

# PSI for commercial re-use: the impact of the new Directive on the management of access and preservation

*ERPANET: Business Models related to digital preservation. Amsterdam 20 September 2004*

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# The Directive: intentions

- Healthy cross-border content market important for information society
- Public sector information is substantial component of this market
- Barriers prevent full impact on economic activity and employment
- Directive will create minimum of legal security and will stimulate investment

# What is at stake?

- PSI is prime content resource
- Barriers at European level
- Disadvantages vis-à-vis US
- Some countries move ahead, others do not

# The different phases

- 1989 Guidelines
- Green Paper 1999
- PIRA International Study *Study on the Commercial exploitation of Europe's public sector information (2001)*
- 2001 Communication
  - Coherent set of measures
- Directive 2003/98/EC of the European Parliament and of the Council on the re-use of public sector information
  - adopted 17 November, 2003
  - published 31 December, 2003

# Main coverage of the Directive

- Minimum harmonisation to facilitate cross-border use
- Transparency of conditions
- Avoid abuse of market power
- Non-discrimination
- Clear procedures
- Lists of assets, online licenses

# The Directive: some key points

- Market legislation, not freedom of information (FOI) or access legislation
- Charges: allow 'reasonable return on investment'
- Practical burden on administrations

# Intended results of the Directive

- Transparency, fair competition, downward effect on charges
- First time legislation in some EU countries
- Speed up developments in others
- Recitals go beyond legal obligations
- Review clause
- Change of culture in public sector

# Exclusions from scope

- Documents which
  - fall outside scope of the body's public task
  - are subject to third party IPR
  - are covered by national access regimes eg
    - national security
    - commercial/statistical confidentiality
- Documents held by
  - public service broadcasters
  - educational and research establishments
  - cultural establishments (inc museums, libraries, archives, orchestras, theatres etc)

# The Economic argument (Weiss: *Borders in Cyberspace*)

- Europe: Treasuries/legislation force agencies to go “off budget” + find ways to fund their agencies.
  - Generally not successful or efficient
  - Significant decrease in data sales
  - EU Directive does not go far enough
- USA: General revenue funds Fed info activity
  - Dissemination cost recovery only + open access = large increases in info-based economy
  - Creation of wealth and jobs returns taxes
  - 1\$ public investment in open data can result in \$9 taxable economic activity.

# The Potential of European Public Sector Information

PIRA International Study (2001)

	EU	US
Investment Value in PSI	<b>9.5 billion Euro/year</b>	<b>19 billion Euro/year</b>
Economic Value	<b>68 billion Euro/year</b>	<b>750 billion Euro/year</b>

# PIRA study: findings

- Charging for public sector information may be counter-productive

  - even direct revenue for government agencies.

- EU market would not even have to double for tax receipts to exceed losses in charges.

- BUT: *“The concept of commercial companies being able to acquire, at very low cost, quantities of public sector information and resell it for a variety of unregulated purposes to make a profit is one that policymakers in the EU find uncomfortable.”*

# Impact of the Web

- explosion of web activity has far exceeded capacity of Government infrastructure to manage the publication & life cycle of official information & create conditions for developing PSI in the network environment [preservation?]
- gradual development of disciplines which replicate those of private sector & which will enable more interaction of public and private sector information...though at a slow rate

# Challenges: PSI as an economic sector..many domains

- 'Citizens' information (rights and duties)
  - political processes
  - local services
- Cultural
- Educational
- Tourism
- Health, safety, consumer protection

- Geospatial (e.g. meteorological, land, environment)
- Statistics
- Financial and economic
- Legal and regulatory
- Business
- Scientific research



# Challenges: diverse starting points across Europe

- Developed business practices
  - exploit copyright monopolies e.g. UK trading funds?
- Post-modernists
  - separated and privatized commercial functions e.g. Sweden
- Public sector cost-recovery
  - Public sector commercialisation e.g. Germany
- Less developed models/'clean sheet' situations?
  - e.g. Greece, Portugal, CEE



# Issues (1)

- Impact of the Directive?
  - Emerging practice in regulation
  - Pricing/charging
- What PSI exists?
  - Asset Registries of PSI - *PSI-Directory* Project
  - Local authority PSI
- Government copyright - who owns?
  - Assert or waive (licensing)
  - Role for government-owned companies/ trading agencies?

# Issues (2)

- New business areas
  - Pan-European products: what kind?
- Maintaining public sector data quality and service innovation alongside low charges
  - Tensions: competitive offers of services, impact of e-government
  - Keeping the added value chain moving upward
  - Can Finance Ministries be persuaded to invest in public sector departments as a reward for 'virtuous policies' on PSI charging and access [and preservation]?

# Issues (3)

- Can public-private partnership deliver low charges and stimulate new services
  - Are government companies or public trading funds necessary to deliver an assured flow of good quality data for private sector re-use?
  - Role of Industry Action groups
- What specific policy and service requirements can act as drivers for improving data re-use?
  - (e.g. flood and fire catastrophe avoidance – Czech Republic, Australia, national security?)

# Issues (4)

- Improving Public Sector Information Management to support private sector re-use?
  - Better public-private sector interoperability
  - Adoption of private sector approaches (EIA)
  - Improving skills, awareness, competences in public sector
- Evaluating the impact of changed practices
  - Methodology for the review of the Directive
  - How do we measure economic impact, wider social benefits, costs to public sector

# What happens next?

- Transposition into national law before 1 July 2005 (18 months)
- Role of the European Commission
  - Support
  - Exchange of good practices
  - Monitoring
- Review of the directive in 2008
- Role of European Court of Justice

# Directive: implications for preservation?

- PSI availability for re-use is a public sector responsibility
- Any existing format or language – electronic where possible
- Timely delivery – 20 days if licence needed
- Limitations on exclusive arrangements

# What is ePSINet?

- 'Accompanying Measure' funded under the EU *e-Content* programme
  - July 2002 to December 2004
  - builds on PSINet Preparatory Action 2001
- Help create conditions for more effective re-use and commercial exploitation of public sector information
  - support the European Directive
- Now extended to NMS (till July 2005)

# ePSINet: broad aims (1)

- Build a community of stakeholders around PSI re-use
  - Country co-ordinators and support groups
  - Administrations, re-users, consumer reps
  - Promote knowledge-sharing relationships between sectoral organizations
  - Dialogue with European Associations for PSI sectors



# ePSINet: broad aims (2)

- Assist adoption of beneficial regulatory, standards, and information management frameworks for PSI
  - providing structured access to knowledge
- Help grow global market potential for European PSI content
  - pan-European content
  - USA 5X 'vision'



# ePSINet: how does it work?

- ePSIGate web portal
- Country Co-ordinator-led dissemination
  - National meetings: France, Austria, Portugal, Greece, UK.... *Spain, Ireland, Germany, 10 CEE*
- Policy Conference, Athens, January 2005
- Sustainability: European co-ordinating body/permanent network for PSI?
- Dialogue with USA, Australia, Asia

# Guidelines on regulation (1)

- Basic layer information for all member states
  - political, legal systems
  - innovations
  - access to PSI
  - privacy and data protection
  - copyright and database protection
  - competition law
  - distribution and commercial exploitation
  - pricing and licensing



# Guidelines on regulation (2)

- Best practice in public sector mandating/PPP
  - Case studies
  - Focus on processes/legislation/regulation relating to transposition of the Directive
  - illustrative legal cases + disputes



# Guidelines on PSI Management

- PSI Management issues
  - Descriptions and evaluations
  - Technologies, Architectures, Access channels, Workflow, Content processes, Implementation issues
- Updated reports
- Case studies

# The ePSINet standards map

- Navigable and downloadable
- Topic Map format: drill down to source
- 600 + standards relevant to PSI
- What is each standard for?
- Next: identify standards developments for public-private sector interoperability?



# Standards map: index

http://www.epsigate.org/pdf/standards/EP SINET\_Standardsmapoct03.xls - Microsoft Internet Explorer

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Level 1 | Level 2 | Level 3 | Level 4

Topic	Topic Type	Occurrence
.NET Framework	Platform	<a href="http://msdn.microsoft.com/netframework/">http://msdn.microsoft.com/netframework/</a>
<indec>	Standard	<a href="http://www.indec.org">http://www.indec.org</a>
4C	Standard	<a href="http://www.4centity.com/data/tech/4cspec.pdf">http://www.4centity.com/data/tech/4cspec.pdf</a>
5C	Standard	<a href="http://www.dtcp.com">http://www.dtcp.com</a>
AAC	Format	<a href="http://www.mpeg.org/MPEG/aac.html#overview">http://www.mpeg.org/MPEG/aac.html#overview</a>
AACR2	Standard	<a href="http://www.nlc-bnc.ca/jsc/">http://www.nlc-bnc.ca/jsc/</a>
AAT	Standard	<a href="http://www.getty.edu/research/tools/vocabulary/">http://www.getty.edu/research/tools/vocabulary/</a>
ABC Reference Model	Standard	<a href="http://jodi.ecs.soton.ac.uk/Articles/v02/i02/Lagoz">http://jodi.ecs.soton.ac.uk/Articles/v02/i02/Lagoz</a>
Abys Fine Reader Pro	Application	<a href="http://www.abby.com/ocr_products.asp?param">http://www.abby.com/ocr_products.asp?param</a>
<b>Accessibility Guidelines</b>	<b>Standards Issue</b>	
ACDSee	Application	<a href="http://www.acdsystems.com/English/Products/acd">http://www.acdsystems.com/English/Products/acd</a>
ActiveX	Platform	<a href="http://www.microsoft.com/com/tech/ActiveX.asp">http://www.microsoft.com/com/tech/ActiveX.asp</a>
Ada	Platform	<a href="http://www.adahome.com">http://www.adahome.com</a>
Adabas	Application	<a href="http://www.softwareaq.com/adabas/product/defin">http://www.softwareaq.com/adabas/product/defin</a>
Adobe Acrobat eBook Reader	Application	<a href="http://www.adobe.com/products/ebookreader/main">http://www.adobe.com/products/ebookreader/main</a>
Adobe Capture	Application	<a href="http://www.adobe.com/products/acrcapture/main">http://www.adobe.com/products/acrcapture/main</a>
Adobe InDesign	Application	<a href="http://www.adobe.com/products/indesign/main.htm">http://www.adobe.com/products/indesign/main.htm</a>
Adobe Photoshop	Application	<a href="http://www.adobe.com/products/photoshop/main">http://www.adobe.com/products/photoshop/main</a>
Adobe Premiere	Application	<a href="http://www.adobe.com/products/premiere/main.htm">http://www.adobe.com/products/premiere/main.htm</a>
ADSL	Standard	<a href="http://www.dslforum.org">http://www.dslforum.org</a>
AES	Standard	<a href="http://csrc.nist.gov/publications/fips/fips197/fips-">http://csrc.nist.gov/publications/fips/fips197/fips-</a>
AIFF	Format	<a href="http://www.harmony-central.com/Computer/Prog">http://www.harmony-central.com/Computer/Prog</a>
AIML	Standard	<a href="http://www.alicebot.org/alice/aiml.html">http://www.alicebot.org/alice/aiml.html</a>
AltaVista	Application	<a href="http://www.altavista.com">http://www.altavista.com</a>
Analog	Application	<a href="http://www.analog.cx">http://www.analog.cx</a>
Apple Final Cut Pro	Application	<a href="http://www.apple.com/finalcutpro/">http://www.apple.com/finalcutpro/</a>
Apple Quicktime	Format	<a href="http://developer.apple.com/documentation/Quick">http://developer.apple.com/documentation/Quick</a>
Applied Semantics - CIRCA	Application	<a href="http://www.appliedsemantics.com">http://www.appliedsemantics.com</a>
Substrut	Application	<a href="http://www.substrut.com">http://www.substrut.com</a>

# Standards map: level one - overall taxonomy

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A	B	C	D	E	F	G	H
<a href="#">Index</a>							
<b>Level One</b>	<b>Level Two</b>						
<a href="#">Creation</a>	<a href="#">Tools</a>						
	<a href="#">Formats</a>						
	<a href="#">Platforms</a>						
<a href="#">Description</a>	<a href="#">Metadata</a>						
	<a href="#">Identification</a>						
<a href="#">Organisation</a>	<a href="#">Reliability &amp; Quality (Also in Storage)</a>						
	<a href="#">Information Management</a>						
<a href="#">Storage</a>	<a href="#">Database Technology</a>						
	<a href="#">Reliability &amp; Quality (Also in Organisation)</a>						
	<a href="#">Physical Formats</a>						
<a href="#">Retrieval</a>	<a href="#">Indexing</a>						
	<a href="#">Web Searching</a>						
<a href="#">Presentation</a>	<a href="#">Look &amp; Feel</a>						
	<a href="#">Multilingualistic</a>						
	<a href="#">User Interfaces and Accessibility</a>						
<a href="#">Utilisation</a>	<a href="#">Rights Management</a>						
	<a href="#">Payment Mechanisms</a>						
	<a href="#">Performance</a>						
	<a href="#">Security</a>						

http://www.epsigate.org/pdf/standards/ EPSINET\_Standardsmapoct03.xls - Taxonomy - Payment Mechanisms'IB2 Taxonomy - Creation Formats Taxonomy - Creatio

# ePSINet and preservation standards

- *"Preservation and archiving" are the processes through which content (and descriptions of that content) are stored and managed to provide long term access to future generations of users. These processes are intended to secure access to content for many decades. Under this heading, we consider some of the more significant projects that have done work in this area, as well as some of the protocols and approaches that may be adopted for the long term management of content"*

# Significant projects

- CEDARSCurl Exemplars in Digital Archives.
- DLM
- ERPANET      Electronic Resource Preservation and Access Network
- Internet Archive
- MoReq Model Requirements for the Management of Electronic Records

# Frameworks

- OAIS Reference Model for an Open Archival Information System.
- PDI Preservation Description Information.

# Strategies

## ■ Emulation

- The process of emulating applications, operating systems or hardware platforms to retrieve content not compatible with current systems. A short term digital preservation strategy

## ■ Migration

- The process of transferring content from one platform to another alter it in some ways before the original platform becomes obsolete

## ■ Technology Preservation

- A long term approach for preserving content

# MoREQ specification for ERM

## Long Term Preservation Guidelines

- InterPARES project
- Preserving Access to Digital Information (PADI)
- National Library of Australia
- UK Public Record Office
  - Management, Appraisal and Preservation of Electronic Records Guidelines,
- OAIS

# CALIMERA (draft) guidelines for local CH institutions – Nov 2004

- Selection
- Technology preservation
- Technology emulation
- Data migration
- Authenticity
- Storage
- Conservation
- Disaster recovery procedures
- Formats
- Media
- Standards
- Web archiving and domain archiving
- Staffing implications

# Discussion

- What are the further implications for preservation and access strategies of policies associated with the Directive on PSI re-use?
- What steps could be taken by those working in the preservation field to support this process?

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