



An Roinn Airgeadais
Department Of Finance

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22 November 2005

E159/110/02

Circular 32/05: Re-use of Public Sector Information (PSI)

A Dhuine Uasail

1. I am directed by the Minister for Finance to refer to **Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information and to the European Communities (Re-Use of Public Sector Information) Regulations 2005 (SI 279 of 2005)** which transpose the Directive into Irish law and which came into force on 1st July 2005.
2. The rationale of the Directive is that the public sector in all EU countries holds large amounts of data and this data should be seen as a potentially valuable resource, which could be used to create new products, businesses and employment. The Directive sets out a harmonised framework within which public sector data from across the EU can be accessed.
3. The Directive refers to the supply of data in pre-existing format or language, and does not apply to the supply of data on which substantial work has to be done to prepare it for release. If requests for data of this nature are received, public sector bodies should give sympathetic consideration to whether it is possible to deal with the request under other legislation.
4. The Regulations apply to non-commercial public sector bodies generally, with certain exceptions, notably educational, research and cultural organisations, and accordingly **each Department/Office should bring this Circular to the attention of bodies under its aegis.**
5. The Regulations do not affect existing regimes in respect of copyright, intellectual property, protection of personal data or Freedom of Information, and do not permit the release of information in a manner that is otherwise prohibited by law. Public sector bodies are not compelled to provide, or to continue to provide, information.
6. The practice has grown up in recent years for most public sector bodies to make a great deal of information available without charge through their web sites. These activities are fully compatible with the Directive, even though such documents can be obtained without making a formal application as provided in the Regulations.

Actions recommended:

7. All Departments/Offices and relevant bodies under their aegis should assign responsibility to an officer for matters arising under these Regulations.
8. Existing practices, if any, in relation to the supply of information for re-use, commercially or otherwise, should be reviewed, and adjusted if necessary, in order to ensure that they comply fully with the Regulations.
9. Consideration should be given to formulating policy in respect of the conditions, if any, under which material is released. It should be noted that the rights of the copyright holder remain in force even when free access is given. Although copyright in respect of documents created by public sector bodies rests with Government rather than with the individual body, it is considered that the Regulations in effect delegate copyright to the originating body.
10. A standard licence for the re-use of data or documents has been prepared (Appendix). The Regulations do not make use of the standard licence obligatory and where circumstances require, particularly if re-users are being charged fees, public sector bodies may wish to use a licence drawn up to meet their specific needs.
11. It is also recommended that public sector bodies should place on their web sites a statement to the effect that use of documents from the site is subject to the terms of this licence, without the need for users to make an application. The statement should be in the form "Information and documents obtained from this website may be reproduced and/or re-used subject to the latest PSI licence available at www.psi.gov.ie." This statement serves as a reminder that copyright remains in force and sets minimal conditions on the use of the information.
12. Particularly where a public sector body generates documents or data that may have commercial value, consideration should be given to the policy to be followed, including what type of material to make available and how charges, if any, are to be calculated, and whether free, or very low cost, access might be given to some classes of applicants.
13. In determining charging policy, care should be taken to balance the potential benefits from increased economic activity which may arise from re-use of data, payments from applicants for re-use, potential threats to existing revenue streams, and any possible increase in costs to the Exchequer.
14. In general, where charges are made for physical search, photocopying etc. these should be consistent with FOI charges.
15. Fees received for re-use of data should be accounted for as Appropriations in Aid.

Actions Required:

16. Under Regulation 4 of the **European Communities (Re-Use of Public Sector Information) Regulations 2005 (SI 279 of 2005)** public sector bodies are obliged to supply to the Minister for Finance, information in such format as he may specify and in particular, information enabling the Minister to make arrangements to facilitate search for documents available for re-use.

17. Accordingly I am to say that all public sector bodies covered by the Regulations should **take immediate steps to create a page on their existing web-sites providing, as a minimum, the following information:**
- a) The name and e mail address of the officer nominated to take responsibility for this area
 - b) A statement of policy on release of data, details of the charging regime, and a listing of data, or classes of data, available for re-use, with the applicable prices and licence conditions
 - c) A link to the Manual produced under Section 15 of the Freedom of Information Act
18. To assist in facilitating the search for available data, the Department of Finance has established a central web-site (www.psi.gov.ie), which will provide links to the Public Sector Information web pages for Departments/Offices and all relevant public sector bodies. The site will also contain the text of the Directive and Regulations, as well as the standard licence.
19. **I am to add that Departments/Offices and all relevant public sector bodies should send the address of their PSI web page to psi@finance.gov.ie so that a link can be established on the central site.**

Review of the Operation of the Directive:

20. The EU Commission is to carry out a review, before 1 July 2008, of the application of the Directive. Accordingly, all relevant public sector bodies should ensure that adequate records are maintained of applications for re-use, refusals of applications (including grounds), appeals, prices charged etc.

Queries

21. Officers should address queries in relation to this Circular to the following E-mail address psi@finance.gov.ie.

Mise le meas

Jim Duffy

Assistant Secretary