# OECD

## ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

Directorate for Science, Technology and Industry
Committee for Information, Computer and Communications Policy

# OECD Recommendation of the Council for Enhanced Access and More Effective Use of Public Sector Information
## [C(2008)36]

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# ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

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# Foreword

This Recommendation was developed by the OECD Committee for Information, Computer and Communication Policy (ICCP Committee), and particularly by its Working Party on the Information Economy. Work on its principles was initiated in 2007 on the basis of prior analytical work. The Recommendation was adopted by the OECD Council at its 1172nd Session on 30 April 2008.

# OECD Recommendation of the Council for Enhanced Access and More Effective Use of Public Sector Information

## THE COUNCIL

**Having regard** to Article 5 b) of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;

**Having regard** to the Recommendation of the Council concerning Access to Research Data from Public Funding [C(2006)184] and the Recommendation of the Council on Broadband Development [C(2003)259];

**Having regard** to the aim to increase returns on public investments in public sector information[1] and increase economic and social benefits from better access and wider use and re-use,[2] in particular through more efficient distribution, enhanced innovation and development of new uses;

**Having regard** to the aim to promote more efficient distribution of information and content as well as the development of new information products and services particularly through market-based competition among re-users of information;

**Considering** the usefulness of collectively agreed principles for enhanced access and more effective use and re-use of public sector information for both the public and the private sector;

**Recognising** that efforts to improve the access and use of public sector information need to take into account legal requirements and restrictions, including intellectual property rights and trade secrets, effective and secure management of personal information, confidentiality and national security concerns, and fundamental principles including democracy, human rights and freedom of information and that, consequently, certain principles contained in this Recommendation regarding in particular openness and re-use, can be applied to a different extent to different categories of public sector information;

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[1] "Public sector information" is broadly defined for purposes of this Recommendation as "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 referred to in the last paragraph of the preamble of this Recommendation.

[2] This includes use by the original public sector generator or holder or other public sector bodies and further re-use by business or individuals for commercial or non-commercial purposes. In general, the term "use" implies this broad spectrum of use and re-use.

## On the proposal of the Committee for Information, Computer and Communications Policy;

**RECOMMENDS** that, in establishing or reviewing their policies regarding access and use of public sector information, Member countries take due account of and implement the following principles, which provide a general framework for the wider and more effective use of public sector information and content and the generation of new uses from it:

- **Openness.** Maximising the availability of public sector information for use and re-use based upon presumption of openness as the default rule to facilitate access and re-use. Developing a regime of access principles or assuming openness in public sector information as a default rule wherever possible no matter what the model of funding is for the development and maintenance of the information. Defining grounds of refusal or limitations, such as for protection of national security interests, personal privacy, preservation of private interests for example where protected by copyright, or the application of national access legislation and rules.

- **Access and transparent conditions for re-use.** Encouraging broad non-discriminatory competitive access and conditions for re-use of public sector information, eliminating exclusive arrangements, and removing unnecessary restrictions on the ways in which it can be accessed, used, re-used, combined or shared, so that in principle all accessible information would be open to re-use by all. Improving access to information over the Internet and in electronic form. Making available and developing automated on-line licensing systems covering re-use in those cases where licensing is applied, taking into account the copyright principle below.

- **Asset lists.** Strengthening awareness of what public sector information is available for access and re-use. This could take the form of information asset lists and inventories, preferably published on-line, as well as clear presentation of conditions to access and re-use at access points to the information.

- **Quality.** Ensuring methodical data collection and curation practices to enhance quality and reliability including through cooperation of various government bodies involved in the creation, collection, processing, storing and distribution of public sector information.

- **Integrity.** Maximising the integrity and availability of information through the use of best practices in information management. Developing and implementing appropriate safeguards to protect information from unauthorised modification or from intentional or unintentional denial of authorised access to information.

- **New technologies and long-term preservation.** Improving interoperable archiving, search and retrieval technologies and related research including research on improving access and availability of public sector information in multiple languages, and ensuring development of the necessary related skills. Addressing technological obsolescence and challenges of long term preservation and access. Finding new ways for the digitisation of existing

public sector information and content, the development of born-digital public sector information products and data, and the implementation of cultural digitisation projects (public broadcasters, digital libraries, museums, etc.) where market mechanisms do not foster effective digitisation.

- **Copyright.** Intellectual property rights should be respected. There is a wide range of ways to deal with copyrights on public sector information, ranging from governments or private entities holding copyrights, to public sector information being copyright-free. Exercising copyright in ways that facilitate re-use (including waiving copyright and creating mechanisms that facilitate waiving of copyright where copyright owners are willing and able to do so, and developing mechanisms to deal with orphan works), and where copyright holders are in agreement, developing simple mechanisms to encourage wider access and use (including simple and effective licensing arrangements), and encouraging institutions and government agencies that fund works from outside sources to find ways to make these works widely accessible to the public.

- **Pricing.** When public sector information is not provided free of charge, pricing public sector information transparently and consistently within and, as far as possible, across different public sector organisations so that it facilitates access and re-use and ensures competition. Where possible, costs charged to any user should not exceed marginal costs of maintenance and distribution, and in special cases extra costs for example of digitisation. Basing any higher pricing on clearly expressed policy grounds.

- **Competition.** Ensuring that pricing strategies take into account considerations of unfair competition in situations where both public and business users provide value added services. Pursuing competitive neutrality, equality and timeliness of access where there is potential for cross-subsidisation from other government monopoly activities or reduced charges on government activities. Requiring public bodies to treat their own downstream/value-added activities on the same basis as their competitors for comparable purposes, including pricing. Particular attention should be paid to single sources of information resources. Promoting non-exclusive arrangements for disseminating information so that public sector information is open to all possible users and re-users on non-exclusive terms.

- **Redress mechanisms:** Providing appropriate transparent complaints and appeals processes.

- **Public private partnerships.** Facilitating public-private partnerships where appropriate and feasible in making public sector information available, for example by finding creative ways to finance the costs of digitisation, while increasing access and re-use rights of third parties.

- **International access and use.** Seeking greater consistency in access regimes and administration to facilitate cross-border use and implementing other measures to improve cross-border interoperability, including in situations where there have been restrictions on non-public users. Supporting international co-operation and co-ordination for commercial re-use and non-commercial use. Avoiding fragmentation and promote greater

interoperability and facilitate sharing and comparisons of national and international datasets. Striving for interoperability and compatible and widely used common formats.

- **Best practices.** Encouraging the wide sharing of best practices and exchange of information on enhanced implementation, educating users and re-users, building institutional capacity and practical measures for promoting re-use, cost and pricing models, copyright handling, monitoring performance and compliance, and their wider impacts on innovation, entrepreneurship, economic growth and social effects.

## INVITES:

Member countries to disseminate this Recommendation throughout the public and private sectors, including governments, businesses and other international organisations to encourage all relevant participants to take the necessary steps to enhance access and promote more effective use of public sector information;

Non-Member economies to take account of this Recommendation and collaborate with Member countries in its implementation.

**INSTRUCTS** the OECD Committee for Information, Computer and Communications Policy to promote the implementation of this Recommendation and review it every three years to foster enhanced access and more effective use of public sector information.