OPEN DATA TECHNOLOGY, PRACTICES AND POLICIES

Geospatial World Forum Conference
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Where do we stand with open data?
Road Map

- Open data and the City of The Hague – Isabella Tonioli, Advisor GIS Municipality of The Hague, The Netherlands
- Enhance your Spatial Web Services with Analytics - Case LNE - Marleen Van Damme, Coordinator of DOV and MercatorNet, The Environment, Nature and Energy Department in Flanders, Belgium
- Auditing the quality of the Key Register Topography in the Netherlands - Maarten Storm, Geo Information Specialist, Alterra, Wageningen University, The Netherlands and Richard Witmer, Product Manager Topography and Imagery, Kadaster, The Netherlands
- Standards and Business Models for sustainable growth in the Data Market Keiran Millard, Standards Consultant, BSI Group (British Standards Institution), United Kingdom
- ENERGIC-OD: Business model opportunities in the open data space - Jedrzej Czarnota, Research Analyst, Trilateral Research, United Kingdom
- Plenary discussion, or....
- Open data law: untangling the legal labyrinth - Marc de Vries – open data veteran, advisor to Geonovum, the Netherlands
Before we kick off...

• Why is there difference between vision and reality, and who should do what?
• To me Open Data is like ...
• Each speaker has 15 minutes tops
• Signs when 5 minutes left, 2 minutes left
• At 0, it stops...
• If not finished, it may come up at plenary
To me open data is like...
OPEN DATA LAW:
UNTANGLING THE LEGAL LABYRINTH

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Semantics Open Data

Data in public domain
- Facts
- Blogs
- Wikipedia
- LinkedIn
- Facebook
- Open Street map

Open data
- Legislation
- Statistics
- Case law
- Official maps
- Business registers
- Cadastral data
- GMES data

Public sector information
- State secrets
- Trade secrets
- Personal data
Legal Building Blocks Open Data
The re-user perspective
So what rules actually apply?

1. access?
2. accessible?
3. limitations?
4. Level playing field?
5. enforce?

- INSPIRE Directive
- Aarhus Convention
- 2 PSI Directives + General EU competition law
- Sectoral competition law
- Privacy Directives
- Copyright and Database right Directives
- Copyright law
- rules on civil and administrative procedures

Public interest

Private interest

National competition rules

national legislator
The interplay in the framework on Open Data:

the Open Data utility equation

\[ f(\text{OD Utility}) = \left( \frac{\text{Access}}{\text{accessibility}} + \text{Level playing field} \right) \exists \text{Enforcement Limitations} \]
So what are the issues open data law?

- Public task domain
- Outside public task

Create → Collect → Distribute → Re-use

Access accessibility

\[
f(\text{OD Utility}) = (\text{Access and limitations: privacy}) + \text{Level playing field}) \exists \text{Enforcement}
\]

- Accessibility – public task?
- Ownership and liability?
- Role of govt: control vs monitoring
- What anchors?
Thank you!

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PSI-conomics - the theory...

Economic characteristics of PSI:

• Non-rivalry good: value $A = value \ B = value \ C$...
• Non-exclusionary good: $A = A - Z$
• Production costs: 1st copy costs high, 2nd copy costs low
• 1st copy costs: public task, sunk costs
• Distribution costs: close to 0
• Transaction costs: relatively high (administration + monitoring and enforcement of IPRs)
• Monopoly providers, no substitutes, high quality so price elasticity is expected to be $> 1$

Conclusion:

• PSI-conomics point to no/marginal charges, maximizing macro socio-economic benefits
Own PSI exploitation reliance trap

Public task use → Re-use

Coverage
- State budget
- Sales of data (and added value) to users

Public sector body
- Activities
- Cross subsidies blurring public and re-use business case
- raw PSI

Private sector re-user
- Upstream: Restrictive licences + High charges for raw data
- Downstream: Low prices for added value

Commercial exploitation