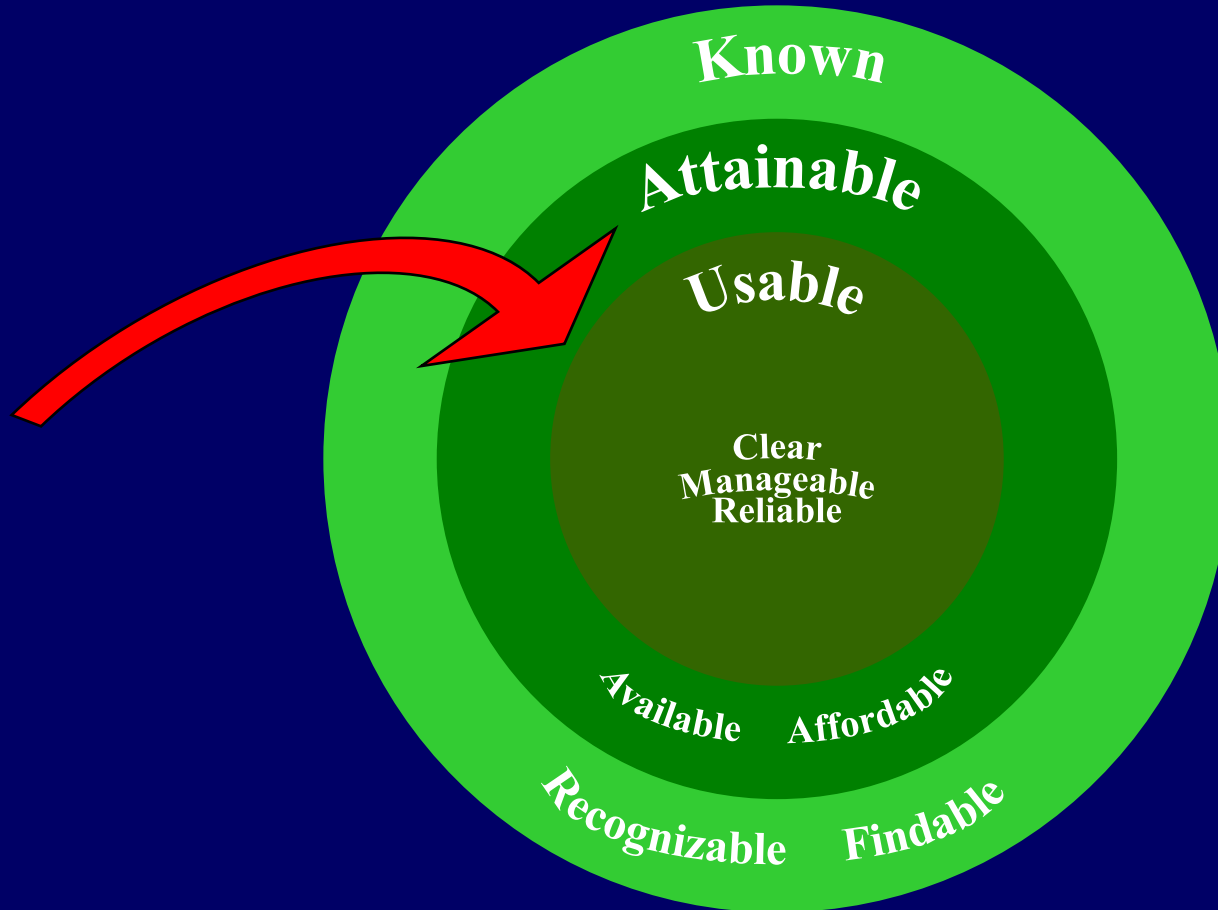
Goal of research

- Identifying current legal and financial barriers to access of (public sector) geo-information
- Developing a model for transparent access to (public sector) geo-information, especially for (re-)use of public sector geo-data. The model should enable combining geo-data from various sources.
- Model should be suitable for all types of (re-)users

Backx' Accessibility Model (2003)



Backx' Accessibility Model (2003)



Geo-information

- All information that refers to a location on the earth
- Public sector owns most geo-datasets
 - Mostly set up and used for own processes
 - Available for (re-)use under certain conditions
 - marginal costs (free if digital)
 - cost recovery (plus reasonable RoI)

Geo-information \neq information

- GI datasets are not paper based documents
- GI is very expensive to collect & maintain
- GI is subject to intellectual property rights & privacy legislation
 - sometimes needs adaptation
 - (re-)use covered by licences
 - allows costs to be recoverable
- GI has unlimited potential for private sector

European Directives

- Directive 2003/98/EC on the re-use of public sector information (PSI Directive)
- Directive 2007/2/EC establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)
- Directive 93/84/EEC (amending 80/723/EEC) on the transparency of financial relations between Member States and public undertakings
- Treaty est. the European Community (art.86-89)

PSI Directive & INSPIRE

- PSI Directive regulates *re-use* of all public sector information
- INSPIRE regulates *sharing* of geo information
- Both allow for cost recovery pricing regime
- Neither regulate market activities of public sector organisations

Other legislation & policy

- Intellectual Property Rights
 - Copyright & Database Acts
- Freedom of Information Act (Dutch Wob)
- Contract law
- Fair Trade legislation (under review)
- Protection of privacy legislation
- Specific legislation
 - E.g. Cadastre Act, Authentic Registries Acts
- Various policy documents & national guidelines

History of PSI availability in the Netherlands

- Public sector organisations could set their own conditions & prices for marketing PSI
- Cohen Report in 1996
 - public sector organisations should not engage in market activities in competition with the private sector (four exceptions listed in report)
 - public sector organisations may only enrich information if it is an essential part of their core duties
 - review of specific public sector organisations
 - paved the way for a level playing field
 - paved the way for full cost recovery model

Legislation & policies

- Guidelines for national public sector bodies that are not covered by specific legislation (1998)
 - if engaging in economic activities then all costs made must be passed on in charges
 - do not apply to lower levels of public sector
- Dutch Freedom of Information Act (1991)
 - dissemination costs for public information
- Implementation of the PSI Directive (2006)
 - total income may not exceed total costs + reasonable Return on Investment (RoI)

Current situation in the Netherlands

- Public Sector may not produce value added products (except specially mandated public sector bodies)
→ elastic concept, no clear boundaries
- More PS datasets become available for re-use
→ still a big variety in licence conditions
→ more attractive datasets (authentic registries) are still restricted for re-use by non-public sector
- Prices charged for some datasets are coming down or are even free now
→ because the prices were too high
- → free data may be deemed to be an economic activity

Positive side of free geo-datasets

- Stimulation of the knowledge economy
 - more value added products
 - more taxes back to government
 - VAT, company taxes etc.
 - ultimately better Return on Investments
- Stimulation of citizens' involvement in democratic processes
 - better access to information

Downside of free geo-datasets

"There's no such thing as a free lunch" (Paul Keating, Treasurer, Australia 1983-1991)

- Continuous quality threatened
 - Financing becomes more vulnerable
- Threat to private sector with similar datasets
 - Unfair trading practices by PS bodies
 - Unrecoverable sunk costs

Creative Commons

- A non-profit organisation founded in 2000 in the USA to deal with copyright issues
- Offers 6 standard licences to make a work available to third parties
- Voluntary “some rights reserved” approach

Creative Commons licenses

- A licence is selected on-line by answering a few simple questions:
 - is commercial use of the work allowed?
 - is modification of the work allowed?
 - if yes: Should the derivative product be made available to third parties under the same licence conditions?
- Attribution is required under all circumstances
- License is valid for duration of copyright
- Each licence appears in three versions (layman, legal, machine readable)

Creative Commons Licensing structure

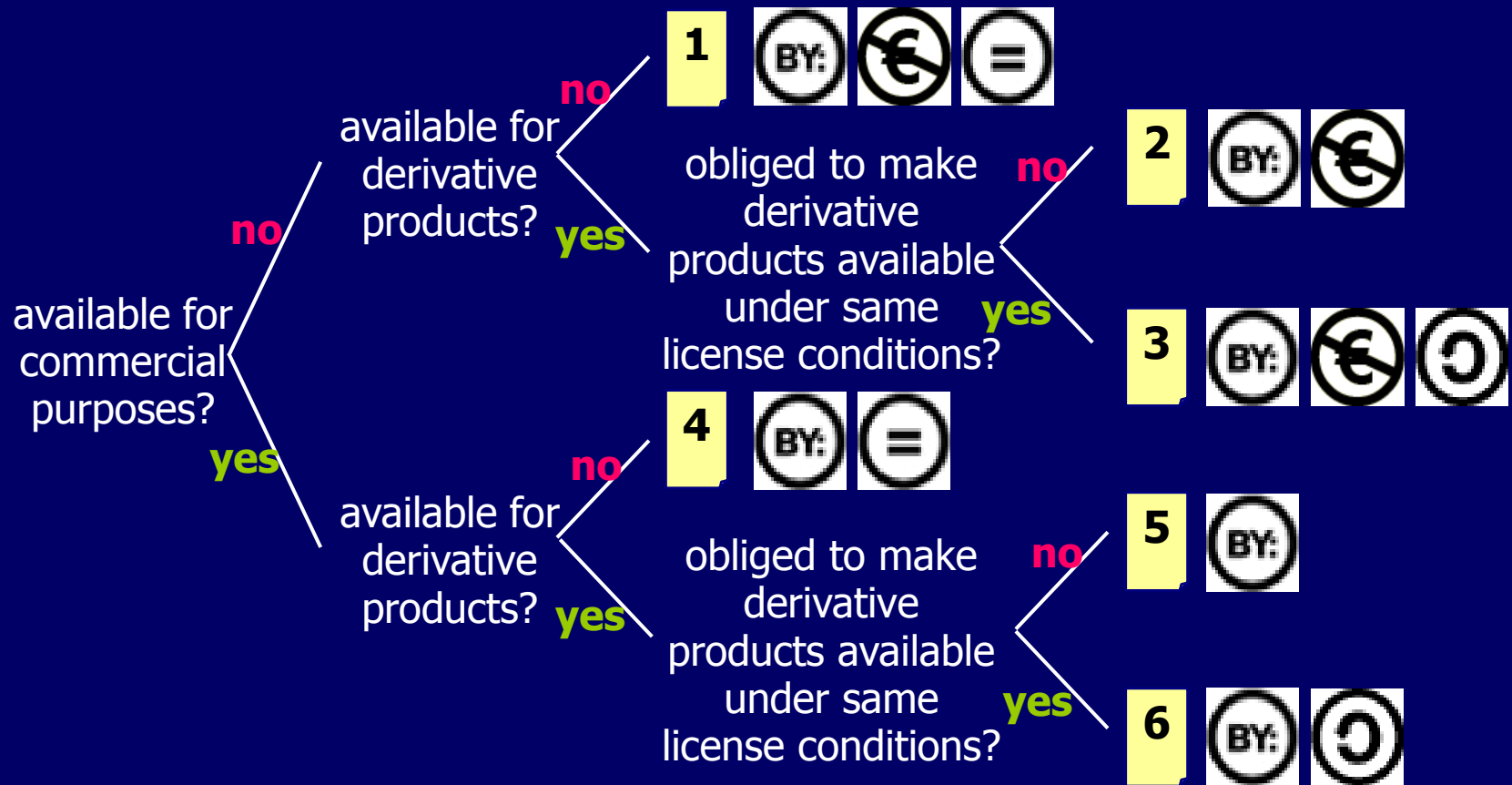


Figure by F. Welle Donker (2006), symbols © Creative Commons, USA

Case study 1: New Map of the Netherlands

- Managed by NIROV, an Dept. of Housing, Spatial Planning & Environment organisation
- GIS file of all planned developments on national, provincial & municipal level
 - Old: available through private sector intermediary for a cost recovery fee
 - New: downloadable with CC-licence
 - Result: big increase in monthly downloads
 - Oddity: Dept. pays royalties to Cadastre

Case Study 2: National Roads Dataset

- NWB



Case Study 2: National Roads Dataset

- Managed by Dept. of Public Works & Water Management
- Information is collected in collaboration with other public sector bodies
- GIS file containing many attributes
- Private Sector has set up similar datasets
 - Old: only available for use by public sector
 - New: available for free for use from April 2007, available for re-use from 1-1-2009 for all users
 - Result: questions in parliament, litigation threats



Meanwhile ...

- Viewing web services, e.g. Google Earth
 - Get data from mostly private sector
 - Provide reference data for free
 - Allow for mash-ups
 - even public sector consider using GE
- Web 2.0 applications, e.g. Open Street Map
 - Get their own data
 - Quality low but is improving
- Growing demand for free services

Conclusions for the Netherlands

- Accessibility to PS geo-datasets is improving but still room for improvement
 - municipalities are slow to comply with FoI applications
 - still too much emphasis on protecting intellectual property rights and privacy constraints
 - no consistent & transparent licences for all users
 - fees charged are not transparent, no cost accounting
 - no legal clarification re economic activity
 - financing geo-datasets uncertain

Recommendations for the Netherlands

- Simplify current licenses and fees
- Guarantee funding for large scale geo-datasets
 - cannot be funded from sales alone
 - involve private sector (data-for-data)
- Authentic registries should also be available for (re-)use by non-public sector users
 - current legislation does not deal with this
- PS runs risk of being overtaken by Google Earth

Thank you for your attention

Acknowledgements:

This presentation has been written as part of the activities of the project GeoPortal Network – Liberty United (Geoloketten – Vrijheid in Verbondenheid) within the framework of the Bsik program 'Space for Geo-information'.

Participants in this consortium are:



This work is licensed under a [Creative Commons Attribution 2.5 License](https://creativecommons.org/licenses/by/2.5/).