

How do licenses for re-use should look like?

Facilitator: Prodromos Tsiavos, National Documentation Center (HEL)

Take notes: xxx

Short description: Discussion on features of licensing for re-use, with a focus on specific challenges, such as interoperability. Hints to overcome these challenges.

Abstract: The objective of this session is to provide a clear set of issues that Public Sector Bodies (PSBs) have to deal with when releasing their Public Sector Information (PSI) for re-use in accordance to Directive 2013/37/EU, as amending Directive 2003/98/EC. The discussion will then go through the different points touched by the LAPSI 2.0 project's Licensing Guidelines, which focus on the question of the optimal licensing approach based on the best practices of various Member States and the results of previous work conducted by the Legal Aspects of Public Sector Information (LAPSI I and II) projects.

Nevertheless, this session also covers essential steps from the entirety of the life-cycle of PSI, from the moment it is obtained or created by the PSB to the moment it is made available for re-use through a variety of means.

Which steps for a suitable redress mechanism?

Facilitator: Maja Lubarda, Information Commissioner (SLO) - TBC

Take notes: Maria Magnolia Pardo, Murcia University (ESP)

Short description: Discussion on the suitable features of an appropriate redress mechanisms as to the access and re-use of PSI. Some European good and bad examples.

Abstract: This session is aimed at pointing out good practices with regards to the PSI framework for institutional embedding and enforcement. Policy makers, the public sector, civil society, businesses and the general public have all broadly accepted the value of public sector information (PSI) for economic growth, public participation and accountability. In many countries, there is a "right to information" and the re-use of PSI and open data are encouraged. When the new PSI directive will be transposed in the Member States of the European Union, citizens and businesses will have a right to re-use information held by public sector bodies.

However, having such a right is not useful, if one cannot enforce it. Therefore, it is essential that the right to re-use PSI is supported by an effective redress mechanism. Criteria to which redress mechanisms should answer have to be identified, to provide the re-users with sufficient guarantees and to ensure that the economic potential of PSI can actually be realised. For each criterion, one or more "good examples" can be described from redress processes already existing in different EU Member States. These examples may serve as inspiration for other organisations or countries when implementing or adapting their redress mechanisms.

Does the Access give real Accessibility to Data?

Facilitator: Linda Austere, Providus (LV)

Take notes:

Short description: Access is the first and preliminary step one needs to go through when she wishes to re-use data. When access is enabled? Is there a difference between access and accessibility? What about accessible data that cannot be nor downloaded nor re-used: are they really open?

Abstract: Re-use of government information naturally requires access to the information. However, the PSI Directive itself does not oblige Member States to provide access. This can be explained by the fact that the legislative competences of the EU to regulate access to public sector information within a national setting. The PSI Directive applies to documents that are *already* made publicly accessible under the national rules for access to documents (art. 1(3) PSI Directive). It does not add to them or change them. An important improvement of the PSI Directive as amended in 2013 is that it *requires* rather than invites Member States to allow the re-use of documents of information that can be accessed under national access regimes (art. 3(1) PSI Directive). Effective access is a *conditio sine qua non* for re-use. This session discusses the relationship between Directive 2003/98/EC (PSI Directive) and national access regimes and the methods by which good practices can be identified and structured with rights of access to data. Good practices have an effect on the three main aspects: data must be discoverable (what information is held by which organisation?), available (public under FOIA, at reasonable terms and prices) and usable (meeting user needs, e.g. as regards format, timeliness, etc.).

The most known challenges of PSI Access and Re-USE: Intellectual Property (and Data Protection)

Facilitator: Freyja van den Boom

Take notes:

Short description: IPRs are traditionally perceived as a tool for development; however they reveal to be an obstacle for an easy access and re-use of PSI. The same goes for Privacy and Personal Data protection rules. How to overcome these challenges?

Abstract: The discussion is aimed at identifying best practices on legal rules, contractual transfers of rights and other issues in the area of public sector works in different European Union countries. A particular attention is devoted to cultural institutions legal rules and practices as well. More precisely, this session focusses on three different levels of the public sector works production and circulation: i. legal rules on protectability of works, ii. legal rules and contractual practices on rights ownership, iii. legal rules and other practices implemented within the cultural institutions. The LAPSI 2.0 network can share its experience in identifying some good practices, based on a questionnaire that was prepared and answered by the partners of the network. In particular, the LAPSI 2.0 network identified some best legal rules on protectability of public sector information eligible for copyright protection, some good and bad legal rules on rights ownership of PSI covered by copyright protection and some best practices on the transfer of such rights. In the area of cultural

institutions the LAPSI 2.0 network identified some best practices as to the metadata exploitation, access and re-use to cultural content.