

Workshop 123
“Public Sector Information online: towards a Global policy framework”

BACKGROUND PAPER

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Introduction

There is a growing awareness around the world that making better use of public sector information brings advantages both to the public sector itself and Civil Society. Public Sector Information policy has been evolving for over 25 years first within UN Member States and then within world economic groupings or regions such as the European Union (EU) and the Organisation for Economic Co-operation and Development (OECD). By the time the IGF6 is held in Nairobi in September 2011 it is anticipated that over 50 UN Member States around the world (Annex 2 for more detail) will have adopted and/or are actively engaged in implementing public sector information policy framework's either in full or in part that were first evolved in the mid 1980's.

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Over the past 12 months there has been an acceleration of developments and interests led by Civil Society encouraging Governments to open up public sector information for democratic, non-commercial and commercial purposes. As this momentum has grown there are growing calls for a global public sector information framework to be adopted as was raised by the participants at the IGF5 Workshop 120¹.

Workshop Objective

The objective of the workshop is to explore whether the time is now right for a global policy on public sector information to be formulated and if the time is right how could this be taken forward to global bodies such as the UN for adoption that would complement the policies being developed under the World Summit on the Information Society (WSIS) initiative² - in particular *Theme 3 Access to information and knowledge*.

The workshop will consider the following questions:

Question 1: *Is there a need for a global policy on public sector information - open government data similar to that adopted by the OECD and the European Union that have been adopted by approximately 50+ United Nations Member States?*

Question 2: *If the conclusion to Question 1 is YES then: How do you visualise such a global policy could be prepared and adopted by the United Nations and or other world regional bodies?*

If the conclusion to Question 1 is NO then: *What do you believe needs to occur that will act as a catalyst that would lead to a belief that there should be a global policy on Open Government Data?*

Question 3: *How would you rank the key points that should be within such a global policy that would assist countries that currently do not have an open government data policy in order to commence adoption?*

This paper provides a brief collation of supporting information that may assist with the consideration of the above questions. A simplified block diagram of the processes involved in Policymaking and implementation has been included at Annex 4. A reading list has also been included that may provide more detailed information on specific UN Member States, Public Sector Information and Open Government Data.

Details of the people and organisations involved in the workshop maybe found at Annex 1 of this paper.

During the IGF6 the workshop will undertake an awareness survey on public sector information – open government data policy and the need for a global policy. The findings from the survey will be included in the workshops final report following the IGF6.

¹ IGF5 Workshop 120: *Public Sector Information Online: democratic, social and economic potentials* report <http://www.intgovforum.org/cms/component/chronocontact/?chronoforname=WSProposalsReports2010Vjew&wspid=120>

² <http://www.itu.int/wsis/index.html>

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Definitions

“**Open** government data and content is material that is:

- “Open” as defined by the [Open Definition](#) – in essence material (data) is open if it can be freely used, reused and redistributed by anyone.
- Produced or commissioned by government or government controlled entities.”³

Public sector information is “information, including information products and services, generated, created, collected, processed, preserved, maintained, disseminated, or funded by or for the Government or public institution”, taking into account the legal requirements and restrictions that include intellectual property rights and trade secrets, effective and secure management of personal information, confidentiality and national security concerns.⁴

Public task information is “information that a public sector body must produce, collect or provide to fulfil its core role and functions, whether these duties are statutory in nature or are established through custom and practice.”⁵

UN precedence for a global policy on Public Sector Information

The United Nations Economic Commission for Europe’s Convention on *Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters*⁶ was signed on the 25th June 1998 in Aarhus, Denmark.

The Aarhus Convention grants the public rights regarding access to information, public participation and access to justice, in governmental decision-making processes on matters concerning the local, national and trans-boundary environment. It focuses on interactions between the public and public authorities. The Convention entered into force on the 30th October 2001. Over 40 UN Member States and the EU have signed up to the Convention mostly in Europe and Central Asia.

The Aarhus Convention has been transposed within the EU as Directive 2003/4/EC⁷ that came into force in all EU Member States on the 14th February 2005. The environmental data and information that the Directive pertains is a thematic portion of the total set of public sector information held by UN Member States public sector bodies.

As the Aarhus Convention involves public sector information it could be considered to be a precedent that paves the way towards a UN policy on public sector information.

The UK Information Commissioners Office (ICO) Decision Notices⁸ provide an example of the close connection between the Aarhus Convention (EU Directive 2003/4/EC) and the EU public sector information re-use policy. A summary of the relevant ICO Decision

³ <http://www.opendefinition.org/government/>

⁴ The OECD Policy principles define public sector information in the foot notes of page 4

⁵ The Nation Archives – UK: Guide to drawing up a statement of public task

<http://www.nationalarchives.gov.uk/information-management/ifts/public-task.htm>

⁶ http://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVII-13&chapter=27&lang=en

⁷ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0004:EN:HTML>

⁸ http://www.ico.gov.uk/tools_and_resources/decision_notices.aspx

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have been summarised on the European Public Sector Information Platform under the Cases pages⁹ where over 20 complaints against Local Government bodies are detailed. The complaints relate to local government bodies levying charges for what is environmental information. All the complaints were upheld and this led to a change in UK Government policy.

Overview of Existing Public Sector Information Policy

Public Sector Information policy has been evolving for over 25 years first within UN Member States and then within world economic groupings or regions such as the EU and the OECD.

European Union

During the mid 1980's the European Commission (EC) initiated a series of consultations and discussions with representatives of the public and private sectors of the European information market in all EU Member States. The outcome of these consultations led to the EU in 1989 adopting a guidance framework¹⁰ the objective of which was to assist the public sector to make available information that would stimulate and support the development of the information market. The Forward to the Guidelines states:

“Guidelines are considered essential in order to help the public sector in decision-making related to making information available for external use and supporting the development of the information market; and to establish certain ground rules for avoiding possible unfair competition.

The guidelines, which are advisory only, are aimed at providing a basic set of generally agreed principles and recommendations which can be used in the development of national guidelines in individual Member States. They are in no sense directives, but it is hoped that they will, by virtue of their production at the Community level, support national initiatives designed to promote the growth of the European information industry.”

The Guidelines set out principles that include amongst others:

- The conditions of release, use and exploitation of public sector data and information;
- Pricing principles;
- The removal of barriers;
- Ending or avoiding exclusive arrangements that distort competition in the market;
- The establishment of a Member State co-ordinating body to share experience and improve harmonisation;

⁹ <http://www.epsplatform.eu/examples/cases>

¹⁰ Guidelines for improving the synergy between the public and private sectors in the information market.

ISBN 92-825-9237-5

http://ec.europa.eu/information_society/policy/psi/docs/pdfs/brochure/1989_public_sector_guidelines_en.pdf

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- Avoiding market distortion when public sector bodies provide electronic services.

By 2001 the EC in a Communication¹¹ concluded that the experience gained from the application of the 1989 Guidelines would not meet the objective of growing the European Information market place and as such proposed that a legal framework was needed if the EU Objective was to be met.

On the 17th November 2003 the EU adopted the Directive 2003/98/EC¹² on the re-use of public sector information that came into effect within the EU on the 31st December 2003 and in all EU Member States on the 1st July 2005.

In May 2004 the EC published a brochure¹³ that outlined the benefits to be gained from exploiting public sector information and set out what the Directive prescribes:

“The directive is built around two key pillars of the internal market: transparency and fair competition. It contains rules on the following aspects:

- *The procedures to deal with requests for re-use.*
- *The availability of documents for re-use in all formats and languages in which the information exists. Where possible, the material shall be made available by electronic means.*
- *An upper limit for charging. The upper-limit is based on costs incurred to produce the information, together with a reasonable return on investment. Lower charges (or no charges at all) can certainly be applied, and public sector bodies are encouraged to do so. On request, public sector bodies have to indicate the calculation base for the charges.*
- *Transparency of conditions applicable to re-use. Charges and other conditions have to be pre-established and published. It also has to be clear where applicants can complain about decisions that affect them.*
- *An obligation to avoid discrimination between market players in the conditions for re-use.*
- *A provision to avoid cross-subsidies between the public part and the commercial part of the same public sector body, that re-uses the information.*
- *A prohibition of exclusive arrangements, with an exception for exclusive rights necessary for the provision of a service in the public interest.*
- *The availability of standard, on-line licences. In any case, licences should not unnecessarily restrict possibilities for re-use or be used to restrict competition.*
- *Practical tools that make it easier to find the material available for re-use. This could be lists of information assets or portal sites.”*

Organisation for Economic Co-operation and Development

In the summer and winter of 2005 the OECD Committee on Information Computer and Communications Policy considered a draft report related to Public Sector Information

¹¹ COMMUNICATION FROM THE COMMISSION TO THE COUNCIL, THE EUROPEAN PARLIAMENT, THE ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS - eEUROPE

¹² <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0098:EN:NOT>

¹³ Exploiting the potential of Europe's Public Sector Information
http://ec.europa.eu/information_society/policy/psi/docs/pdfs/brochure/psi_brochure_en.pdf

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and Content. The final version of the report was published in the public domain in July 2006.¹⁴ During May 2006 the OECD organised and hosted a workshop on Public Sector information^{15&16}. Following these initiatives the OECD went on to develop a draft public sector information policy, which was adopted by the OECD Council at its 1172nd Session on 30th April 2008 and ratified¹⁷ at the OECD Ministerial Meeting on the *Future of the Internet Economy*¹⁸ held in Seoul, Korea in June 2008.

In outline of the OECD Policy principles include:

- **Openness:** Assume openness as a default rule for all funding models; define limitations (privacy, security, etc.).
- **Access and transparent reuse conditions:** Non-discriminatory competitive access, limited restrictions.
- **Asset lists:** Awareness, easy to find, clear information on conditions.
- **Quality:** Methodical collection, reliability, compatibility.
- **Integrity:** Best practice information management, no unauthorised modification.
- **New technologies and long-term preservation:** Interoperability, address technological obsolescence.
- **Copyright:** Exercise to facilitate re-use including 3rd party holders.
- **Pricing:** Agreeing pricing which facilitates access, consistency across organisations, marginal cost where possible.
- **Competition:** Pricing and unfair competition, cross-subsidisation, downstream equality where comparable.
- **Redress mechanisms:** Providing transparent complaints and appeals processes
- **Public private partnerships:** Financing digitisation whilst increasing access and re-use rights to third parties.
- **International access / use:** Consistency in access regimes and administrations to facilitate cross-border use, interoperability & sharing.
- **Best practices:** share widely, information exchange

The supporting role of technology

Over the past 25 years there have been significant advances in the Information Communication Technologies (ICT's) that have enabled the implementation of public sector information policies to become a reality. In part this is due to the pervasive nature of these ICT's, the development and adoption of international standards, the simplification in the use of the human facing elements of the technologies combined with the falling costs. These combined have enabled a far wider spectrum of people

¹⁴ Digital Broadband Content: Public Sector Information and Content. DSTI/ICCP/IE(2005)2/Final dated 31st July 2006.
[http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=DSTI/ICCP/IE\(2005\)2/FINAL&docLanguage=En](http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=DSTI/ICCP/IE(2005)2/FINAL&docLanguage=En)

¹⁵ http://www.oecd.org/document/17/0,3746,en_2649_34223_36860241_1_1_1_1,00.html

¹⁶ The Socioeconomic Effects of Public Sector Information on Digital Networks: Toward a Better Understanding of Different Access and Reuse Policies: Workshop Summary
http://www.nap.edu/catalog.php?record_id=12687

¹⁷ OECD Recommendation of the Council for enhanced access and more effective use of public sector information <http://www.oecd.org/dataoecd/0/27/40826024.pdf>

¹⁸ http://www.oecd.org/site/0,3407,en_21571361_38415463_1_1_1_1,00.html

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and organisations to exploit these technologies and as such join in to the global information society.

These technologies include the Internet, the World Wide Web, Broadband, mobile devices, Open Source Software to name but a few.

Standards

In 1994 Tim Berners-Lee founded the World Wide Web Consortium (W3C) that brings together an international community that develops open standards to ensure the long-term growth of the Web.¹⁹

*The W3C standards define an **Open Web Platform** for application development that has the unprecedented potential to enable developers to build rich interactive experiences, powered by vast data stores, that are available on any device.*²⁰

The supporting role of E-Government

The exploitation of the electronic ICTs by Governments right across the world has resulted in unprecedented amounts of public sector information becoming digital and as such can be made easily available for other users both within the public sector and Civil Society.

The UN Department of Economic and Social Affairs (DESA)²¹ has since 2003 monitored the implementation of E-Government with UN Member States and publishes the UN E-Government Survey the fifth Edition²² of which was published in April 2010. The Forward to the Fifth Edition states:

“E-government – once a bold experiment and now an important tool for public sector transformation – has progressed to the point where it is now a force for effective governance and citizen participation, both at national and local levels. This is important. Until governments have the capacity to lead development efforts and deliver services that fully respond to the needs of citizens, the achievement of the internationally agreed development goals will continue to elude us. With the Millennium Development Goal time horizon of 2015 quickly approaching, it is no longer a question of whether we can afford information and communications technology in health, education, environmental protection and a multitude of other areas, but where to deploy them first and how rapidly gains can be realized.”

Chapter 1 of the fifth Edition of the Survey refers to *Open Data* and states:

¹⁹ <http://www.w3.org/>

²⁰ <http://www.w3.org/standards/>

²¹ <http://www.un.org/en/development/desa/index.html>

²² United Nations E-Government Survey 2010: Leveraging e-government at a time of financial and economic crisis. ISBN: 978-92-1-123183-0
<http://www.unpan.org/DPADM/EGovernment/UNEGovernmentSurveys/tabid/600/language/en-US/Default.aspx>

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“Open data enhances public sector efficiency by transferring some of the analytical demands of government to NGOs, research institutes and the media, which have been found to combine data from various sources in original and inventive ways.”

The survey report then goes on to state in Section 1.3.1 *Government as a platform*

“For the moment, the provision of open government data via online and mobile channels is limited primarily to developed countries. Nevertheless, the prospect of third parties delivering services of high public value, which would otherwise have to be provided using taxpayer funds, is a path that should not be underestimated for both developed and developing countries.”

The Survey report in Section 1.3.2 considers the economics of open data and states:

“The economics of open data, with governments as data providers and third parties delivering information to the public, has a resemblance to economic models that privilege market efficiency with the least governmental intervention.”

The Survey report concludes in Section 1.4 Conclusion that:

“Third parties can play an important role in the co-provision of services of high public value by deploying technologies in a manner that is creative and innovative. By enacting open data principles, governments lay down the foundations that reduce the entry barriers for non-governmental parties, thus allowing for the co-production of public services at minimal costs for governments and, consequently, for taxpayers.”

The UN DESA E-Government Surveys as summarised in TABLE 1 now recognise for the first time the role of “Open Government Data” and as such would suggest that the time is now right for the consideration of the formulation followed by the adoption of Global public sector information – open government data policies.

Year Of Publication	UN E-Government Survey mentions “open data”	UN E-Government Survey mentions “data sharing”
2003	No	No
2004	No	No
2005	No	No
2008	No	Yes
2010	Yes	Yes

UN Statistics Division – setting an example: UNdata

In April 2008 the United Nations Statistics Division (UNSD) within DESA launched a new Internet based data service²³ for the global user community. As the data portal

²³ <http://data.un.org/>

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- Codes of Conduct
- Government Agencies for all 192 Member States of the UN
- Profiles of Chief Information Offices (CIOs) or equivalents
- E-Government Policies and Strategies
- Constitutional rights related with citizens engagement in public affairs
- Economic and Social Councils
- Freedom of Information Acts
- Data Protection Acts
- Agency responsible for openness, privacy and security

The latter three bullet points fall within the theme Open Government Data³⁰ and the UNPACS knowledge base provides information on the presence of Access laws as summarised in TABLE 2, Data Protection laws as summarised in TABLE 3 and the presence of Open Government Data Catalogues as summarised in TABLE 4 within the UN Member States as presented in early April 2011 to the UN Committee of Experts on Public Administration (CEPA).³¹

**TABLE 2
Presence of Freedom of Information Legislation within UN Member States**

Legislation Status	UN Region					Total
	Africa	Asia	Oceania	Europe	Americas	
Exists	12	18	2	36	22	90
Constitutional only	9	7	4	3	8	31
Draft	5	8	2	2	3	20
Does not exist	30	17	7	3	3	60

**TABLE 3
Presence of Data Protection Legislation within UN Member States**

Legislation Status	UN Region					Total
	Africa	Asia	Oceania	Europe	Americas	
Exists	7	15	2	42	11	77
Constitutional only	1	0	0	0	4	5
Draft	3	0	0	0	3	9
Does not exist	43	12	12	1	18	86

**TABLE 4
Open Government Data Catalogues**

UN Region					
Africa	Asia	Oceania	Europe	Americas	Total
-	2	2	23	4	31

³⁰ <http://173.201.33.57/unpacs/Themes/OpenGovernmentData/tabid/647/categoryID/118/language/en-US/Default.aspx>

³¹ Agenda Item 5 presentation of 10th Session of the Committee of Experts on Public Administration, New York, 4-8 April 2011.

<http://www.unpan.org/DPADM/CEPA/10thSession/tabid/1446/language/en-US/Default.aspx>

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OECD Country Notes

The OECD Governments at a glance reports³² covering 36 Countries³³ include a section on *Open Government* that monitors and compares with other OECD Member States disclosure of public sector information. The measurements tabulated include the type of information disclosed, the sharing of administrative data which includes the requirements on publishing in open data formats. A short summary supports the tabulation. For example the summary for Brazil and Chile state:

Brazil

“The federal government of Brazil has put in place various policies to foster proactive transparency and enhance citizen engagement. This began with a push for budget transparency in 2000 and has since been expanded to cover administrative processes and decision making. For example, the Transparency Portal of the Federal Public Administration, created in November 2004, provides free real-time access to information on budget execution, as a basis to support direct monitoring of federal government programmes by citizens. Federal public organisations are also obliged to publish data and information related to budget execution and financial reporting, on a dedicated transparency page linked to their website.

A number of federal public organisations also publish information related to the non-financial performance of their programmes and the social challenges that they address. The Committee for Organisation of Information of the Presidency of the Republic is developing a standard portal for administrative data sets, DadosGov, and the Ministry of Planning, Budgeting and Management is working to create the National Infrastructure for Open Data in line with modern principles of open government, including direct access, indexed data and interoperability. These actions have taken place in the absence of a comprehensive freedom of information law, as is present in all OECD countries, although a draft law is currently in the National Congress for approval.”

Chile

“Freedom of Information legislation in Chile includes- among others-the Access to Public Sector Information Law published in 2008 which regulates the right to access to information held by government bodies, as well as the procedures for accessing information and exceptions. The Chilean government proactively discloses information on public servants’ salaries, the names of beneficiaries of social programs, external audit reports and budget execution reports, among other categories of information. Various publication channels are utilised, namely central portals and ministry or agency websites. Contrary to over half of OECD countries, Chile’s FOI legislation does not currently require that administrative data sets be published. However, the Chilean government is now developing a program on open public data. As part of this program, a single online portal will allow citizens to access data sets in open data formats. This initiative continues the policy of proactively publishing information in standardized formats although the legal text does not require it to be disclosed in any specific format.”

³² http://www.oecd.org/document/3/0,3746,en_2649_33735_43714657_1_1_1_1,00.html

³³ http://www.oecd.org/document/47/0,3746,en_2649_33735_47862703_1_1_1_1,00.html

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Towards Standard Licences

The existing public sector information policies stress the importance for clarity to exist with respect to the use and re-use of the public sector information and that where conditions are imposed they should maximise the opportunity for use and re-use and not be used to restrict competition. Many public sector bodies have developed bespoke licences that set out the terms and conditions that apply to their data holdings. Over the past decade there has been a move away from bespoke licences constructed and managed by each public sector body towards a number of standard licences. In some UN Member States for example the UK online Click-use³⁴ Licences have been adopted as what can now be seen as a transition stage towards a single standard licence. It is apparent that in the last three years there has been acceleration towards a simple online attribute licence that requires no human interaction in a number of UN Member States. This acceleration has been due in part to the appearance of open government data portals (For example the UK <http://www.data.gov.uk>) and also due to the construction and implementation of thematic data infrastructures such as spatial data infrastructure (SDI's).³⁵

In the cross-border context the need for a standard licence that is both human and machine readable that is consistent across UN Member States with respect to the conditions that the public sector data may be used is vital if innovative products and services are to evolve and to flourish. This is particularly important in a multi-lingual environment such as that which prevails at the global level and even within economic groupings of UN Member States such as the EU where there are 23 official languages³⁶. The use of a kite mark or a simple standardised text string helps facilitate use in such environments. The evidence base shows that UN Member States are currently adopting one of two approaches in moving towards a Standard Licence these can be summarised as:

Creative Commons Licences

A number of UN Member States³⁷ have moved towards the use of Creative Commons Licences³⁸ as a way of moving towards a globally recognised standard licence that enables sharing of data and information in a form that is both human and machine readable. The New Zealand Government is an example.³⁹

Open Government Licences

A number of UN Member States have moved towards an Open Government Licence as a standard licence within the Member State. As the number of UN Member States that have adopted an Open Government Licence increases this opens the way for further rationalisation across UN Member States. For example, the UK Government

³⁴ <http://www.nationalarchives.gov.uk/information-management/our-services/click-use.htm>

³⁵ <http://www.gsdi.org/>

³⁶ http://ec.europa.eu/education/languages/languages-of-europe/doc135_en.htm

³⁷ http://wiki.creativecommons.org/Government_use_of_Creative_Commons#Australia

³⁸ <http://creativecommons.org/licenses/>

³⁹ <http://www.e.govt.nz/guidance-and-resources/information-and-data/nzgoal>

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Open Government Licence is compatible with the Creative Commons Attribution licence.⁴⁰

Sample of UN Member States Licensing Frameworks

UN Member State	Licensing Framework
Australia	http://www.ausgoal.gov.au/ http://www.qgcio.qld.gov.au/qgcio/architectureandstandards/qgea2.0/Pages/GILF.aspx
Canada	http://www.data.gc.ca/default.asp?lang=En&n=46D15882-1
France	http://www.rip.justice.fr/1702-licence-1
Italy	http://www.formez.it/iold/
New Zealand	http://www.e.govt.nz/guidance-and-resources/information-and-data/nzgoal
Norway	http://data.norge.no/nlod/
UK	http://www.nationalarchives.gov.uk/information-management/uk-gov-licensing-framework.htm

Public Sector Information data inventories

The existing public sector information policy frameworks identify the importance of and the role of data inventories that contain details on the public sector data holdings. Over the past 50 years experience shows that as computers and digital technologies have been deployed within Society, the need for data inventories has been foreseen but the task of creating, maintaining and sustaining a data inventory has been a challenge. There are many reasons for this such as the data inventory is an after event and is seen as an overhead. It also lacks standards and is subject to technological change, to name but just a few.

Within thematic areas such as geographic information and the formulation and creation of spatial data infrastructures have made the data inventory (or catalogue) a key component. The most notable example is the EU Infrastructure for Spatial Information (INSPIRE)⁴¹ that requires online data inventories to be created within each EU Member State.

Since May 2009 when <http://data.gov> came online in the United States of America⁴² the number of equivalents or similar online open data catalogues have appeared at different levels within UN Member States. A number of bodies and organisations record the spread of online open data catalogues as shown in the following table.

⁴⁰ <http://www.nationalarchives.gov.uk/doc/open-government-licence/>

⁴¹ <http://inspire.jrc.ec.europa.eu/>

⁴² data.gov brings together through one access point (or portal) the open data sets available that are generated and held by the Federal Government for use and re-use

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Sample of Organisations that are keeping track of Open Data Catalogues

UN Member State or Region	Organisation	URL
EU	European Public Sector Information Platform	http://www.epsiplatform.eu/psi_data_catalogues
UK	Guardian Newspaper	http://www.guardian.co.uk/news/datablog/gallery/2010/jan/20/official-government-data-sites
UK	Open Knowledge Foundation	http://opengovernmentdata.org/data/catalogues/
Global	United Nations Public Administration Country Studies	http://www.unpan.org/unpacs
USA	Federal Government	http://www.data.gov/opendatasites#mapanchor
USA	Sunlight Foundation	http://sunlightlabs.com/wiki/Government_data_catalogs/

Publishing Data

The best practice that has evolved to date when implementing public sector information and open government data policies shows that the best publishing strategy is for public sector bodies to publish the data that they **use** and hold on the World Wide Web in the format as it is currently held. They should also over time evolve the data used and held towards open formats such that the widest section of data users and re-users can use the data easily and in a cost effective manner when published. This includes data users delivering their public tasks within the public sector body and across the public sector. The cost effective method of enabling this transition within public sector bodies is to fit in with the replacement cycle of ICT's rather than a public sector body diverting resources away from the delivery of their public sector task. The natural change is the catalyst to adopting new techniques and technologies. Advancement through this change process is underpinned by public sector procurement policies. The public task of a public sector body sets the limits as to how far a public body should proceed when adopting data enhancing techniques. For example the linking of data to other data is limited by the data and information needs of the public body as described by their public task and not by the need of downstream data users. Sustainability over time is key.

With respect to the quality of the data itself - Information Management experience shows that data improves when the widest set of secondary data users (that is over and above the primary user – the creator or maintainer) view and use the data. Early publication of the data assists this process. The improvement in the quality of the data provides benefits to the primary data users as well as the secondary data users. An Open Government Data win win scenario!

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Reading List

The following list of documents (not exhaustive) that relate to public sector information policies and the developments related to Open Government Data that have been published since 2008.

World Wide Web Foundation Open Government Data Project: Reports
<http://www.webfoundation.org/projects/ogd/>

Open Government Data: Feasibility Study in Chile, 17th May 2011. 108 pages
https://public.webfoundation.org/2011/05/OGD_Chile.pdf

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<http://www.julkinendata.fi/>

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<http://www.diplomacy.edu/poolbin.asp?IDPool=1337>

OECD Report on new indicators for measuring Open Government, July 2009, 35 pages. <http://www.oecd.org/dataoecd/31/53/46560184.pdf>

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Annex 1: People & Organisations involved in the Workshop

The following people and organisations are involved in workshop 123.

1. **The Spanish Aporta Project** (Mr. Antonio Saravia & Mr. Jorge Cancio Meliá)

<http://www.aporta.es/>

Aporta’s main aim is to show the potential of the re-use in Spain and help Administrations, users and businessmen at national, regional and local levels to recognize the real importance of this resource and, indeed, to develop ideas of high socioeconomic returns.

The main objectives of the Aporta Project are to:

- Foster a culture of re-use information.
- Facilitate the provision of available information by public administrations.
- Promote the market potential for the re-use of public information.

To serve these purposes, a series of actions are carried out, namely:

- The Aporta website (www.aporta.es), is conceived as a meeting point for public sector, businesses and citizens interested in re-use.
- Different materials have been released:
 - The Aporta Guidebook on Re-use of PSI is a handbook that explains the legal framework and all the issues of particular relevance for Public Administrations and re-users.
 - Training materials that explain the re-use process to the different actors involved, thus encouraging PSI re-use.
- The Aporta events raise awareness of the potential of PSI re-use. Specifically, the Madrid PSI Meeting 2010 “**Realising the Value of Public Sector Information**”, jointly hosted by the Aporta Project and the ePSIplatform on the 9th June, was a success. It attracted 180 participants from 12 countries representing experience and fresh perspectives from throughout the European open data community. The meeting video and other multimedia materials, including interviews and photographs, can be found at Aporta’s website.
- The Aporta Project has also launched a Catalogue of freely accessible online public sector information, belonging to the Spanish General Administration, which provides a single access point to the various government websites that offer public information resources.

Aporta is also committed to support and encourage private-public partnership and social initiatives in the field of re-use. In Spain, in recent years, a new culture of re-use is growing increasingly stronger and has led to the birth and consolidation of a re-use industry and civil society platforms that are tapping the economic and social value potential of public sector information.

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2. **The Australian auPSI information platform** (Ms. Professor Anne Fitzgerald)

<http://www.aupsi.org/>

auPSI is at the heart of developing information policy about delivering access to and encouraging the use of public sector information for social, cultural and economic advancement.

auPSI’s mission is to provide a comprehensive portal which:

- promotes debate and discussion about the re-use of PSI in Australia and more broadly throughout the world;
- focuses on developing and implementing an open content licensing model to promote access to and re-use of government information;
- develops information policy products about delivering access to and encouraging the re-use of PSI;
- keeps users informed about international developments in this area; and
- assists governments and policy makers on the development of appropriate policy about the creation, collection, development and dissemination of public sector information.

This mission is built on achieving the following three objectives:

- greater efficiency in the re-use of PSI throughout the world;
- leading to better quality of outcomes;
- for greater impact of publicly funded knowledge within our society.

Some of Anne’s publications (books and chapters) include:⁴³

- *Internet and E-Commerce Law, Business and Policy* (with B Fitzgerald, G Middleton, E Clark and Y F Lim), Thomson Reuters, Sydney, May 2011 (1300 pp);
- *Copyright*, chapter in D Butler and S Rodrick, *Australian Media Law*, Lawbook Co/Thomson, 4th ed, 2011 (forthcoming);
- *The Future of Data Policy* (with B Fitzgerald and K Pappalardo), in T Hey, S Tansley and K Tolley (eds), *The Fourth Paradigm: Data Intensive Scientific Discovery*, Microsoft Research, 2009, available at http://research.microsoft.com/en-us/collaboration/fourthparadigm/4th_paradigm_book_complete_lr.pdf
- Fitzgerald, A, *Open Access Policies, Practices and Licensing: A Review of the Literature in Australia and Selected Jurisdictions*, QUT, 2009, available at <http://www.aupsi.org>
- *International Trade* chapter (with E Clark) in E Clark, L Griggs et al, *Managers and the Law*, 3rd ed, Thomson Reuters, Sydney, 2009;
- *Maintaining and Enhancing Property Rights* chapter (with L Griggs) in E Clark, L Griggs et al, *Managers and the Law*, 3rd ed, Thomson Reuters, Sydney, 2009;

⁴³ For other publications see http://eprints.qut.edu.au/view/person/Fitzgerald,_Anne.html

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- *Intellectual Property Law* (Nutshell series), (with D Eliades), Thomson Reuters, 3rd ed 2008;
- Fitzgerald, A and Pappalardo, K, *Building the Infrastructure for Data Access and Reuse in Collaborative Research: An Analysis of the Legal Context*, OAK Law Project and Legal Framework for e-Research Project, QUT, Brisbane, July 2007 (available online at http://www.oaklaw.qut.edu.au/files/Data_Report_final_web.pdf);
- Fitzgerald, B, Fitzgerald, A, Perry, M, Kiel-Chisholm, S, Driscoll, E, Thampapillai, D, Coates, J, *Creating a legal framework for copyright management of open access within the Australian academic and research sector*, OAK Law Project, Report No. 1, QUT, Brisbane, August 2006 (available online at http://eprints.qut.edu.au/archive/00007306/01/Printed_Oak_Law_Project_Report_No_1.pdf);
- *Mining Agreements in the Regulation of the Australian Minerals Sector*, chapter in Bastida, E, Waelde, T and Warden, J (eds), *International and Comparative Mineral Law and Policy*, Kluwer Law International, The Netherlands, 2005;
- *Cyberlaw - Cases and Materials on the Internet, Digital Intellectual Property and Electronic Commerce* (with B Fitzgerald) LexisNexis/Butterworths, 2002
- *Mining Agreements: Negotiated Frameworks in the Australian Minerals Sector*, Prospect Media (now LexisNexis/Butterworths), 2002 (reviewed by Pat Brazil in the Australian Petroleum and Mining Law Journal, August 2002);
- *International E-Commerce Regulation 2002* (with A Moens) Lawbook Co/Thomson, 2002; and
- *Going Digital 2000: legal issues for e-commerce, software and the internet* (with B Fitzgerald et al), Prospect Media (now LexisNexis/Butterworths), 2nd ed, 2000.⁴⁴

⁴⁴ Reviewed by Justice Michael Kirby in the Australian Law Journal in 2000

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3. **IT for Change** (Mr. Paminder Jeet Singh)

<http://itforchange.net/>

IT for Change (ITfC) is an NGO located in Bangalore, India, that works for an innovative and effective use of information and communication technologies (ICTs) to promote socio-economic change in the global South. Current Information Society and 'ICTs for development' (ICTD) approaches predominantly represent Northern realities and perspectives, tending to favour market-fundamentalist thinking and valorising technology per se. They fail to integrate fundamental ethical cornerstones of development like participation, social justice and equity. Unfortunately, the development sector and, particularly, progressive groups, are mostly not equipped to deal with the challenge of influencing the direction of change being shaped by the emerging techno-social models and paradigms. ITfC identifies this as a major blind spot in the global struggle towards progressive ideals and addressing this is a task we have set for ourselves.

The techno-social architecture of the Internet is a key determinant of how the contours of the emerging information society will shape up. IT for Change engages with civil society networks to push for development oriented perspectives in global policy spaces. Their focus has been on democratising global Internet governance, advocating for policy to preserve the Internet's egalitarian character and challenging the privatised governance mechanisms that dominate this space.

4. **Centre for Science, Development and Media Studies** (CSDMS), (Mr. Ravi Gupta)

<http://www.csdms.in>

CSDMS based in Noida, Uttar Pradesh, India was founded in April 1997. CSDMS is committed to advocacy and developing solutions for under-privileged societies through the use of innovative and effective Information and Communication Technologies (ICTs) and Geographic Information Systems (GIS). Its various activities are targeted to meet the needs of society in the development sector through research in the field of GIS and ICT, undertaking development projects in Geo-ICT, through appropriate knowledge-sharing tools and products like print and electronic media, and building capacity through training programmes. Our multi-cultural team has expertise from across disciplines.

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5. **Asia Pacific Intellectual Capital Centre** (Ms. Waltraut Ritter)

<http://www.apicc.asia/>

Intellectual Capital (IC) is all the knowledge both tacit and explicit in a company or organisation which can be used to create value. The Asia Pacific Intellectual Capital Centre is at one and the same time an Intellectual Capital Centre for Hong Kong SAR and a link with the growing number of IC Centres in Mainland China.

Why was APICC Created

Larger multinational companies have shown since 1995 that there are great benefits to be obtained in managing the knowledge base of companies as part of the business plan. Since 2000 several countries, notably Scotland and Singapore, have put companies understand the issues, raise their awareness, diagnose their position and take steps to leverage this knowledge base in order to create commercial and economic values. The APICC has been created to assist Hong Kong SAR companies in this regard, to allow Hong Kong to begin to catch up with the world leaders in the Knowledge Economy and to link Hong Kong into the ambitious Intellectual Capital Centre projects in mainland China.

What is the Role of APICC

The role of APICC is to raise awareness and provide support to companies, academia, government and all organizations in Hong Kong SAR as they seek to participate in and take maximum benefit from the knowledge economy, and to network them into the expertise currently being generated in the IC Centres around the world and in Mainland China.

The Business Case for APICC

Intellectual Capital Management (ICM) as a “Knowledge Economy” initiative is perhaps the best way to extract the maximum value from on-going government initiatives and Hong Kong’s strong legal infrastructure.

Hong Kong has invested heavily in universities and the Hong Kong Science and Technology Park (HKSTP) and other HKSAR Government sponsored research centres. We have also been talking about “creative industries”, “creative cities” and developing a knowledge-based economy; but we are probably weak in our ability to explain to the business community how that can be achieved.

The APICC business idea is to provide the ability to enterprises to effectively compete in the knowledge based economy through better understanding and leveraging their knowledge assets. APICC is unique in that it provides the required knowledge and management tools.

Hong Kong Government data.one <http://www.gov.hk/en/theme/psi/welcome/>

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6. **Europe's One-Stop Shop on Public Sector Information (PSI) Re-use** (Mr. Chris Corbin, UK. (Involved over the period September 2006 to February 2011) – Workshop Moderator.

<http://www.epsiplatform.eu/>

Working to Stimulate PSI Re-use

The aim of the European Public Sector Information platform is to strengthen the community, stimulate action, report developments and monitor progress towards a stronger and more transparent environment for the growth of national and European PSI re-use markets.

Interactive One-Stop Shop

- News about European and International PSI re-use Developments
- Emerging Good Practices
- Examples of new PSI Re-use Products and Services
- Information about Legal cases on PSI Re-use
- Discussion, Communication and Information Sharing across the European PSI community
- Expert PSI Community Meetings (two meetings per year)
- Guest Bloggers from the European PSI Community
- PSI Topic Reports - Analytical Briefings on PSI Re-use (across sectors and issues)

7. **TechSoup Global** (Ms Keisha Taylor) Remote Moderator. Trinidad and Tobago
<http://techsoupglobal.org/>

TechSoup Global, a San Francisco based nonprofit that provides technology information and resources to nonprofits around the world, and its GuideStar International programme in London, which supports the provision of data on civil society organisations internationally.

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Annex 2: UN Member States adopting Open Government Data Policies

UN Member States adopting PSI Policy Principles and or Open Government policies

Member State	Member of EU - EFTA	Member of OECD	Comment
Australia		Yes	
Austria	Yes	Yes	
Belgium	Yes	Yes	
Bulgaria	Yes		
Canada		Yes	
Chile		Yes	
Cyprus	Yes		
Czech Republic	Yes	Yes	
Denmark	Yes	Yes	
Estonia	Yes		
Finland	Yes	Yes	
France	Yes	Yes	
Germany	Yes	Yes	
Greece	Yes	Yes	
Hungary	Yes	Yes	
Iceland	Yes	Yes	
Ireland	Yes	Yes	
Israel		Yes	
Italy	Yes	Yes	
Japan		Yes	
Kenya			http://opendata.go.ke/
Korea		Yes	
Latvia	Yes		
Lichtenstein	Yes		
Lithuania	Yes		
Luxembourg	Yes	Yes	
Malta	Yes		
Mexico		Yes	
Moldova			http://data.gov.md
Morocco			http://data.gov.ma
Netherlands	Yes	Yes	
New Zealand		Yes	
Norway	Yes	Yes	
Poland	Yes	Yes	
Portugal	Yes	Yes	
Romania	Yes		
Singapore			http://data.gov.sg/
Slovakia	Yes	Yes	
Slovenia	Yes	Yes	
Spain	Yes	Yes	
Sweden	Yes	Yes	

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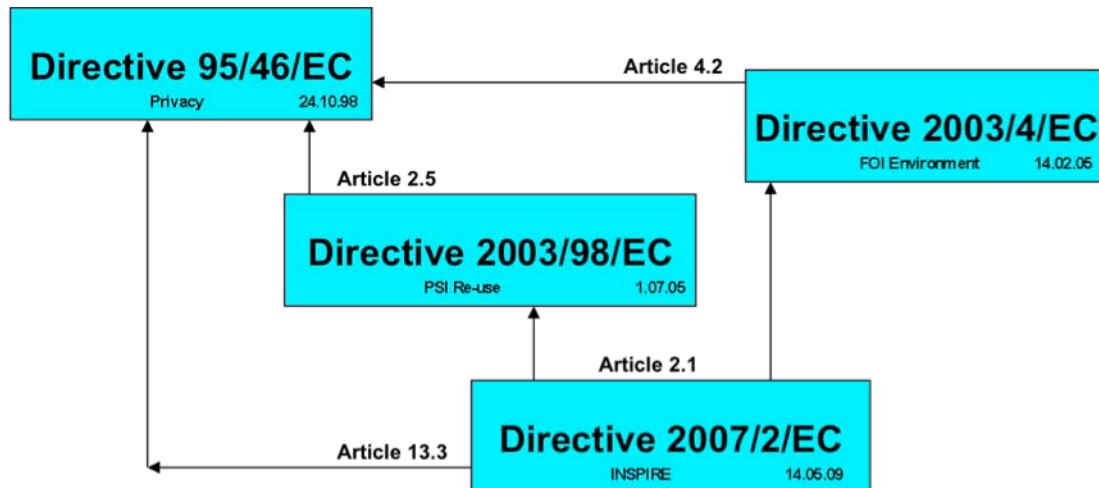
Member State	Member of EU - EFTA	Member of OECD	Comment
Switzerland	Yes	Yes	
Timor-Leste			http://www.transparency.gov.tl
Turkey		Yes	
United Kingdom	Yes	Yes	
United States		Yes	

The UN Member States identified in the above cover a wide range of Gross Domestic Products, Government structures, geographical extents, populations and languages and as such provide a rich evidence base that maybe of assistance to other UN Member States embarking on Open Government policies and initiatives.

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Annex 3: European Union Directives pertaining to the use of data

Cross References and compliance levels between EU Directives pertaining to data



Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data

http://europa.eu/legislation_summaries/information_society/data_protection/l14012_en.htm

Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0004:EN:HTML>

Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0098:en:NOT>

Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32007L0002:en:NOT>

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Annex 4: The processes involved in Policy formulation and implementation

A simplified block diagram of the processes involved in delivering and implementing a policy

