

Digital Single Market: EU negotiators agree on new rules for sharing of public sector data

Data is the fuel that drives the growth of many digital products and services. Making sure that high-quality, high-value data from publicly funded services is widely and freely available is a key factor in accelerating European innovation in highly competitive fields such as artificial intelligence requiring access to vast amounts of high-quality data.

In full compliance with the [EU General Data Protection Regulation](#), the [new Directive on Open Data and Public Sector Information \(PSI\)](#) – which can be for example anything from anonymised personal data on household energy use to general information about national education or literacy levels – updates the framework setting out the conditions under which public sector data should be made available for re-use, with a particular focus on the increasing amounts of high-value data that is now available.

Vice-President for the Digital Single Market Andrus **Ansip** said: *“Data is increasingly the lifeblood of today’s economy and unlocking the potential of public open data can bring significant economic benefits. The total direct economic value of public sector information and data from public undertakings is expected to increase from €52 billion in 2018 to €194 billion by 2030. With these new rules in place, we will ensure that we can make the most of this growth”*

Commissioner for Digital Economy and Society Mariya **Gabriel** said: *“Public sector information has already been paid for by the taxpayer. Making it more open for re-use benefits the European data economy by enabling new innovative products and services, for example based on artificial intelligence technologies. But beyond the economy, open data from the public sector is also important for our democracy and society because it increases transparency and supports a facts-based public debate.”*

As part of the [EU Open Data policy](#), rules are in place to encourage Member States to facilitate the re-use of data from the public sector with minimal or no legal, technical and financial constraints. But the digital world has changed dramatically since they were first introduced in 2003.

What do the new rules cover?

- All public sector content that can be accessed under national access to documents rules is in principle freely available for re-use. Public sector bodies will not be able to charge more than the marginal cost for the re-use of their data, except in very limited cases. This will allow more SMEs and start-ups to enter new markets in providing data-based products and services.
- A particular focus will be placed on high-value datasets such as

statistics or geospatial data. These datasets have a high commercial potential, and can speed up the emergence of a wide variety of value-added information products and services.

- Public service companies in the transport and utilities sector generate valuable data. The decision on whether or not their data has to be made available is covered by different national or European rules, but when their data is available for re-use, they will now be covered by the Open Data and Public Sector Information Directive. This means they will have to comply with the principles of the Directive and ensure the use of appropriate data formats and dissemination methods, while still being able to set reasonable charges to recover related costs.
- Some public bodies strike complex data deals with private companies, which can potentially lead to public sector information being 'locked in'. Safeguards will therefore be put in place to reinforce transparency and to limit the conclusion of agreements which could lead to exclusive re-use of public sector data by private partners.
- More real-time data, available via Application Programming Interfaces (APIs), will allow companies, especially start-ups, to develop innovative products and services, e.g. mobility apps. Publicly-funded research data is also being brought into the scope of the directive: Member States will be required to develop policies for open access to publicly funded research data while harmonised rules on re-use will be applied to all publicly-funded research data which is made accessible via repositories.

Next Steps

The European Parliament and the Council of the EU will now need to formally adopt the revised rules. Member States will then have to implement them within two years before they become effective. The Commission will start working with the Member States on the identification of the high-value datasets which will be set out in an implementing act.

Background

The re-use of data generated by public sector bodies (e.g. legal, traffic, meteorological and financial etc.) for commercial and non-commercial purposes is currently governed by [Directive 2003/98/EC on the re-use of public sector information](#), which was reviewed in 2013.

On 25 April 2018, the Commission adopted the [2018 Data Package](#), addressing for the first time different types of data (public, private, scientific) within a coherent policy framework, making use of different policy instruments. As part of this package, the review of the PSI Directive was the object of an [extensive public consultation process](#). Any re-use of personal data under the [Directive on Open Data and Public Sector Information \(PSI\)](#) must be in full respect of the rights and obligations contained in the [EU General Data Protection Regulation](#).

For more information: