Share-PSI - KREMS Workshop

A self sustaining business model for Open Data

Introduction

The PSI Directive in the definition of "re-use of documents" seems to be excluding any internal data sharing within the public administration.

This on the basis of the proviso that "re-use of a document within a public sector body for the purpose of carrying out its own public task" or the "transfer for use of a document from one public sector body to another for the purpose of either public sector body carrying out its public task" is not to be understood to be in the spirit of the Directive.

On the other hand "Public Sector Information Re-Use" and "Open Data" sometimes are used interchangeably which is not always the correct thing to do.

The same sometimes happens with the terms "Open Government" and "Open Data" in the context of transparency and Freedom of Information. FOI is intended to enable the request of documents from the Government for the purpose of getting information and facts which otherwise will not be published unless there is a specific request for such documents.

G8 Open Data Charter

On the 18th June of 2013, the group of eight most economically developed countries globally known as the G8 signed and published a document entitled the "Open Data Charter"[1].

This important document was signed by the G8 leaders to promote transparency, accountability and innovation.

The Open Data Charter sets out five (5) strategic principles that all G8 members were expected to act on:

- Open data by default
- Quality and Quantity
- Usable by all
- Data for improved Governance
- Data for Innovation

G8 members have also identified fourteen (14) high-value areas from education to transport, and from health to crime and justice from which they will release data. These will help unlock the economic potential of open data, support innovation and provide greater accountability.

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[1] (Open Data Charter n.d.) -
https://www.gov.uk/government/publications/open-data-charter

EU Implementation of the G8 Charter

The European Union officially endorsed the G8 Open Data Charter in June of 2013 and committed its members to the implementation of the Collective Action Plan as agreed by the G8 members.

The main challenges to the required level of progress in the availability and openness of information resources are.

- to make data available in an open format;
- the enabling of semantic interoperability;
- quality of data and reconciliation across various data sources;
- implementation of software solutions for easy publication and visualisation of datasets;
- simplified clearance of intellectual property rights;

The main actions included in the commitments undertaken by the EU include.

- Revised Public Sector Information (PSI) Re-Use Directive
- EU Open Data Portal
- Commission Rules on re-use of its own documents

The recast PSI directive and the EU Open Data portal have a direct effect on the way Open Data is published and the way this can be incorporated into a business model that ensure future financial sustainability.

European Initiatives

Europe 2020 is a ten (10) year strategy for the advancement of the European Union economy published on the 3rd March 2010 following the expiry of the Lisbon Strategy for the period 2000 to 2010.

This strategy includes a number of targets aimed at boosting growth and employment across the member states of the EU.

The Digital Agenda for Europe[2] (DAE) is aimed at the rebooting of the European economy and to assist the European citizens and businesses to get the most benefits out of the digital technologies within the digital economy, which is growing at seven times the normal rate of the rest of the economy.

The Digital Agenda contains 13 specific goals dealing with broadband penetration and usage, buying online, roaming charges, internet usage, cross-border public services and the use and uptake of e-Government services.

As part of the Digital Agenda for Europe, in July 2014 the Commission published a communication outlining a new strategy on Big Data[3] based on a thriving data-driven economy[4].

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[2] (Digital Agenda for Europe n.d.) –
http://ec.europa.eu/digital-agenda/en/digital-agenda-europe
[3] (Towards a thriving data-driven economy n.d.) -

The Interoperability Solutions for European Public Administrations (ISA)[5] programme is the European Commission's initiative which aims to address the electronic collaboration beyond borders and sectors between Public Administrations to make administrative procedures simpler and cheaper for all concerned.

The ISA programme which covered the period 2009 to 2014 followed the IDABC[6] programme running between 2005 and 2009. A major output of the ISA Programme was the document containing the specification for the Access to Base Registries[7] published by the EU Commission on the 28th February 2014.

A Base Register is defined as a "trusted authentic source of information under the control of an appointed public administration or organisation appointed by government". Base Registers are "reliable sources of basic information on items such as persons, companies, vehicles, licenses, buildings, locations and roads and are authentic and authoritative and form the cornerstone of public services".

The Base Registers are considered from three (3) different perspectives namely:

- EU dimension
- Cross-border dimension
- National & cross-sector dimension

Then this is further focused on four (4) main types of base registries:

- Business registry
- Land registry
- Vehicle registry
- Citizen registry

The reduction of administrative burden and the simplification of administrative processes together with the implementation of the Once-Only Principle depend to a large extent on the availability of data from these Base Registers in a machine-readable format.

The datasets from the Base Registers which are of a public domain nature are the most obvious candidates for publication as Open Data.

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http://ec.europa.eu/digital-agenda/en/towards-thriving-data-driven-economy
[4] (Data Driven Economy 2014) –
http://ec.europa.eu/digital-agenda/en/news/communication-data-driven-economy
[5] (ISA - Interoperability Solutions for European Public Administrations n.d.) -
http://ec.europa.eu/isa/index_en.htm
[6] (Interoperable Delivery of European eGovernment Services (IDABC) n.d.) -
http://ec.europa.eu/idabc/en/chapter/3.html
[7] (ISA Work Programme - Access to Base Registries 2014)
- http://ec.europa.eu/isa/documents/initial-report_en.pdf

Holistic View of Data

It is hereby suggested that we cannot deal with Open Data in isolation and definitely we cannot separate the sharing of data as an internal measure within the public administration as something that has no bearing on the economic growth that can be enabled by the availability of datasets as Open Data.

There is no Open Data unless other data is classified as Closed Data (Sensitive/Confidential) and there is no Big Data unless the Small Data (Master and Reference Data) is properly managed.

Proposed Business Model

There is no such thing as a free lunch and the main problem with the implementation of the PSI Directive and its Open Data objectives seems to be the costing model which is limited to the marginal costs incurred for the reproduction, provision and dissemination of the data.

The complete removal or the controlled retention of certain tariffs applicable to the data being pushed to be opened up and to be made freely available, with some notable exceptions in regard to the "documents held by public broadcasters" and "documents held by educational and research establishments" and "documents held by cultural establishments" as amply described in the article dealing with Excluded Documents is at the vary hearth of the full realization of the economic potential of this initiative.

In order to ensure that the publication of Open Data is not a one-way traffic situation where the private sector simply grabs the available information assets and creates new services or products thus generating an economic activity but where the actual usage of data is not known to the publishers, a model of voluntary and regulated use of Open Data can be the middle tier that provides a sustainable way of using such assets.

Outside of the public administration but regulated through the legislation as provided by the central governance function of the Government, the National Data Strategy of each Member State should incorporate private sector driven initiatives that can be designed to work in the Private Public Partnership (PPP) model.

Data Bank / Safe Box

On the same lines that the digital document central storage facilities can be used as part of the public administration model of an interconnected government services, the concept of a databank is meant to provide a regulated depository of documents which do not originate from a public administration process but may nonetheless be required and must be provided, sometimes in a repeated manner as part of a public administration or a private business process.

An important aspect of this proposed new service is the involvement of the Notary Public as the public officer that will "attribute faith" and certify the faithful transfer of the contents from the original paper-based document into the stored digital copy or the uploading from an original digital document into a "certified" document.

The "Data Bank" is being proposed to be set up by the private sector under a license and should be "at arm's length" from the government in regard to the personal or business ownership of the documents and the power to decide on how each digital asset is to be used.

This is an important aspect of this new service namely that the person or the business can have the confidence that such documents can be made available to whoever needs them without the document itself being consumed and with full control of what happens to such documents remaining with the document owner.

The legislative framework for this document safe-box should put an obligation on both the public administration and also on the commercial and business sectors to accept such digital documents if and when these are provided.

This will ensure that the records which are not directly created by the public administration can still be shared in a secure manner without the owner having to relinquish the rights or possession of these records.

On the other hand, such private initiatives can be implemented to ensure that the checks and balances are in place to ensure that the correct relationship and levels of trust between the public administration and the customer (citizens and businesses) can be maintained in regard to the way public and private records are stored and shared.

Since these proposed Data Banks are to be provided on a commercial basis and the client will be expected to pay a small membership and usage fee for every document thus digitized, the model of re-using private and public documents and datasets can be sustained in the long term.

The Data Banks can also be the front office (authorized portals) for the dissemination of all public administration data that is initially offered from the National Open Data portal and which is used for the harvesting of data for the EU Open Data portal.

Conclusion

The concept of a safe box for documents which can be either derived from the private individual or the business/commercial organizations or from the public administration and which need to be re-used in a repeated manner and where a certain level of trust and legal certainty is required is a new emerging market and in a number of jurisdictions is already being tested.

The same line of thinking is also being considered by the same European Commission which is currently working on the business case and technical specifications for the development of the safe-box concept for the exchange of documents between member states where the member states are not on the same level of interoperability.

The safe-box proposed by the EU Commission may be in direct competition with the proposed PPP model or can also be made to coexist with such initiatives if the proper regulatory framework is put in place for such new services and functionality.