

BASICS OF INSPIRE DATA AND SERVICE SHARING

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Sources: KU Leuven, smeSpire, Ordnance Survey



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Structure

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1. Data and service sharing in the EU
2. Data and service sharing in the INSPIRE Directive and legislation
3. Guidance on data and service sharing
4. INSPIRE and open data

Target audience

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This seminar aims at :

- ▣ Professionals seeking to understand the European legislation on data access, re-use and sharing with the main focus on the requirements of the INSPIRE Directive regarding the sharing of data and services.

Prior knowledge:

- ▣ No pre-requisites are required for this module.

Key references (and special thanks to)

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Katleen Janssen (KU Leuven) - The EC Legal Framework for the Availability of Public Sector Spatial Data (PhD thesis - 2009)

Clare Hadley (Ordnance Survey) - Basics of INSPIRE Data and service sharing (smeSpire course 2013)

INSPIRE Data and Service Sharing: Legislation, Guidance and other documents: see

<http://inspire.ec.europa.eu/index.cfm/pageid/62>

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Part 1

Data and service sharing in the EU

Legislation promoting
availability

Legislation limiting
availability

INSPIRE

PSI

Aarhus

FOI

Privacy

IPR

Confidentiality

> Increase data sharing

> Fundamental rights



Legislation and policy to enable sharing



INSPIRE

Re-use of PSI

SEIS

Reporting

GEOSS

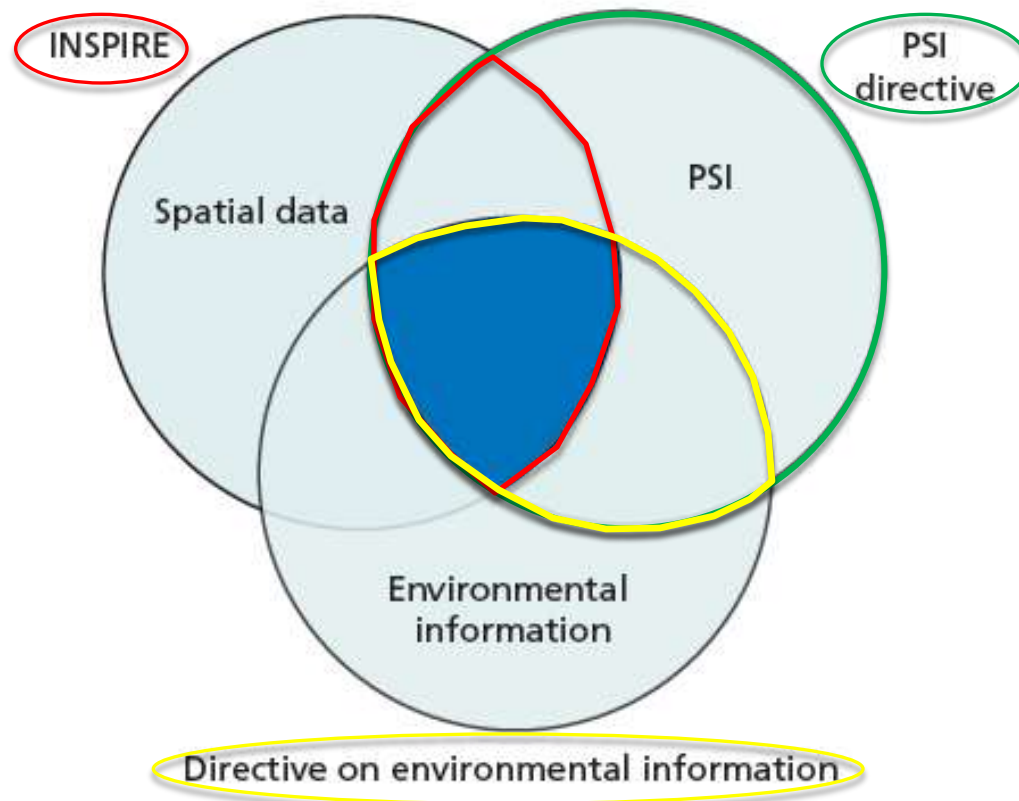
Copernicus

Aarhus

Open government data

Do all these policies work together? Unfortunately not...

Spatial data, public sector information, and environmental information.



Let's define some terms for use policies

Sharing

Public bodies delivering or obtaining information for the purposes of a public task. Sometime involves exchange of data.

INSPIRE directive

Let's define some terms for use policies

Access

If a person wants to obtain information in order to exercise their democratic rights. Usually relating to democratic or political purposes or accountability of government. Purpose is to learn the content.

Aarhus directive + INSPIRE directive (chapter IV)

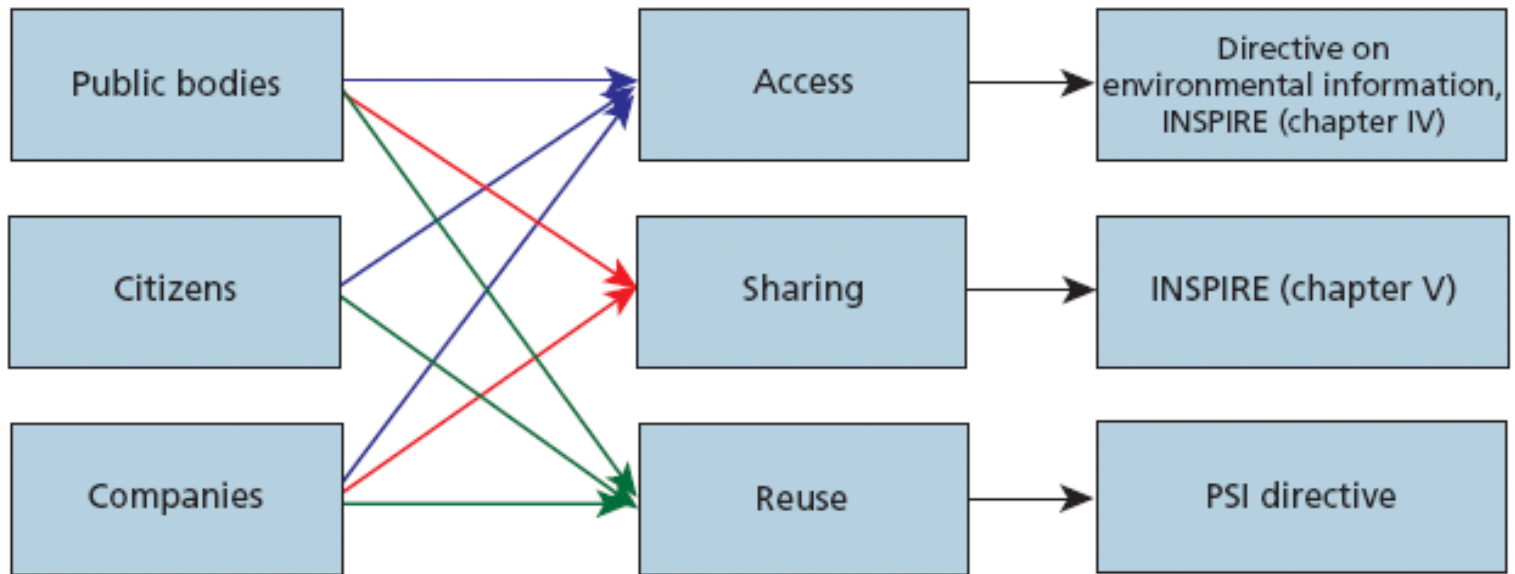
Let's define some terms for use policies

Re-use

Use of information for commercial or non-commercial purposes outside the public task for which it was collected. Often has an economic goal and involves manipulation or analysis.

PSI directive

Types of use and corresponding directives



Source: Janssen and Dumortier, 2007

INSPIRE Directive



- Sharing spatial data sets and services between public authorities
- For public tasks that may have an impact on the environment
- Conditions
 - No practical obstacles at the point of use
 - Licensing and charging
 - Fully compatible with the general aim of facilitating sharing
 - Minimum required to ensure the necessary quality and supply, together with a reasonable return on investment
 - Respect for self-financing requirements



INSPIRE Directive (2)

- Public access to network services
 - Discovery services: free of charge
 - View services: free of charge
 - Exception:
 - To secure maintenance
 - Especially in cases involving very large volumes of frequently updated data
 - Form preventing re-use
 - Download, transformation and invoke services: unlimited charge?
 - Limitations on public access
 - E-commerce services



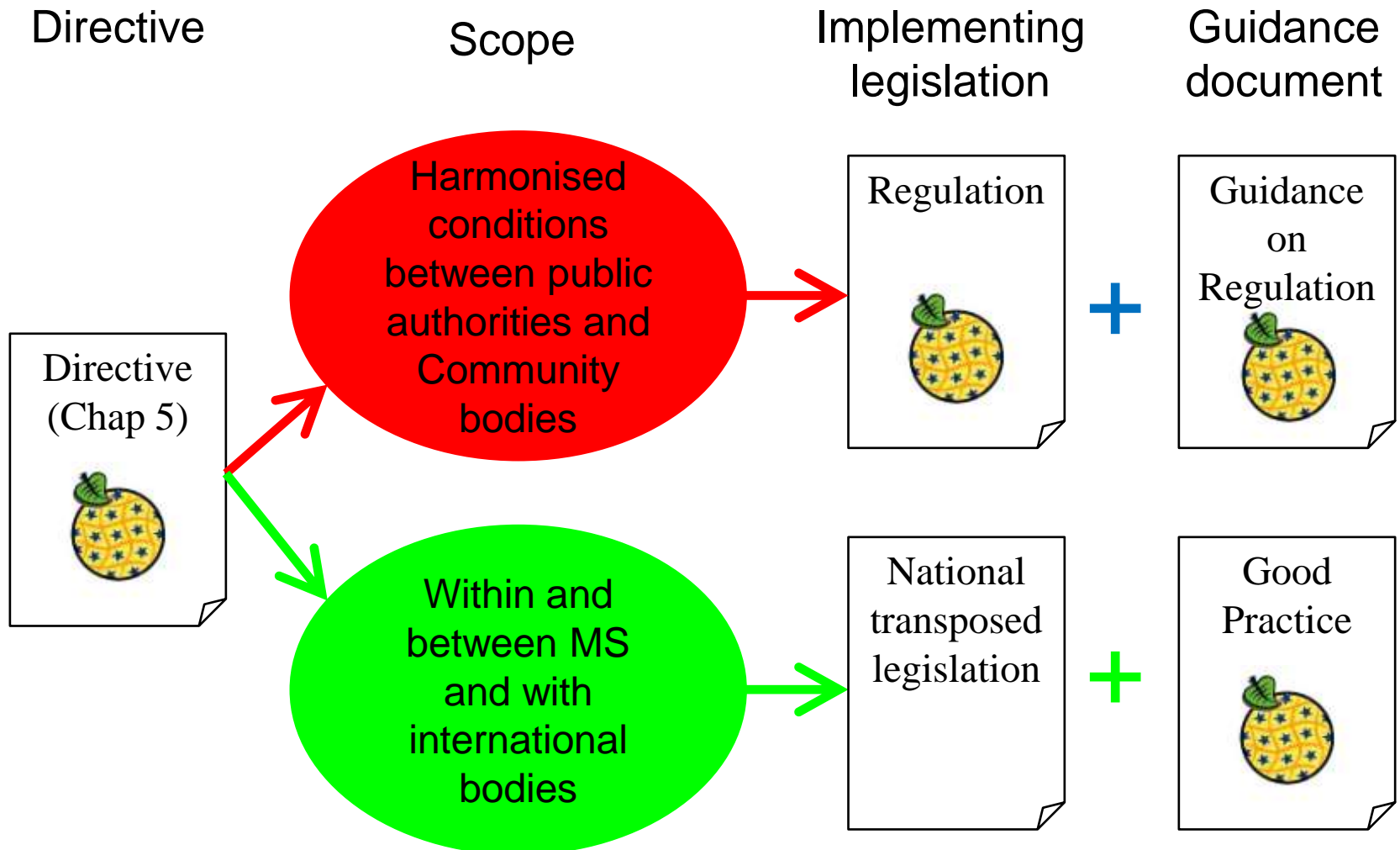
Policy and law restricting spatial data availability

- Privacy and data protection
- Confidentiality
- Intellectual Property Rights (IPR)
 - Promotion of innovation or protection of revenue?
 - Public access can be refused on the basis of IPR in Aarhus, and on INSPIRE Discovery Services
 - Re-use can be excluded only for third party IPR
 - Thus IPR limitations lower for commercial re-users than citizens requesting access or public bodies sharing data!

Part 2

Data and service sharing in the INSPIRE Directive and legislation

Data and service sharing in INSPIRE



INSPIRE Directive

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- The INSPIRE Directive aims to create a European Union (EU) spatial data infrastructure in order to enable the sharing of environmental spatial information among public sector organizations

- Data and service sharing is covered under **Chapter 5 of the Directive (article 17)**, which includes:
 - Several sections on sharing within and between Member States, with the institutions and bodies of the Community and with international bodies (paragraphs 1-7)
 - An intention to bring forward further legislation on harmonizing terms for sharing with Community institutions and bodies (paragraph 8)

INSPIRE Directive – art 17

- 1. Each Member State shall **adopt measures for the sharing of spatial data sets and services** between its public authorities referred to in point (9)(a) and (b) of Article 3. Those measures shall enable those public authorities to gain access to spatial data sets and services, and to exchange and use those sets and services, for the purposes of public tasks that may have an impact on the environment.*
- 2. The measures provided for in paragraph 1 shall **preclude any restrictions likely to create practical obstacles, occurring at the point of use, to the sharing of spatial data sets and services.***

INSPIRE Directive – art 17

3. *Member States may allow public authorities that supply spatial data sets and services **to license them to, and/or require payment from, the public authorities or institutions and bodies of the Community that use these spatial data sets and services.** Any such charges and licenses must be fully compatible with the general aim of facilitating the sharing of spatial data sets and services between public authorities. Where charges are made, these shall be kept to the minimum required to ensure the necessary quality and supply of spatial data sets and services together with a reasonable return on investment, while respecting the self-financing requirements of public authorities supplying spatial data sets and services, where applicable. Spatial data sets and services provided by Member States to Community institutions and bodies in order to fulfil their reporting obligations under Community legislation relating to the environment shall not be subject to any charging.*

INSPIRE Directive – art 17

4. *The arrangements for the sharing of spatial data sets and services provided for in paragraphs 1, 2 and 3 shall be **open to public authorities referred to in point (9)(a) and (b) of Article 3 of other Member States and to the institutions and bodies of the Community**, for the purposes of public tasks that may have an impact on the environment.*

5. *The arrangements for the sharing of spatial data sets and services provided for in paragraphs 1, 2 and 3 shall be **open, on a reciprocal and equivalent basis, to bodies established by international agreements to which the Community and Member States are parties**, for the purposes of tasks that may have an impact on the environment.*

6. *Where the arrangements for the sharing of spatial data sets and services provided for in paragraphs 1, 2 and 3 are made available in accordance with paragraphs 4 and 5, these arrangements **may be accompanied by requirements under national law conditioning their use.***

INSPIRE Directive – art 17

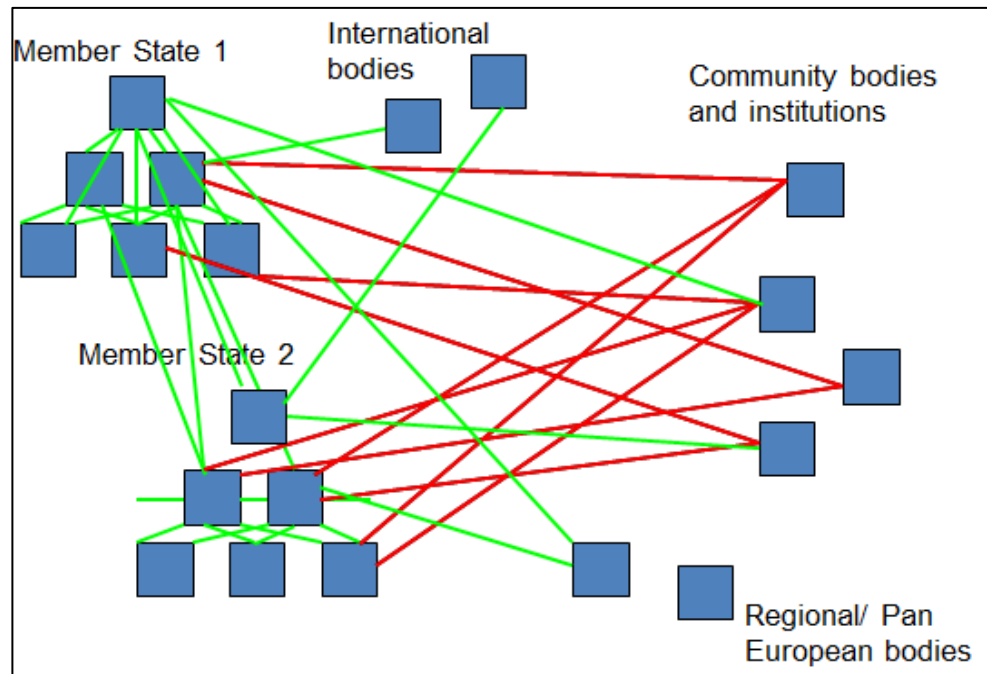
7. By way of derogation from this Article, Member States may limit sharing when this would compromise the course of justice, public security, national defence or international relations.

8. Member States shall provide the institutions and bodies of the Community with access to spatial data sets and services in accordance with harmonised conditions. Implementing rules governing those conditions, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 22(3). These implementing rules shall fully respect the principles set out in paragraphs 1 to 3.

INSPIRE Directive

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- To better understand the implications of the Directive, a distinction can be made between **two types of data and service sharing**:
 - ▣ Sharing within and between Member States & with international bodies
 - ▣ Sharing with the institutions of the Community

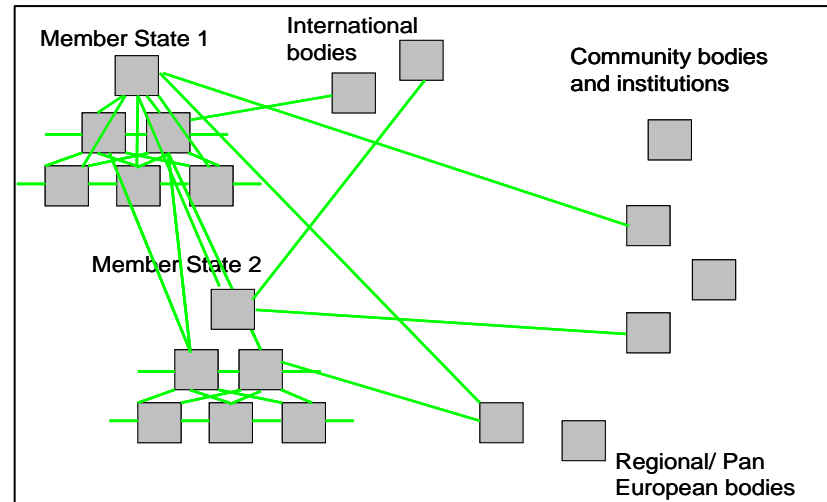


Source: Hadley, 2013

Sharing within and between MS and with international bodies

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- Principles for sharing of spatial data sets and services between public authorities within and between Member States are contained directly in the Directive (art. 17).
- It is the responsibility of each member states to define and implement concrete measures to take into account these principles.



Sharing within and between MS and with international bodies

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Each Member State must put in place 'measures' which:

1. must enable public authorities to gain access to the datasets and services;
2. must enable public authorities to exchange and use them to deliver their public environmental tasks;
3. must not create practical obstacles at the point of use;
4. must respect the public authorities' self-financing requirements;
5. must be open to public authorities of other Member States and to the institutions and bodies of the Community;

Sharing within and between MS and with international bodies

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Each Member State must put in place 'measures' which:

6. must be open to bodies established by international agreements to which the Community and Member States are parties;
7. may apply charges but they must be fully compatible with the general aim of facilitating sharing;
8. may apply charges but they must be the minimum required to ensure the necessary quality and supply, together with reasonable ROI;
9. may be accompanied by conditions on their use set by national law;
10. may be limited for reasons of justice, public security, national defense or international relations.

Sharing within and between MS and with international bodies

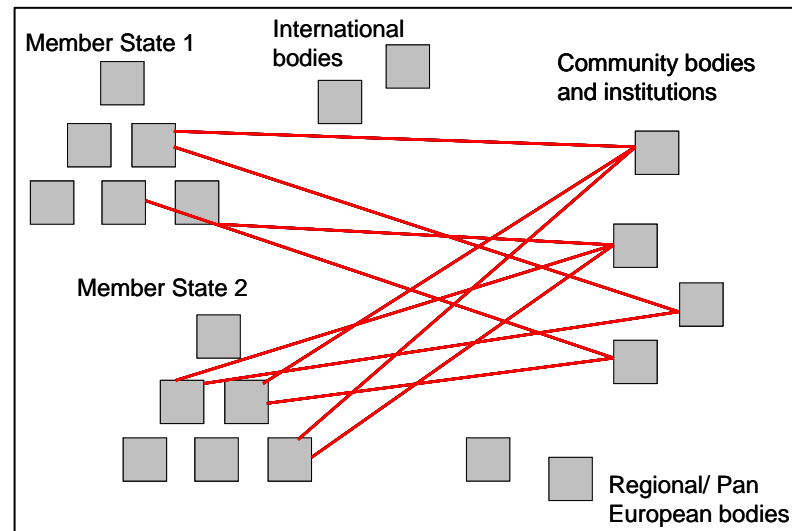
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- Data providers should review their arrangements for sharing data and services with other public authorities, other Member States' authorities and international bodies to see if they are compliant.
- If the arrangements are not compliant with INSPIRE, data providers should make them compliant
- **When?** As no specific dates are set in the Directive, it means it's effective from the moment the Directive comes into force. Directive came into force in May 2007, so arrangements should be made compliant now.

Sharing with the institutions and bodies of the Community

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- The general obligation for Member States to provide the institutions and bodies of the European Community with access to spatial data sets and services is already given by Article 17 of the Directive.
- Article 17(8) of INSPIRE Directive requires the development of implementing rules to regulate the provision of access to spatial data sets and services from Member States to the institutions and bodies of the Community.



Sharing with the institutions and bodies of the Community

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- Harmonized conditions of access to spatial data sets and services for the institutions and bodies of the European Community have been established in **‘Regulation on access to spatial data sets and services of the Member States by Community institutions and bodies under harmonized conditions’**.
- The Regulation amends the non-essential elements of the Directive by supplementing them. Therefore the Regulation only addresses access to data and services, as anything pertaining to the actual use of data and services is regulated by the Directive itself.

Regulation on INSPIRE Data and Service Sharing

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- **This Regulation establishes harmonised conditions of access to spatial data sets and services in accordance with Article 17 of the INSPIRE Directive.**
- According to the Regulation, each Member State must:
 - Give reasons for any limitation of sharing upon request (art. 2);
 - Use the definitions laid down in the Directive in any arrangements concerning access to spatial data sets and services (art. 3);
 - Allow Institutions or bodies of the Community to make spatial data sets or services available to contractors acting on their behalf (art. 4);
 - Put the conditions applicable to the Community institutions and bodies in the metadata (art. 5);
 - ...

Regulation on INSPIRE Data and Service Sharing

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- According to the Regulation, each Member State must:
 - Provide information for evaluation and use, on the mechanisms for collecting, processing, producing, quality control and obtaining access to the spatial data sets and services, upon request and where that additional information is available and it is reasonable to extract and deliver it (art. 6);
 - Where charges are made provide the basis for charges and the factors taken into account upon request (art. 6);
 - Provide access to spatial data sets and services without delay and at the latest within 20 days after receipt of a written request, unless otherwise agreed by mutual agreement between the Member State and the institution or body of the Community (art. 7).

Regulation on INSPIRE Data and Service Sharing

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- **When?**
 - Member States shall ensure that arrangements comply with this Regulation from eighteen months after its entry into force (= from October 2011)
 - Where arrangements for the provision of spatial data sets and services are in place on the date of entry into force of this Regulation, Member States shall ensure that those arrangements comply with this Regulation as from renewal or expiry of those arrangements, but not later than three years after the entry into force of this Regulation (not later than April 2013)
- The Community institutions and bodies must:
 - make every possible effort to avoid unauthorised use of spatial data sets and services.
 - not make the spatial data set or service available to any other party without the written consent of the original data or service provider.


Guidance on Data and Service Sharing

Guidance on the Regulation

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- Guidance on the 'Regulation on access to spatial data sets and services of the Member States by Community institutions and bodies under harmonised conditions'

- **Relationship between documents:**
 - The Directive requires sharing of data and services in a number of situations
 - The Regulation only applies to access to data and services by Commission bodies
 - The Guidance is intended to assist with the Regulation, but can be used more widely for all data and services sharing required by INSPIRE



INSPIRE
Infrastructure for Spatial Information in Europe

Guidance on the 'Regulation on access to spatial data sets and services of the Member States by Community institutions and bodies under harmonised conditions'

Title	Guidance on the 'Regulation on access to spatial data sets and services of the Member States by Community institutions and bodies under harmonised conditions'
Creator	DT Data and Service Sharing
Date	05/01/2013 (revision)
Subject	Access to spatial data sets and services of the Member States by Community institutions and bodies
Status	Final
Publisher	European Commission
Type	Text
Description	Guidance on access to spatial data sets and services of the Member States by Community institutions and bodies under harmonised conditions
Contributor	Drafting Team Data and Service Sharing, European Commission
Format	PDF
Source	Not applicable
Rights	Public
Identifier	DSBGuidanceDocument_v5.0.docx
Language	EN
Relation	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) COMMISSION REGULATION (EU) No 280/2010 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards the access to spatial data sets and services of the Member States by Community institutions and bodies under harmonised conditions

Coverage: Not applicable

These are Dublin Core metadata elements. See for more details and examples <http://www.dublincore.org/>

What's in the Guidance?

- The first part of the Guidance provides guidance and information about the provisions of the Regulation, in order to clarify the scope, meaning and background of these provisions.
- The second part provides further advice and guidelines which can help the Member States to create a harmonized approach to the provision of spatial data sets and services to the institution and bodies of the Community.
 - 'INSPIRE use'; Public Access to data and services supplied under INSPIRE; Reporting obligations from the Member States; Emergency access and use; Access management for services; Acknowledgement of intellectual property rights; Charging for spatial data sets and services; International data sets and services; Provision of spatial data sets and services by other entities; **Coordination**; Links to other Directives
 - **Licensing**

Coordination

- Streamlining of the sharing procedure covering both the licensing process and the provision of access is required
- To put in place a structure to improve the efficiency of data and service provision from the Member State to the institutions and bodies of the Community.
- Technical solutions supporting streamlining are geoportals and public data portals.
- Good practice: to assign the responsibility for contacts between the Community institution and/or body and the relevant public authority of the Member State to the national contact point or any other single responsible organisation.
- Streamline the process for institutions and bodies of the Community to obtain access to spatial data sets and services

Licensing

- Licenses are mechanisms to give organizations and people the permission to use spatial data sets and services. A license is legally binding, and defines the conditions of use of the related spatial data sets and services.
- A license can take many forms: e.g. e-mail, a non-transactional statement on a webpage, a click licence, or a licence agreement signed by all the parties involved.
- Use of a formal written or electronic license is not mandatory and the supplier may choose not to use one. If no written license is used when data is shared under the INSPIRE Directive, the Directive will apply, and if it is provided by a Member State to a Community institution or body, the Regulation on data and service sharing shall apply.

Licensing

- To allow a timely response to any request for spatial data sets and services, the licences needed to share these resources should be discussed and prepared internally before an actual request is made.
- To ease the communication and respect the deadlines given by the legislation, it might be useful to prepare the licence agreements in English beforehand.
- Member States and their public authorities are encouraged to make **framework INSPIRE agreements** on data and service sharing with the institutions and bodies of the European Community prior to the need for data or services.
 - Providing an agreement for each delivery (single licences) can be an obstacle at the point of use.

Licensing

- If framework INSPIRE agreements are not available, the Member States or the public authorities are encouraged to use the Basic or the Specific template INSPIRE licence included in the Annex to the Guidance, as a basis for their own licences to achieve maximum harmonisation.
- The **Basic INSPIRE Licence** applies when spatial data sets or services can be used free of charge under the conditions in the INSPIRE directive without further restrictions or conditions.
- The **Specific INSPIRE Licence** template can be used when a Member State public authority wishes to grant the Community institution or body specific additional rights of use or wants to impose specific additional conditions on that use and/or charges.

Basic INSPIRE licence

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- Enables access to the spatial data sets and services under basic INSPIRE conditions **without any further restrictions or conditions and free of charge.**

- Contains two parts:
 - first part that covers all the clauses that apply to spatial data sets and to spatial data services
 - 2 separate sections, one containing the clauses that apply only to spatial data sets and one containing the clauses that apply only to spatial data services.

- For spatial data sets the Basic Licence is perpetual, while for spatial data services the licence terminates when the service is discontinued

Basic INSPIRE licence

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- Can be applied in several ways
 - ▣ Can be simply referred to a website it appears on
 - ▣ By reference to correspondence on access
 - ▣ On a CD/DVD with the data on
 - *the user does not need to enter into a separate agreement with the right holder*
 - *the user accepts the licence just by using the work.*

- ▣ The Basic INSPIRE Licence may also be used as a 'click-licence' prior to download of a data set.

Specific INSPIRE licence

- If the Member State or its public authority needs to **include restrictions or wants to set further rights of use**, then a Specific INSPIRE licence should be used.
- Specific INSPIRE licence template allows the Member States or the public authorities to **specify a number of harmonised options**
- Needs to be completed by the parties to customize it for the provision of access to a particular data set or service.
- Also contains two parts: general part and 2 separate sections, one containing the clauses that apply only to spatial data sets and one containing the clauses that apply only to spatial data services.
- Can be used as as paper-based or published licenses (website, e-mail, etc.) or as a click-licence

Specific INSPIRE licence

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- **How to use it?**
 - Harmonization (1): Many of the sections in this template licence can be included word-for-word.
 - Customization: Some of the sections leave options to choose from and others can be filled out according to the specifications given in the explanatory text between the [] brackets.
 - Harmonization (2): choose one of the given options where they are given a choice, and fill out the details that are required in the fields that are left open

Framework INSPIRE Agreement

- Licensing agreement between more than two organisations concluded prior to the datasets or services being required
- Maybe involve one or multiple data sets or services
- Benefits for providers and users:
 - reduces the efforts of establishing data sharing agreements
 - requires the management of only a small amount of contracts, and, where required, financial transactions
 - *the more public authorities and data sets can be included in a single arrangement, the more transparent and smooth sharing becomes for the endusers.*
- Preparatory negotiations require time and efforts
- **Use the terms of the Basic or Specific INSPIRE licence agreements as far as possible in setting up a Framework Agreement**

Framework INSPIRE Agreement

- Elements that should be covered/considered in framework agreement:
 - **Licensing:** comprise the requirements laid down by the INSPIRE Directive and the Regulation, but possible to vary in individual specifications
 - **Duration and renewal:** cover a longer period of time (at least 1 year), aim should be 'access and use on a continuous basis'
 - **Openness:** flexible mechanism to include new partners in the future should be foreseen
 - **Private participation:** ideally a high fraction of stakeholders should be covered, also including private partners
 - **Stepwise implementation:** start with a limited number of datasets, focusing on key datasets (needed for many administrative tasks/processes)

Sections of the INSPIRE licences

	Basic INSPIRE Agreement			Specific INSPIRE Agreement		
	Common part	+ for dataset	+ for services	Common part	+ for dataset	+ for services
Preamble	✓			✓		
Parties				✓		
Definitions	✓			✓		
Subject		✓	✓		✓	✓
Grant	✓			✓		
Allowed Use	✓			✓		
Public Access				✓		✓
Unauthorised Use	✓			✓		
Acknowledgement		✓	✓		✓	✓
Warranties	✓			✓		

	Basic INSPIRE Agreement			Specific INSPIRE Agreement		
	Common part	+ for dataset	+ for services	Common part	+ for dataset	+ for services
Security	✓			✓		
Liability	✓			✓		✓
Conformance					✓	✓
Price/Payment	✓			✓		
Access/Delivery	✓			✓		
Personal data	✓			✓		
Assignment				✓		
Sub-contracting				✓		
Force Majeure	✓			✓		
Contact Persons				✓		
Conflict resolutions	✓			✓		
Applicable law				✓		
Termination		✓	✓	✓	✓	✓

Modular approach

- Fixed text

Pricing and payment

The licence is free of charge.

- Fixed with insertion

Parties

The parties are **[MS or public authority]** represented by **[Name of the representative]**,

- Options

Termination

Option 1: This Licence can be terminated by the Parties with 60 days written notice by registered mail.

Option 2: This Licence will terminate at the end of the licence period as specified in **Schedule 13**.

Option 3: This licence is perpetual.

- Free text

Schedule 4 – End User Licence/Agreement for public access (optional)

This schedule will contain the Licence/Service Level Agreement to be used.

How to create your own licence?

- **Questions to ask:**
 - Dataset, service or both?
 - Will the Basic Licence suffice?
 - If not, what are my specific requirements?
- Add the modules to your basket to make up the agreement



Simple Example

“I want to publish a WMS of my data with no further restrictions”

	Basic INSPIRE Agreement			Specific INSPIRE Agreement		
	Common part	+ for dataset	+ for services	Common part	+ for dataset	+ for services
Preamble	✓			✓		
Parties				✓		
Definitions	✓			✓		
Subject		✓	✓		✓	✓
Grant	✓			✓		
Allowed Use	✓			✓		
Public Access				✓		✓
Unauthorised Use	✓			✓		
Acknowledgement		✓	✓		✓	✓
Warranties	✓			✓		
Security	✓			✓		
Liability	✓			✓		✓
Conformance					✓	✓
Price/Payment	✓			✓		
Access/Delivery	✓			✓		
Personal data	✓			✓		
Assignment				✓		
Sub-contracting				✓		
Force Majeure	✓			✓		
Contact Persons				✓		
Conflict resolutions	✓			✓		
Applicable law				✓		
Termination		✓	✓	✓	✓	✓

Good practice in data and service sharing

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- **Report on “current best practices and models for data policies” covering sharing both within and between States.**
- Practices in the report do not only address data sharing according to Article 17(8) of the Directive, but data sharing in general and public access
- 8 topics critical to a successful data and service sharing arrangement:
 - Coordination (of data and service sharing)
 - Framework Agreements
 - Transparency (on the data)
 - Licences
 - Charging mechanisms
 - Public Access
 - Emergency Use
 - Third Party Data



Coordination

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- **The provision of a sustainable structure to develop, facilitate and streamline the sharing of data and services.**
- Why?
 - ▣ Essential step towards facilitating access and use of spatial data sets and services.
- Criteria:
 - ▣ A clearly defined and well-communicated policy for co-ordination
 - ▣ Measures for efficient communication between the stakeholders, horizontally as well as vertically
 - ▣ Clear and transparent information to existing and potential new stakeholders
 - ▣ Measures for effective sharing across levels of government
 - ▣ Practical support is provided
 - ▣ Administrative and technical infrastructures are provided

Framework agreements

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- **An arrangement that includes two or more partners and covers the conditions for access and use of one or more data sets and service established prior to use (*see before*)**
- Why?
 - ▣ Removal of obstacles at the point of use
 - ▣ Reduces the effort of establishing data sharing agreements
- Criteria
 - ▣ Fewer obstacles at the point of use
 - ▣ Harmonized licences
 - ▣ Reduced effort to put licences in place
 - ▣ Clear processes for making decisions relating to the Agreement
 - ▣ Provision of a forum for exchange of information

Transparency

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- **Important information is readily accessible and that it is widely spread and communicated to all stakeholders**
- Why?
 - User can evaluate whether the available data or service meets his needs and requirements
- Criteria
 - Up-to-date and available metadata
 - Additional technical information to allow assessment for fitness for purpose
 - All conditions of use are clear, complete, published online and available for the public
 - Clear contact details and speedy process for acquiring further information
 - Multilingual information available if needed

Licenses

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- **Tools to specify the terms that apply to a data sharing arrangement** (*see before*)
- *Why?*
 - ▣ To define the conditions of use of the related spatial data sets and services.
- **Criteria**
 - ▣ Well defined licensing policy in place
 - ▣ Clearly specified terms in the licences: same terms for all users
 - ▣ Standard licences: reduced number (for different types of users and different types of use), harmonised terms
 - ▣ Fast licensing procedure: licences do not have to be negotiated ad hoc and the procedure for signing them is swift

Charging mechanisms

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- **Article 17.3 of the INSPIRE Directive allows public authorities to make a charge for spatial datasets and services under certain conditions**
- Why?
 - Charges made do not constitute an obstacle at the point of use
 - The mechanism used suits the type of use and is cost effective to operate
 - Charging mechanism is clear to the user and can be explained and justified
- Criteria
 - Appropriate metrics: different approaches possible, but resulting charges should not be an obstacle at the point of use
 - Pricing mechanism, fees and factors are clearly described and published online
 - Cost effective administration of the charges: only small percentage of revenues through charges are required to cover administrative procedures

Public access

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- **The ability of the public to discover, view and download information and data and to use available services and data**
- Why?
 - Citizens should be able to easily find information, to view the spatial data sets and to use the spatial data sets and services without too much difficulty.
- Criteria
 - Awareness by public that data and services exist: central portal with registries and search engines
 - Clear process for the public to access data and services: clear and user-friendly information on how to obtain access
 - Online access wherever possible

Emergency use

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- **Emergency use is the use of spatial data in case of disaster** (*i.e. an event that causes serious disturbance of public order and security, great loss of human lives, deterioration of health, ecological destruction or severe material damage and requires a coordinated response*)
- **Why?**
 - Normal procedures for obtaining access to data sets or services often too slow
 - Data producers should have procedures to make their data available without delay in emergency situations.
- **Criteria**
 - 'Emergency' and any related terms clearly defined
 - Licenses should include processes for emergency use
 - Where licences do not exist there should be a mechanism to allow emergency access and use
 - Clear emergency procedures and regular tests of the process
 - An effective communication to advertise the emergency process
 - Short response times for emergencies
 - Easy post-emergency licensing (if required)

Third party data

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- **Data for which a third party holds intellectual property rights**
- Why?
 - Public authorities often hold third party data as part of their datasets; e.g. data or data items with source from another organization or volunteered information
 - Not restricting the use and value of the data, while ensuring that the IPR owners' rights are not infringed
 - At least clear arrangements for INSPIRE use should be available
- Criteria
 - Policy in place on third party data: minimal additional restrictions should be the default
 - use rights and conditions in place for INSPIRE use of all third party data: revision of existing pre-INSPIRE agreements and inclusion of INSPIRE use and the arrangements for it

Part 4

INSPIRE and open data

Open data

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- **Data that can be freely used, reused and redistributed by anyone**

- “The goals of the open data movement are similar to those of other "Open" movements such as open source, open hardware, open content, and open access”

- Why should government data be open?
 1. Transparency, accountability and participatory governance
 2. Leverage the potential of government data through the development of applications and services
 3. More efficient and effective information provision and service delivery

8 principles of open government data

1. Complete

- ▣ All public data is made available. Public data is data that is not subject to valid privacy, security or privilege limitations.

2. Primary

- ▣ Data is as collected at the source, with the highest possible level of granularity, not in aggregate or modified forms.

3. Timely

- ▣ Data is made available as quickly as necessary to preserve the value of the data.

4. Accessible

- ▣ Data is available to the widest range of users for the widest range of purposes.

8 principles of open government data

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5. Machine processable

- ▣ Data is reasonably structured to allow automated processing.

6. Non-discriminatory

- ▣ Data is available to anyone, with no requirement of registration.

7. Non-proprietary

- ▣ Data is available in a format over which no entity has exclusive control.

8. License-free

- ▣ Data is not subject to any copyright, patent, trademark or trade secret regulation. Reasonable privacy, security and privilege restrictions may be allowed.

- ▣ *Compliance must be reviewable.*

Public access in INSPIRE

- Issue of public access is addressed in chapter 4 of the Directive
- Member States need to establish a network of discovery services, view services, download services, transformation services and invoke services for their spatial data sets and services and **these services need to be available to the public and accessible via the Internet or any other appropriate means of telecommunication** (*art. 11*)
- Public access to discovery services needs to be free of charge. This also applies to view services, unless charges would secure the maintenance of the spatial data sets and services, particularly in cases involving very large volumes of frequently updated data.
- Other services, such as download services, can be charged for by the public bodies without any restrictions.

Public access restrictions

- Access to services can be limited under certain conditions which are laid down clearly in the Directive (art. 13).
- Access to discovery services can only be limited when “such access would adversely affect international relations, public security or national defense”.
- Access to the other type of network services and the corresponding spatial data can, besides the already mentioned reasons for discovery services be limited for various reasons: e.g. to protect personal data, for IPR reasons, or to protect rare species/habitats. However such limitations “shall be interpreted in a restrictive way” and “the public interest served by disclosure shall be weighed against the interest served by limiting or conditioning the access”.
- These limitations “shall be interpreted in a restrictive way” and “the public interest served by disclosure shall be weighed against the interest served by limiting or conditioning the access”.

Public access policy

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- **Good practice in data and service sharing:**
 - Citizens should be able to easily find information, to view the spatial data sets and to use the spatial data sets and services without too much difficulty.
 - The public authorities should make their data and services available in a way that makes it easy for the citizen to obtain access.
 - Use conditions and charges should be presented in an understandable way.

- Criteria of a good 'public access policy' are (see before):
 - Public is aware that data and services exist:
 - Clear process for public to access data and services:
 - Online access wherever possible:

Commercial re-use

- Directive strongly focuses on data sharing within the public sector
- The issue of ‘commercial re-use’ of spatial data and services by companies is not directly addressed in the Directive and related regulation.
- Importance of stimulating the development of added-value services by third parties is recognized: *“With a view to **stimulating the development of added-value services by third parties**, for the benefit of both public authorities and the public, it is necessary to facilitate access to spatial data that extend over administrative or national borders”*.
- In other terms, there is a need for providing third parties access to data and services with conditions that do not restrict the use.
- It should be noticed that the Directive tackles several barriers to the - commercial – re-use of data and services

Commercial re-use

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- A **central access point** is developed where users can discover all available data and services of all Member States and also view most of these data and services free of charge;
- Also **download services** for the spatial data sets and services and these services need to be available to the public, but can be charged for by the public bodies without any restrictions;
- Data providers need to **provide information on the conditions** applying to access to, and use of, spatial data sets and services and on the corresponding fees (where applicable);
- Data need to be made available **harmonized** to the INSPIRE data specifications.

Open data approach

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- ❑ Public authorities should decide whether data will be available for commercial re-use, and under which conditions.
- ❑ Harmonization: recommended to define a government-wide policy on open data (also non-spatial data), including a set of standard licences, that can be applied to different data sets.
- ❑ It can be proposed to resolve this issue stepwise: e.g. starting from some spatial data sets for which an open data policy will certainly be applied.
- ❑ Alternative approach: open data as the 'default', governments should communicate and explain why their data are not open

Basics of INSPIRE Data & Service Sharing

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Source:

smeSpire project, KU Leuven, Ordnance Survey



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