

## **PUBLIC SECTOR INFORMATION - UNLOCKING COMMERCIAL POTENTIAL**

Public Sector Information [PSI] represents the single largest source of information in Europe. The European Commission estimates that between 15% and 25% of total data used in e-commerce trading is based on public sector information. In July of this year, new regulations on Public Sector Information will be introduced that will ensure that the conditions are in place to encourage and stimulate the re-use of this important information source.

### Why are Regulations necessary?

The main driver for the new Regulations is economic. The size of European information has been estimated at €68 billion. However, by contrast, in the United States the information industry is approximately five times that size. The European Commission and other commentators attribute this to the fact that in the US Federal Government information is not subject to copyright, therefore most information, certainly at Federal Government level, can be re-used with virtually no restrictions. The European Commission judged, therefore, that there is enormous scope for growth in this area, particularly in terms of developing pan-European products and services. This was the basis of the European Directive on the Re-use of Public Sector Information [PSI]. The policy responsibility for implementing the Directive is shared by Mike O'Brien, Minister of State for Energy and E-Commerce at the Department of Trade and Industry [DTI] and David Miliband, Minister for the Cabinet Office.

### What problems need to be addressed?

A company wishing to develop a commercial Internet based product that draws on information across all the European Member States is likely to be confronted with the following obstacles:

- lack of clarity and transparency - who do I need to apply to? What are the charges, if any, for re-use? What are the licence terms and conditions? Where can I find the information I need?
- inconsistency of approach - not only between Member States, but also within Member States for similar material;
- lack of robust complaints procedure and appeals process - What recourse do I have if I am dissatisfied?

Overall, the whole process of obtaining permission to re-use public sector information is likely to be time-consuming and bureaucratic. Indeed, for small and medium sized enterprises it is likely that they will find the process so complex that they may decide to shelve the product simply because they would not have the resources to follow the process through to conclusion.

### How will things change?

The new Regulations will establish a framework for making re-use easier and more transparent. The main elements will be:

- greater transparency of licence terms. Public sector bodies will have an obligation to publish licence terms [where licences are required] and details of charges, where applicable;
- an obligation to produce a list of the public sector body's unpublished material, called asset lists, linked to Publication Schemes, required under Freedom of Information [FOI] legislation;
- robust complaints procedures. Public sector bodies will be required to publish details of their complaints process. In addition, a dispute resolution process is being implemented.
- time limits for responding to applications for re-use. This will be 20 working days in line with Freedom of Information.

### Which UK Public Sector Bodies will be covered by the Regulations?

In the UK, the new Regulations will cover most of the public sector. This includes:

- central government, including government trading funds and executive agencies;
- local government;
- the health service;
- Parliament.

There are, however, some notable exemptions. These are: public sector broadcasters such as the BBC; educational establishments such as universities and certain cultural organisations such as museums and libraries.

### Links with Freedom of Information

FOI is concerned with access to information. The PSI Regulations go beyond access in that they deal with how information is used once it has been accessed, for example, by publishing and making the information available to a wider audience. The main link between FOI and PSI is that any information exempt under FOI cannot, for obvious reasons, be re-used.

### Challenge for the UK

In the UK we are in the fortunate position of having introduced practical measures that have made the re-use of information easier. Much of this results from initiatives launched by Her Majesty's Stationery Office [HMSO], attached to the Cabinet Office. These initiatives are:

- the Click-Use Licence, which is an online licensing system;
- the Information Asset Register (IAR) which provides detailed information on what material is available for re-use.
- the Information Fair Trader Scheme [IFTS] which sets out a framework of verification of public sector bodies' licensing and information trading activities.

Most of the progress made to date has been achieved at Central Government level. The challenge is now to extend best practice in this area to the wider public sector. To reflect this, HMSO's information policy role will be extended with responsibility for the public sector and not just central government. HMSO will also have a key role to play in the handling of disputes and complaints. Given this wider remit, HMSO will be renamed the Office of Public Sector Information [OPSI].

### What happens next?

There is still work to be done to ensure that the public sector meets the requirements of the EU Directive, but OPSI is available to give practical advice on the changes. A series of seminars and workshops are being arranged in the run-up to publication of the regulations. Further information, including a Guide to Best Practice, is available at: [www.hmsso.gov.uk](http://www.hmsso.gov.uk)

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