

Open Data Policy

Open Data Policy for Open ELS

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1 Introduction - Open ELS Project

EuroGeographics, as a not-for-profit association of the European National Mapping, Cadastral and Land Registration Authorities (NMCA), is committed to facilitating access to its Member's authoritative geospatial data. To achieve this, it is developing a one-stop access point to harmonised pan-European spatial data - the operational European Location Service, of which **Open European Location Services (Open ELS)** is providing open data.

The Open ELS Project develops open data services for the priority domain of geospatial information from European NMCAs. It improves the quality, availability and interoperability of data from different, cross-border public authorities, facilitating access to and encouraging the uptake and use of this information. It also provides a digital service infrastructure demonstrating the Digital Single Market in practice.

A key deliverable of this project is the economic appraisal for open data services, with an associated business model and plan for the sustainable provision of these services within the operational European Location Services.

Open ELS takes account of the policy and legal context set by the European Union relating to open data and the public sector information, the G8 Open Data Charter as well as all other initiatives dealing with the facilitation of access to public data. It develops operational open data services building on the work undertaken by the ELF project ¹. The aim is to help users identify INSPIRE compliant pan-European geospatial data services from authoritative sources, providing certainty about what is free and what is charged for, and under what terms and conditions of use or reuse. One of the key elements of the project is establishing linkages to the European Data Portal.

Open ELS is user-oriented. It provides easy access to open data services and creates user support, advice and assistance for identifying, obtaining and using it. Providing data through accessible services, API ² and as linked data, and also following standards delivered by the Open Geospatial Consortium (OGC) and the World Wide Web Consortium (W3C) where possible, makes this data even more valuable to users like geospatial developers and web developers.

There is a particular focus on encouraging small and medium enterprises in the IT sector to take up Open ELS data services and develop innovative solutions for the market. The SME engagement programme includes open learning and knowledge exchange, developing learning tools, resources and specifications. It also promotes the potential of open geospatial data services following the EU portal "Gold Book" principles where possible.

¹ European Location Framework Project - www.elfproject.eu

² API - application programming interface (API) is a set of subroutine definitions, protocols, and tools for building application software - https://en.wikipedia.org/wiki/Application_programming_interface

2 Legal framework

European work in the area of open data is focussing on generating value through re-use of a specific type of data – public sector information, sometimes also referred to as government data. This means all the information that public bodies produce, collect or pay for, e.g. geographical information, statistics, weather data, data from publicly funded research projects, and digitised books from libraries.

The European Union’s philosophy in this sphere reflects the approach to open data being an “engine for innovation, growth and transparent governance”; the key message being that having more public domain data openly available stimulates growth of electronic services and development of innovative applications.

The annual economic potential that can be unlocked through increased efficiency, development of new products and services, and consumer surplus, is estimated by various studies to be trillions of Euro. Open data enhances the value potential of big data analytics and provides additional opportunities that help businesses raise productivity and create new products and services. Greater efficiency in processes and delivery of public services can be achieved thanks to cross-sector sharing of data, which can for example provide an overview of unnecessary spending. Open data has also potential to enhance collaboration, participation and innovation of the civil society, making public information more transparent and accessible.³

Access and reuse of government owned public information is governed on the European level by the Directives on Reuse of Public Sector Information, INSPIRE or the European Interoperability Framework, however in this legislation there is no direct definition of open data. The clearest definition, reflecting the expectations of the potential users of public sector information can be derived from the Decision of the European Council on the open data policy of the Council and the reuse of Council documents⁴ where the Council is making its documents available for reuse:

- by all;
- without the need to make an individual application;
- free of charge; and
- for commercial and non-commercial purposes.

The Council’s policy has been approved by all members of the European Council and although it does not directly influence European or national legislation in this sphere, it clearly shows the how open data should be understood.

³ Creating Value through Open Data: Study on the Impact of Re-use of Public Data Resources:

https://www.europeandataportal.eu/sites/default/files/edp_creating_value_through_open_data_0.pdf

⁴ COUNCIL DECISION (EU) 2017/1842 of 9 October 2017 on the open data policy of the Council and the reuse of Council documents, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017D1842>

This approach is also reflected in the spirit of the G8 Open Data Charter ⁵ adopted by the participants and endorsed by a further 17 national and 52 regional governments around the world.

Further information regarding this legal framework is enclosed in the Annex I of the Document.

3 Scope of the Open ELS Data Policy

This document, by defining what is meant by Open ELS, distinguishes it from other datasets being served through different platforms and services. It sets up a common vision and approach to open data for the Open ELS as part of the European Location Service. It also sets up a framework of principles that will guide the users in accessing and reusing the data, thus allowing all participating NMCAs, as well as those considering joining the project at some stage in the future, to have a clear understanding of how the data will be licensed through the Open ELS services.

EuroGeographics recognises varying understandings of the ‘open data’ definition, as well as differences in approach to the licensing of data classified as open, implemented by its Members. The objective of this Policy is to clarify the definition of open data for the Open ELS Project.

The Policy provides a framework for establishing a licensing model that will clearly describe the user’s rights and obligations resulting from reuse of the Open ELS data.

This Policy applies to the geospatial pan-European data and services developed and maintained by EuroGeographics AISBL and its Members through the Open ELS Project.

This Policy shall not apply to data held and produced by EuroGeographics for which it is not in the position to allow reuse due to intellectual property rights of third parties or the access rights of its Members.

⁵ <https://opendatacharter.net/resource/g8-open-data-charter/>

4 Definitions

4.1 Open ELS data

- Open ELS Data is the public data of a non-personal, geospatial nature maintained by EuroGeographics and its Members in the form of harmonised pan-European datasets available under an open licence, free to access and made available to the users under limited and non-burdensome conditions and without any restriction that impedes its use and reuse.

4.2 Services

- Open ELS services are the means of sharing Open ELS Data with the users by making it possible to discover, view, download or otherwise invoke the data for further processing.
- The Open ELS services work in accordance with agreed, published specifications and minimum performance criteria to ensure the operation and functionality of the established infrastructure.

4.3 Reuse

Reuse means the use of the Open ELS data by persons or legal entities for commercial or non-commercial purposes other than the initial purpose for which the data was produced.

4.4 Charges

- Open ELS data is free of charge by default.
- Viewing, discovery and download services of the Open ELS data shall be free of charge.

4.5 Licensing

Licensing refers to the set of terms associated with the use and reuse of the Open ELS data.

5 Open ELS data principles

The Open ELS Project is consistent with the following principles regarding open data and services, and in providing access to this data:

5.1 Public and open

- Open ELS data is public and open data which can be accessed, searched, viewed and reused free of charge and restrictions.
- Open ELS data may be used in any way for commercial gain in accordance with the user's national regulations.

5.2 Conditions

- Open ELS data is covered by a licence defining any applicable terms of use or reuse of the whole dataset or its derived parts.
- Open ELS data shall be made available for reuse under following conditions:
 - the obligation for the user to acknowledge the source of the data;
 - the obligation to indicate any changes to the original meaning of the information contained in the data; and
 - EuroGeographics and its members accept no liability for any consequence stemming from the reuse or publishing of the data.
- EuroGeographics shall take appropriate measures to protect its rights, interests and public image.

5.3 Timely and Comprehensive

- To preserve the value of the data, Open ELS data is maintained, updated and made available and accessible as quickly as possible in accordance with production processes.
- Open ELS data and services are described in such a way as to provide users with sufficient information to understand its potential, limitations or security requirements. This is done through the maintenance and publication of standardised metadata compliant with 2007/2/EC INSPIRE Directive, as well as specifications of the data and services and other available guiding documents related to use of the data and services

5.4 Accessible and Usable

- Open ELS data is technically open, in machine-readable form and can be processed by computers, using the semantics of the data via its metadata.
- Users are permitted to access the whole open dataset.
- Open ELS data is made available in convenient, modifiable and standardised formats and can be retrieved, downloaded, indexed, and searched.
- Open ELS data and services are licensed by EuroGeographics with clear terms surrounding intellectual property rights, use and reuse.
- The licence should be used to promote maximum dissemination, use and reuse of the data and should not limit, make uncertain, or otherwise diminish the permissions, except by allowable conditions.
- This policy does not discriminate against any person or group of persons aiming at making Open ELS data and services available to the widest range of users for the widest range of purposes.

5.5 Comparable and Interoperable

Open ELS data and services are developed and maintained in formats defined in the published specifications. They have the finest possible level of granularity that is practicable and permitted by law in respect of provision of the content under open data requirements and under conditions regarding interoperability with other public data.

5.6 For Improved Governance and Citizen Engagement

EuroGeographics will provide a point of contact to assist with data use and to respond to complaints about adherence to the Open ELS data and services requirements.

6 Implementation and review of the policy

- Implementation and maintenance of this Policy will be led by the EuroGeographics Head Office and will be subject to review at the end of the first year and at least every two years, or as deemed appropriate, thereafter.
- EuroGeographics will consider how to collect and manage information about the use of the Open ELS data to supports both downstream data processing and the release of data consistent with this Policy and requirements of users.
- This policy will be implemented as part of the Open ELS Project.
- Implementation of this Policy will be a progressive and evolving process.

Annex I - Legal framework for open data and standards

1 Perspective of Open data

Open data usually refers to the idea that certain data should be freely available for use and re-use.

It is not a new term or concept but has been evolving in parallel with technology and use of Internet. Aside of institutional debates, researches and consultations a variety of NGOs had been actively involved and contributed to the better common understanding.

The Open Data Foundation provides a place where the members of different communities can come together and work on the alignment of technology standards and software tools which will facilitate visibility and re-use of data at all levels of the statistical information chain.

1.1 Commission's actions towards Open data

The Commission's work in the area of open data is focussing on generating value through re-use of a specific type of data – public sector information, sometimes also referred to as government data, what means all the information that public bodies produce, collect or pay for, e.g. geographical information, statistics, weather data, data from publicly funded research projects, and digitised books from libraries. The first Commission's official action on open data was titled „Open data an engine for innovation, growth and transparent governance“ with key messages that having more data openly available will help us discover new and innovative solutions.

Nowadays, it is not only about opening of public sector data, but further exploring the issue of privately held data of public interest, is also on agenda for a wider discussion and consultation upon release of Digital Single Market mid –term review and it is planned for the spring 2018.

1.1.1 EU Policy and legal frameworks related to open data prospective

No framework had delivered a definition of open data, but some indications of what it might be, anticipation and process developments could be perceived from the acts listed below:

2007 <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32007L0002>

As it is all about spatial data INSPIRE is considered the key directive for geo community, but it is primarily on data sharing and on accessibility to certain extent, rather than on re-use, all based on a number of common principles such as:

- Data should be collected only once and kept where it can be maintained most effectively.
- It should be possible to combine seamless spatial information from different sources across Europe and share it with many users and applications.
- It should be possible for information collected at one level/scale to be shared with all levels/scales; detailed for thorough investigations, general for strategic purposes.
- Geographic information needed for good governance at all levels should be readily and transparently available.
- Easy to find what geographic information is available, how it can be used to meet a particular need, and under which conditions it can be acquired and used.

2010 The first version of European Interoperability framework (EIF) was adopted as a set of recommendations which specify how administrations, businesses and citizens communicate with

each other within the EU and across Member States borders. It is continued to be developed through ISA programme.

On 23 March 2017, the ISA² programme released a new version of EIF. The framework gives specific guidance on how to set up interoperable digital public services. It offers public administrations 47 concrete recommendations on how to improve governance of their interoperability activities, establish cross-organisational relationships, streamline processes supporting end-to-end digital services, and ensure that both existing and new legislation do not compromise interoperability efforts. The updated interoperability recommendations have been made more specific to facilitate their implementation, with a stronger *focus on openness* and information management, data portability, interoperability governance, and integrated service delivery.

http://eur-lex.europa.eu/resource.html?uri=cellar:2c2f2554-0faf-11e7-8a35-01aa75ed71a1.0017.02/DOC_3&format=PDF

- 2011 [Communication on Open Data](#) One of the first Commission's release on open data was titled „Open data an engine for innovation, growth and transparent governance “with key messages that having more data openly available will help us discover new and innovative solutions.
- 2013 [revised Directive](#) PSI directive regulates re-use, what is of exact interest to Open ELS. In July 2014, the Commission published [guidelines](#) to help the Member States transpose the revised rules and to indicate best practice in several fields of importance for the re-use of public sector information. Next revision of PSI directive is due by the end of July 2018.
- 2014 [COM\(2014\)442 final](#) Communication „Towards a thriving data-driven economy“ present vision & propose measures such as Public Private Partnership, cloud initiatives, *promote* adoption of open data and big data analysis within public administrations.
- 2015 [Read full text](#) of “Digital Single Market Strategy” which is built on three pillars: Access, Environment and Economy & society and includes 16 specific initiatives which have been delivered by the Commission till January 2017. The DSM strategy has delivered the main legislative proposals set as priority, such as [boosting e-commerce](#), [copyright](#), [audio-visual](#), [telecoms review](#), [ePrivacy](#), harmonisation of digital rights, [affordable parcel delivery](#), [harmonised VAT rules](#).
- 2017 [Communication on Building a European Data Economy](#) „Building a European data economy“ document covers issues of: Free flow of data, Data access and use, Liability__Portability, Interoperability and standards.

1.1.2 Operational frameworks

For the purposes of Digital single market Commission is:

- running two portals for the [European Union](#): the [EU Open Data Portal](#) which gives access to open data from the EU institutions, agencies and other bodies and the Public Data portal that provides datasets from local, regional and national public bodies across Europe.
- continue supporting open data initiatives, through funding provided by Horizon 2020 and Connecting Europe Facility (CEF).

The European Commission also works to overcome the barriers limiting the re-use of public sector information. In addition to EU legislation, the Commission also:

- engages with Member States experts in the Public Sector Information expert group (PSI Group);

- was funding the ePSI platform, a comprehensive web platform with news on European PSI developments, good practices, examples of new products, services, and legal cases around PSI re-use;
- funds the Legal Aspects of Public Sector Information (LAPSI) - thematic network of lawyers specialising on PSI re-use, including academics and practitioners;

1.2 PSI Directive – a modest step towards Open data

In June 2013, a revision of the Directive has been adopted. In a nutshell it:

- introduces a ***genuine right to reuse*** by making reusable all content that can be accessed under national access to documents laws;
- defines reusing as using persons or legal entities of documents held by public sector bodies, for commercial or non-commercial purposes other than the initial purpose within the public task for which the documents were produced. Exchange of documents between public sector bodies purely in pursuit of their public tasks does not constitute re-use;
- lowers the upper ceiling for charges on reuse applicable in standard cases to ***marginal costs***, i.e. the costs incurred by the individual request for reuse (reproduction, provision and dissemination costs); exceptions are allowed in a limited set of cases ***but applies to public sector bodies that are required to generate revenue to cover a substantial part of their cost relating to the performance of their public tasks;***
- expands the scope of application of the Directive to certain cultural institutions such as libraries (including university libraries), museums and archives, but making them subject to a number of different rules that reflect that set of rules of the 2003 Directive.
- reinforces the obligation to be ***transparent on conditions and on charges*** applied to reuse;
- invites Member State to make more documents available in ***machine-readable and open formats;***

In July 2014, the Commission published guidelines to help the Member States transpose the revised rules and to indicate best practice in several fields of importance for the re-use of public sector information. (COMMISSION NOTICE Guidelines on recommended standard licences, datasets and charging for the reuse of documents (2014/C 240/01).

The purpose of this document is to provide non-binding guidance on the best practices within three subject areas of relevance for the re-use of public sector information in Europe. It includes recommendations on the use of available open standard licences, the elements to include in custom-made licences, datasets to be published as priority, the ways to make them more readily re-usable, the application of the marginal cost rule and the cost elements that can be taken into account for cost-recovery charging.

It is to be noted that the geospatial data (cadastral, topographic, marine, administrative boundaries, etc.) are the first on the list of categories of data in highest demand for re-use. The following on the list are: Earth observation and Environment (monitoring of weather, land and water quality, energy consumption, emission levels, etc.), Transport data, Statistics and Companies.

1.3 European Interoperability Framework v2

The European Interoperability Framework was adopted by on 23th of March 2017 as an updated version of the original text approved in 2004. It gives guidance, through a set of recommendations, to public administrations on how to improve governance of their interoperability activities, establish cross organizational relationships, streamline processes supporting end to end digital services, and ensure that existing and new legislation do not compromise interoperability efforts.

It is meant to be generic framework applicable to all public administrations in the EU. The new European Interoperability Framework is undertaken in the context of the Commission priority to create a Digital Single Market in Europe.

It offers public administrations 47 concrete recommendations on how to improve governance of their interoperability activities. Regarding open data:

- Defines openness as one of the underlying principles.
- Recommends to public bodies to publish the data they own as open data unless certain restrictions apply.
- Recommends to establish procedures and processes to integrate opening of data in the common business processes, working routines, and in the development of new information systems of public sector.
- Recommends publishing open data in machine-readable, non-proprietary formats. Ensure that open data is accompanied by high quality, machine-readable metadata in non-proprietary formats, including a description of their content, the way data is collected and its level of quality and the license terms under which it is made available. The use of common vocabularies for expressing metadata is also recommended.
- Recommends communicating clearly the right to access and reuse open data. The legal regimes for facilitating access and reuse, such as licenses, should be standardized as much as possible.

1.4 Open European Location Service – ELS

The Open European Location Services (Open ELS) project is developing pan-European and cross-border open data services using authoritative geospatial information and designing an associated business model. In doing so, it aims to improve the availability and interoperability of open geospatial information from the public authorities responsible for mapping, cadastre and land registries.

The Project is focused on facilitating access to and encouraging the take up and use of this information, and is strongly user orientated with a comprehensive programme of activities for the private sector.

Open ELS provide European open data services to maximise the:

- Use of authoritative geospatial information by providing certainty about what is free, what is charged for and under what terms and conditions.
- Benefits of open geospatial information from official national sources by making it easy to find, access and re-use.
- Contribution of public authorities responsible for mapping, cadastre and land registries in delivering user-focused open data for European Location Services.

1.5 Assessment

1.5.1 Commission's expectation towards Open ELS

As stipulated in the call for proposal, the actions should aim to:

- Support actions re - using information made discoverable/available through the European Data Portal, where appropriate in combination with other sources of information, such as the INSPIRE geo - portal, via operational and sustainable end - user dedicated solutions (mobile devices applications, websites or (web)services.
- Improve the usability of Open Data across borders through a convergence of licensing conditions for Open Data in Europe, inter alia by way of progressive alignment of identical licensing conditions in existing national licences (reduction of ambiguity due to different ways of formulating identical conditions), thus facilitating their machine readability.

- Propose a EU - wide assessment model demonstrating the impacts of open data, such as through the provision of a toolkit for the national administrations (standard procedures, software solutions which might include the processing of open data, harmonised questionnaires, key indicators, etc.) to facilitate ex- post evaluation of the economic and social impacts brought about by the re - use of public sector information in Europe.

1.5.2 ELS providers' expectation

Sustainability and return of investment could be expected to be as a minimum of data providers' expectation. These principles are not in a collision with INSPIRE and PSI, but not in line with the trend of Open data.