



EBLIDA Response to

Public Sector Information: a key resource for Europe - Green Paper on Public Sector Information in the Information Society [COM (1998) 555] EC, 1998.

EBLIDA is a federation of professional associations representing librarians and specialists in the provision of archival, documentation and information services in all countries of the European Union and geographic Europe. Information professionals by definition are uniquely well qualified to identify, locate and provide access to public sector information within their own countries, using both traditional methods for print media and state-of-the art digital technologies and metadata. Moreover, they work according to a code of professional ethics which provide clear and specific guidelines on balancing conflicts of interest and serving the public interest.

EBLIDA exists to share information and best practice in the provision of access to users, and to lobby at European level for fair balance for users. This is an increasingly important role at a time when information providers are becoming over-protective in their custodianship of information that used to be in the public domain, or that ought to be in the public domain. EBLIDA believes, as one of its underlying philosophical principles, that providing sufficient access to information is in the public interest on a number of fronts. It fosters education, research, and training, which are vital to underpin the development of a sufficiently skilled workforce and a healthy economy on the one hand. It fosters good citizenship, democracy and accountability on the other. In the context of public sector information, EBLIDA regrets the tendency to confuse moral rights with copyright and asserts categorically that core public sector content must not be subject to copyright regimes, and hence, charging.

As information professionals, the professional associations in membership of EBLIDA are more aware than the public of the costs of producing information resources and services. They would not wish to undermine the value of services by leading the public to believe that everything should be 'free'. At the same time, EBLIDA was established to restore the balance of public interest at a time when, because of the potential of digital technology to turn every consultation of a database or information source into a potential fee-charging transaction, that balance between providers of the information on the one hand and their users, the public, on the other was in danger of being distorted to the detriment of the wider public interest.

Clearer definitions required

EBLIDA, like its member associations, welcomes any initiative which recognises and promotes awareness of the vital role of information professionals in modern democracies. But it extends only a cautious welcome to the Green Paper on Public Sector Information, which appears to have confused a number of issues. One of these, the one appearing to be driving this particular consultation, is the matter of facilitating the operation of the internal market, and increasing European competitiveness by promoting easier access to business information.

The second issue is the broader one of Freedom of Information (and the subsidiary matter of data privacy) and the opening up of the processes of government to greater public scrutiny and accountability. In the view of EBLIDA as a whole, by appearing to group all types of public

information under one heading, but being concerned primarily with business information and the provision of enhanced business information to the commercial sector and commercial enterprises, the Green Paper, wittingly or unwittingly, plays down the immensely important matter of governments' communications with their citizens, of equal access to that government information, and of the accountability of public bodies to citizens in democratic states.

The consultation through the Green Paper on Public Sector Information has, therefore, caused considerable concern in this community because of the inadequate and cursory way in which two huge areas of public policy have been brushed aside in this exercise. The matter of citizens' information, and the matter of freedom of information, should, this community would argue, be further addressed, if the European Commission believes that, for the health of democracy, it is desirable to establish some minimum criteria at the transnational level.

Need for greater access to citizens

An overwhelming majority of the members of the professional associations representing information professionals in all the countries of the EU (and Europe in general) believe that efforts should be made to make as much government information as possible available to citizens in the interests of accountability. They also believe that because much of this information could be presented more transparently, and located, accessed and navigated more easily, that help should be sought from the professional associations representing professionals in information management. These can engage their members. Existing transnational consultative bodies like EBLIDA should be utilised wherever possible to co-ordinate activities. It will be absolutely essential to obtain the help of professionals in information management to ensure that the public get the maximum possible access to information compiled for and about them because of the technical difficulties of establishing standards for searches across databases in many languages. [The technical difficulties have been outlined clearly in the response from ADBF and will not be repeated in detail here].

In addition to their technical skills, professional librarians and information managers are dedicated through the professional ethics to ensuring that the public obtain information that, in a democratic society, they ought to have. They are also the best qualified to present the information in a form that is accessible to the general public and in training the public to locate what they need for themselves.

Need for universally agreed functional definition of 'public information'

EBLIDA believes, firstly, that a major consultation does need to take place to establish basic minimum ground rules on what, exactly, constitutes 'public information'. This is because much data of recognisable public interest is collected by different agencies in public and private sector in different countries. While there is little difference of opinion over what constitutes 'core' data (primary legislation, for example) a huge amount of secondary data may be classified as public in one country and private sector data in another. Professionals do need to know what is available. If they are aware of what is available in one country but may not be available in another, they will at least be able to provide guidance to 'foreign' clients, seeking information that they might be able to obtain at home. Only by comparison will it be evident when data is 'missing', or if 'additional' information is or ought to be available. This attention to actual content and its availability (in any form - paper or digital) should not be neglected.

Dangers of over-emphasis on charging

EBLIDA's response has been compiled by colleagues in the UK and Ireland, but drawing extensively on contributions from colleagues in different countries of the EU. The English-speaking countries of the EU have been much preoccupied in the last three or four years with public policy reviews concerning the provision of government information to citizens, and with freedom of information legislation. In the case of Britain, the UK Government has reviewed the potential to exploit its 'own' copyright in material it has compiled on behalf of the public. The results of this exercise were published in March this year. The British Government has taken the

line that it should be possible to claw back some of its costs in compiling the data by licensing its exploitation by the commercial sector (for a fee) whenever possible. This emphasis on recouping costs has resulted in a position which falls far short of the US model of openness. This position is not endorsed by many information professionals or librarians, most of whom take a much more liberal view. The UK Government's position has been influenced by the high level of publicity in the English-speaking world being accorded to the tendency to view the information generated by organisations as an economic asset. EBLIDA members, on the other hand, believe that citizens have rights of access to basic content, and should only be charged for the cost of reproduction or transmission. Fees should only be generated if the data is enhanced by commercial publishers, or if the data or information requested is genuinely difficult to compile. When commercial enterprises charge for their subsidiary products, the fee should cover costs of enhancement and presentation, but not the core data itself. The principle of free access to individual citizens to the raw data should not be compromised.

Freedom of Information legislation not enough

It is, nonetheless, a fact that when Freedom of Information legislation exists, this does not, by itself, guarantee that civil servants will be in a position to produce information about their activities in a form suitable for publication, even if they can make available information about what they do. Publication for the public is a very different matter from making internal information available to informed insiders. It requires a different approach to accountability and useful examples may be observed in countries with long traditions of Freedom of Information, such as Sweden (which has had a Freedom of Information Act since 1766, last amended 1994) and the United States (which has had a Freedom of Information Act since the 1960s).

Paramount role of information professionals in preparing material for digital publication

EBLIDA does not wish to downplay the importance of some of the controversial debates on the amount of information which should be disclosed by government departments in the public interest. These matters are of genuine concern. However, EBLIDA believes there is another set of issues concerning the facilitation of access to information which is indisputably in the public domain, but difficult for non-specialists to find or obtain. These issues must be addressed. They concern presentation, transparency and seamless navigability for users, even though the sources will inevitably be located on different servers and have been compiled by quite different government departments. These matters, which are of vital concern both to citizens and to new business start-up, are of primary concern in the answers to the detailed questions below. EBLIDA believes that in the matter of structuring data, devising search routines using natural language that lead non-specialist users to the data they want, librarians and information professionals are the undisputed experts and authorities and must be consulted by government agencies preparing their information for digital publication.

In some of these matters, which are practical implementation matters, EBLIDA endorses the pragmatic approach taken by the various individual professional associations. Where EBLIDA members as a whole believe that a different emphasis is more appropriate, this is indicated.

EBLIDA emphasises facilitation of access for citizens before economic exploitation of tradable content

It should be stressed that EBLIDA would wish to see far greater emphasis on citizens' information, citizen access to information, and matters of accountability than are expressed in the Green Paper. In any consultation on public sector information, these democratic principles should be the priority. Not only should citizens have greater access than at present to non-confidential data, but they should feel more inclined to look for information than they do at present because they are enabled to through the provision of appropriate tools. EBLIDA also believes that with regard to non-core data, it would be realistic to assume that the help of intermediaries will be required to aid non-specialist searchers.

These matter concerning the opening up of access to a general public are accorded only secondary importance in this consultation paper, which places heavy emphasis on the provision of business information, and the desirability of developing opportunities for publishers to exploit public sector information and 'develop' the content industry. EBLIDA believes that this emphasis and prioritisation is wrong. The question of exploiting 'tradable' information, is referred to in detail in for example the Institute of Information Scientists' and ADBF's responses. However, EBLIDA believes that these issues will not become a priority until basic and easy access for all citizens has been provided to an agreed set of core information and data. There is very uneven access to public sector information in different countries of the EU, and in some countries, there is very little direct access to digital information. Reference has been made by French colleagues to the different levels of charges made by telecoms providers, and the effect that this has had on the development of an information infrastructure. This has implications for a number of other sectors too, and needs to be addressed. The emphasis on passing certain categories of information to private sector providers and enabling them to sell it on - to those who can afford to buy it - may reduce what is already available to the public and limit rather than open up access. It should be remembered that in some countries many people do not yet have access at all.

EBLIDA believes that by focusing at this early stage on the economic potential for exploitation of some of the data and information collected by governments, there is a danger that the public interest may not be well served in matters of concern to all democracies. Dangerous precedents may be set.

Business information and access to it in Europe

EBLIDA agrees with the assessment of UK colleagues that in Europe at present, on the whole, information systems are less highly developed than those of North America, and that it is often difficult to establish what information is available, and from where to obtain it. This is, however, a matter of culture and context, not of technical capability. Efforts should be made at the transnational level to make it easier to identify all the rights, duties and procedures that permit a company to operate without difficulty in other European countries. All companies, whatever their provenance, should be able to obtain access to the information they need easily, in spite of language barriers. There should be no obstacles to trade and business activities due to a lack of information about EU rules. Additionally, they should be able to establish what statistical, financial and geographic information is available in different local conditions, without being hindered by not being from that part of the EU themselves. Data collected by Chambers of Commerce needs to be more accessible, and information professionals working in Chambers of Commerce across Europe should work to ensure that minimum standards of accessibility are met, and that non-national entrants to a local domestic market are not hindered through lack of easily locatable information. Information professionals in all the bodies represented in EBLIDA have an important role in helping to facilitate this.

In Europe making the necessary information more accessible to SMEs is particularly crucial because they have more limited resources than larger enterprises to devote to tedious, time-consuming and expensive searches for fragmented information. Facilitating this process of search is important because it will facilitate business expansion. This can affect job creation in sectors other than information. The issues that need addressing if this comparatively simple objective is to be accomplished, are highly complex and can only be resolved through collective action. Prospects for success will depend on whether there is a real will to drive forward the process by individual national governments. The costs of achieving a system of public access across the European Union, in some way equivalent to that currently operating in the United States, will be enormous. Individual national administrations may balk at the prospect of spending the money that will be necessary to achieve a more harmonised and navigable system of access.

Levels of information provision are unlikely to be of a uniformly high standard in all member states because they use quite diverse criteria and provide, even within individual nation states, quite uneven quality of cover when collecting statistical, economic and geographical data. However, more important than the quantity of information available is that what is there should

be readily accessible, on equal terms, to all who need to consult it.

Even if dealing only with 'business' information, the question of the type and extent of material to be designated 'public sector information' will need to be explored in much greater detail, if the Community decides to create community-wide metadata for public sector information, and a suitably powerful search engine enabling users in all countries of the union to obtain the information they need (about what is available) from any country in Europe. These issues are discussed and developed further under some of the individual headings below.

Equal access to what is there more important than equivalent content in all countries

In spite of the difficulties, and in spite of the apparent lamentable lack of concern about citizens' information demonstrated in this paper, the consultation exercise does provide an opportunity to establish some consistent standards of openness and transparency in public administration across Europe, and to lay the foundations for consistent, fair, transparent and universally applied rules governing access to information which is (or should be) in the public domain. EBLIDA members welcome this, but caution that the issues and technical problems associated with making information much more readily available to those who need to use it are hugely complex. They involve far more than 'just' the need to make more information available electronically, as some politicians commented when the Green Paper was published. If the public are to have easier access to public sector information, it will be essential to work very closely with information professionals and librarians in all countries of the Union (and partners in the rest of the Europe). Unlike government departments this profession has expertise in the presentation of information for access by the public, in its storage and retrieval, and its re-packaging for use by different communities of users.

1 Which definition of public sector is the most appropriate in your view? What categories of public sector information should be used in the debate?

EBLIDA endorses the position taken by all librarians and information professionals and confirms that the broadest possible functional definition is needed. The Green Paper offers a number of definitions of "public sector information" from differing perspectives. Three very broad categories of public information are referred to in the Green Paper, without any attempt to differentiate between them. Thus there is consultation about: **citizens' information**, whereby Government informs citizens to ensure that they know what they need to know in order to operate within the law. This includes legal, regulatory and administrative information, as well as information exchanged between government and governed for transactional purposes (concerning tax, licences etc). Secondly, there is **tradable information** (aggregated statistical data) compiled for planning purposes at both national and local levels; and finally the sort of detailed information that should be available for **research** purposes, about the process of government, the availability of information which informed government department policy decisions, and so on. This latter category is usually dealt with under debate about 'Freedom of Information,' and often concerns information that is not made available and published automatically, but which ought in a democratic society, subject to cost considerations which may determine fees, to be accessible to the public for reasons of accountability. All these types of public sector information are important and all should be included.

The Green Paper makes passing reference to the exemption of the judiciary and legislative bodies from certain requirements to publish and, since public access to material of this nature takes place in different local conditions within the Union, detailed discussion about this aspect of freedom of information will not be entered into here. EBLIDA members would be happy to contribute to the debate on these aspects of Freedom of Information at a later date, if this is appropriate.

As a broad statement of principle, however, information professionals as a profession believe that, subject to questions of national interest and security, and subject to genuine requirements of personal data privacy, (which are, on the whole, now well provided for under the EU's new Data Protection Directive) information about functions undertaken on behalf of the public and

paid for out of the public purse should be available for publication unless this would cause substantial harm. The profession would wish to endorse these ethical guidelines in the interests of openness, democracy, and accountability. In other words, if it is of concern to most citizens, it should be published. If it is of interest to a minority, but should be available in the interests of accountability, it should be possible to obtain it, while it will not necessarily be an obligation for the agency responsible to publish it.

As a subsidiary concern, EBLIDA members note the tendency in this Green Paper to look for opportunities to 'exploit' data for the content industries. EBLIDA cautions that this approach may lead to the abandonment of non-profitable publishing activity by government agencies even though publication is in the public interest. The possibility that this may become a trend is viewed with grave concern.

2 Do different conditions for access to public sector information in the Member States create barriers at European level?

If so, what elements are concerned: requirement of an interest, exemptions, time, format, quantity?

What solutions can be envisaged?

As the Green Paper itself demonstrates, there are **widely differing approaches to public information** among the 15 EU member states. As to whether different conditions for access to public sector information in the Member States creates barriers at the European level, this is probable, but needs more detailed research and analysis. It is certainly true that the different conditions for access (and differing degrees of ease of access) affect the flow of information. Practical considerations are as important as legislation, and some sectors are better served than others. Without more information, it is difficult to comment with authority on this aspect of the situation. If it transpires that there are barriers, ensuring that there is equal access to public sector information throughout the European Union would require action at the transnational level. The costs to individual governments would be high. Although this profession would endorse moves towards greater openness, it is by no means clear that there will be sufficient individual national political will to accomplish this because it is expensive to change the basis on which data is collected in order to facilitate easier access by the public.

Barriers to business operation - equality of access to what is available more important than the availability of equivalent information for all countries

EBLIDA endorses the view of UK colleagues that in terms of facilitating the internal market, the problem is not so much one of Freedom of Information (how much information should be made available about what activities) as of equal access for all players to what is already available in the public domain in each country. Far greater barriers are created to the operation of the internal market if privileged parties in a domestic market have access to more information than foreign concerns wishing to start up operations in what is for them a new market. Equally, the lack of clear guidance to regulations in a form navigable by non-local players presents a huge barrier to SMEs attempting to expand across their own national borders. Without transparent and simple guidelines to regulatory information at the local level, small enterprises will continue to operate at a disadvantage.

How much of what information should be provided?

Answering the second part of this question in the Green Paper (concerning the elements, the time, format etc of information) is difficult because it seems to be confusing elements from two separate sets of issues. Questions about time taken, format, quantity of data and cost are usually addressed in the context of Freedom of Information legislation, when governments consider such issues as requests for 'excessive' amounts of information. On the whole, these questions concern requests for information which governments are not already publishing, or publishing in the form desired, as part of their normal procedures, but which they are obliged to disclose to the public for reasons of accountability. EBLIDA members have suggested that it would be useful to review and revise the current EU guidelines on the cost of supplying

information. It would also be helpful if information professionals compiled inventories of what is currently provided in their national public information systems for comparative purposes. This exercise could usefully be conducted by information officers from, say, different national chambers of commerce. Some of the issues may be politically sensitive.

Freedom of Information legislation does not necessarily guarantee public access to information, and there is much evidence, anecdotal as well as research, indicating that civil servants' and politicians' concern about 'covering-up' may mean that controversial information that influences policy-making may never go on to the record. Given the apparently regressive legislation proposed recently in the UK (exempting from the obligation to disclose information, whole sectors of the public service where in the more recent past more openness has been encouraged) an attempt to harmonise Freedom of Information provision at the trans-European level, while desirable, would be no easy task. However, EBLIDA's core concern at this stage is with providing access to information which is indisputably in the public domain, is required by citizens or enterprises, and is currently difficult to obtain.

Business Information in different nation states - uneven quality of provision

From the point of view of business information alone (which is usually, if it is available and if its published, not a subject of controversy) there would certainly be advantages to establishing some Europe-wide minimum standards. Some types of statistical information about local populations might be very easy to obtain in one national context and very difficult in another. Very often, although there might on the surface appear to be Freedom of Information implications, a more likely explanation will be historic reasons for collecting information in a particular form.

EBLIDA agrees with the proposal that it would be useful to engage information professionals working in local Chambers of Commerce to conduct an information audit and agree minimum acceptable standards of presentation and availability for Member States' public information. At the very least, this exercise would raise awareness of the requirements and current operating difficulties of smaller enterprises operating transnationally.

Resolving the problem of the uneven quality of information available will not be easy, if, in fact, it is resolvable. There is a huge difference between recognition of the problem in principle, and changing the methods by which data is collected and information disseminated in practice.

EBLIDA members as a whole profession agree that the Green Paper grossly underestimates the scale of the problem when it suggests simply that converting more data into electronic format will improve ease of access. This cannot be achieved quickly, or without significant expenditure and effort. Converted information to electronic format, in a form that is accessible by a non-specialist public requires significant funding and specialist expertise.

Technical problems associated with publishing public sector information online

The technical infrastructure also needs to be in place. An underlying theme of the Green Paper concerns the increasing use of electronic delivery of information, particularly via the Internet. Internet service provision requires powerful Web servers, high bandwidth connectivity, and adequate backup in the event of system failure. Provision will be needed to keep up with growing levels of demand.

Users with direct access to the Web are also very unevenly distributed. Even in countries such as the UK where a high proportion of the population have Web access, a significant number of users (presently around 60%) have no immediate Web access. This level is higher in many other EU member states. Those who do have Web access are using a variety of equipment, different browser versions, different settings, etc. To be accessible, web sites need to be accessible by relatively low specification equipment and browsers.

Over and above this, there is the requirement to allow access to disadvantaged users. There

are special programs and hardware configurations that allow this, but Web site design needs to allow for this as well.

This would suggest that, for the immediate future at least, electronic delivery needs to be offered alongside viable mass-media alternatives.

**3 Could the establishment of European metadata (information on the information that is available) help the European citizens and businesses in finding their way in the public sector information throughout Europe?
If so, how could this best be realised?**

The simple answer to the first question here is "yes". There are currently a number of initiatives looking at the use of metadata as a means of describing (and thus locating more readily) various categories of information, in particular in electronic form. The problems here will be twofold:

1. agreeing on which particular approach to metadata should be adopted as the standard;
2. implementing the standard across the vast range of public information Europe-wide, in a consistent manner.

Professionals must be engaged in specifying, recognised standards must be used, and the help of information professionals must be engaged.

**4 What bearing do different pricing policies have on the access to and exploitation of public information?
Does this create differences in opportunities for citizens and businesses at European level?**

Pricing is a thorny issue in considering access to public sector information. Charging creates inequalities between enterprises and citizens. In certain circumstances, this inequality could provide obstacles to European integration. In the English-speaking world, the cost of access to value-added information has been determined by the market. Other models apply elsewhere. Information professionals are more aware than the public of the costs of gathering information and making it accessible, even though in many cases this cost may be negligible. As a profession they would never argue that it should all be 'free'. It is essential in the context of the European Union, that agreement should be reached on the minimum categories of information that should be available free of charge to the end user.

Making public information available requires proper public sector funding

Many of the EU's databases, which are now offered free, have in the past been offered for use on a charged-for basis. This allowed a network of support across Europe to answer questions on the data, its content and its accessibility. As the databases have become free of charge, the supporting infrastructure has vanished, and with it some of the accountability. If a user of one of these databases has a query now, it is difficult for them to know where to turn for help. A commercial model could easily be found which would allow for some form of support structure to be in place, but there is little sign that the consumer is willing to pay for this, certainly not at the individual level. European Governments will therefore need to address the problem of adequate funding for the agreed core data which needs, for civic reasons, to be offered to end-users free of charge.

There are dangers to the current tendency to offer individuals increasing amounts of information free of charge. Consumers are generally unaware that the underlying revenue model may be based on advertising, sponsorship or telecom revenues. Governments do therefore need to consider funding mechanisms for core public information and make appropriate budgetary provision.

Differential charging for individuals and enterprises not a practicable solution

Where it is agreed that charges should be levied there have been suggestions that a distinction should be made between the individual and the corporate or business user, particularly when concepts such as "affordable access" are discussed. Superficially this has some appeal. There is little doubt that the value to the corporate user of public information may far outweigh its cost. But it becomes increasingly difficult to differentiate between corporate and individual uses, as the distinction between home and workplace blurs. This may not be a very helpful model to develop.

Where opportunities do exist for private sector companies to exploit public information to their commercial advantage, usually via added value such as ease of retrieval, analytical tools, graphics, it is in the public interest that this should be allowed to continue. This is because it tends to produce much better information products. However, there should be universal conditions for commercial content providers concerning access to raw data. There should be no granting of exclusive licences. EBLIDA believes that the public should continue to have free access to "raw" data, but should pay for enhanced data, whether the enhancement is by the public or the private sector. This issue is addressed in more detail under Question 5 below.

5 To what extent and under what conditions, could activities of public sector bodies on the information market create unfair competition at European level?

The overriding criterion here should be consistency of approach. It is not in the long-term interests of the information user for there to be competition between public and private sector, with the public sector taking advantage of its protected position to ignore market forces and price the private sector out of the market. If exclusive licences are avoided, this situation is unlikely to arise, because government agencies and private sector information providers have different agendas, and usually compile information for different purposes.

The interests of the individual are best served by ensuring that there are as few barriers as possible to the publication of public information. The task of publishing adequately is too vast to be left to the public sector without the support of the private sector.

In the UK the Government is beginning to publish information about public data that is available to the private sector for exploitation, via the Inforoute Web site hosted by its publishing agency, HMSO. Here, Information Asset Registers for individual government departments are to be published, giving a short description of each data source, and indicating the terms under which the data may be reproduced or republished. This may provide a useful model to other countries of the Union. It serves the dual purpose of allowing the public to know what information is available and alerting the private sector to opportunities for exploiting it to create new products.

6 Do different copyright regimes within Europe represent barriers for exploitation of public sector information?

There are complex arguments surrounding copyright protection, and their relevance to electronic information, which this response will not rehearse in detail under this heading. They include such matters as authentication, authoritative versions, out-of-date versions, integrity of the data and so on. Certainly, the existing different copyright regimes act as a barrier to wider dissemination. Some attention has been devoted by EBLIDA colleagues to the distinction between copyright and moral rights. It is suggested that the emphasis for public information should be on moral rights. This protects the integrity of the data, but does not inhibit its publication and exploitation. Some colleagues believe that 'copyright' (fees) should be waived in respect of the agreed raw data that should be available to all (this is particularly strongly expressed by the Belgians). This should aid the widest possible dissemination of the information.

With regard to licensing data for use by commercial publishers, consistency of treatment is the most important issue here. The recent review of Crown Copyright in the UK listed the relevant issues as follows: They are universally applicable principles, so are listed here for reference:

1. coherent application for the re-use and licensing of government materials and information
2. transparent licensing and charging terms
3. consistency of approach across central government, extending the principles as appropriate, to all public sector information
4. establishing routes and finding guides to enable users to locate material [with a significant role for information professionals here]
5. waiver of copyright charges [in most instances]
6. where licensing control is required, streamlining administrative processes to make maximum use of new technology
7. accountability to be strengthened
8. clear co-ordination and control, to combat fragmentation and loss of coherence in exercising these principles [ie there need to be designated authorities to co-ordinate the process and ensure consistency]

There is an important issue in the Green Paper (para. 109) relating to the integrity of the data. It is in no-one's interests for the data to become in any way corrupted or compromised when it is taken out of the control of a public authority and made accessible to the public. Apart from the liability issue referred to in para. 109, there is an issue of public confidence here. If the published data differs in any material way from the source material, the user will not always be in a position to know this until too late. It will also not be apparent how such a discrepancy has appeared, whether it is an error in the data supplied to the information provider, whether the provider has changed the data in some way, whether it is significant, and so on.

Some form of endorsement of the published data by the source authority would be useful here. This could also act as a statement of quality, and reduce the opportunity for unauthorised reproduction of data.

**7 Do privacy considerations deserve specific attention in relation to the exploitation of public sector information?
In what way could commercial interests justify access to publicly held personal data?**

The availability of public information needs to be balanced against other needs, of which privacy is paramount. Subject to a concern expressed earlier that authorities might use 'privacy' as an excuse for inactivity when it is not warranted, certain categories of data should be defined which lie outside the principles governing access to public information.

The data protection rules introduced under the EC Directive on this issue seem to cover the critical points here. The key principle is that personal data shall be processed **fairly and lawfully**. The definition of 'lawfully' will differ in different states of the EU, even allowing for the principles laid down in the EC Directive, and this could be problematic.

All EBLIDA members are extremely concerned that there should not be legal loopholes allowing commercial enterprises to invade individual data privacy. This includes the possibility of transgressions on the pretext of conducting 'market research'. Commercial interests must be able to justify rights of access to personal data, rather than having automatic access without question. The Directive lays down the principle of 'purpose limitation' which may be used by commercial interests to justify access. Nonetheless, this is an area where extreme vigilance is required.

8 To what extent may the different Member States' liability regimes represent an

obstacle to access or exploitation of public sector information?

The liability issue is both highly complex and evolving. The liability of third part data providers on the Internet and elsewhere is the subject of much discussion, and cases arise from time to time to establish precedents which often conflict with jurisdictions in other states.

The differing interpretations of liability issues suggest that the only people who will benefit in the immediate future will be lawyers rather than the victims of misuse of data. There have been recent instances of courts in the UK and France indicating that they believe third party service providers are liable for content held on their services even though these service providers have not originated or amended the data in any way. However, as this is a complex area, and concerns many more types of data than merely 'public sector information' EBLIDA believes that this requires the guidance of expert lawyers.

9 To what extent are the policies pursued by the EU institutions in the field of access and dissemination of information adequate? In what way can they further be improved?

At the moment the performance of EU institutions in this area is of uneven quality. All of the major EU institutions have established a Web presence, but the content on individual sites is variable in quality. In addition, better servers, a phased programme of introduction, good publicity about new resources as they become available, navigability and more generalised access are all important. At present the intervention of a specialist is essential, especially for statistical legal and technical information. Much greater effort needs to be made to make services for which there is demonstrable popular demand much more accessible to a non-specialist user base.

An additional major dilemma for EU institutions concerns language. The move towards multilingualism is evident, but clearly with 11 official EU languages, at least one (Greek) with a unique character set, it is a major undertaking to offer all information in all languages. Whilst English is probably the dominant language among EU Web sites along with French and German, some documents are not always available in more than one language.

The problem of achieving consistency should not be underestimated, even within one country. There is very little consistency of approach among official sites. This extends not only to the type of content offered by different public authorities, but also different standards for delivery. [Not everyone has the time (or even, where firewalls come into play, the opportunity) to download software before viewing a document.]

In print and away from the Web, obtaining information from EU institutions is extraordinarily difficult, particularly in the absence of a single clearing house for information. Many priced publications (but not all) are available from the Office for Official Publications of the European Communities, and from local sales outlets in each member state. Unpriced publications are much more difficult to locate.

The recent attempt by the EU to set up a "One Stop Shop" on the Web for business users has turned about to be no more than a series of links to other Web sites. This barely addresses the problem. Far more input is needed than this and this project should be developed.

Attempts to set up single contact points to allow access to information on a wide range of topics are welcomed in principle. One solution might be to set up a number of niche access points gathering information on specific subjects from a variety of sources. This might well be an opportunity for some targeted EU funding.

10 Which actions should be given priority attention at European level?

EBLIDA believes that there must be simultaneous top-down and bottom-up approaches to solving the problem, if time is not to be lost. Immediate action is urgent. Work should begin at once, but it will require central coordination. The European Commission should simultaneously identify and allocate funding for the task, and help to make this a priority for national governments by setting minimum published standards for the European level. Among other tasks that need to take place:

1. Compiling a list of available information resources

Speed of implementation is important. Action should there be taken immediately to compile inventories of what is available, using, wherever possible, bodies qualified to locate and collate the information, or already engaged in these processes at the national level. Examples of relevant bodies could be the professional associations already in membership of EBLIDA, government agencies in individual members states looking at the digitisation of government information and services, networks of Chambers of Commerce.

2. Definition of public information

Local (national) agencies (probably government in consultation with professional information specialists) should be asked to supply functional definitions of what constitutes 'public information' in each member state. This should be supplied to whatever body or project manager is commissioned to collate this information.

3. Project finance

This needs to be made available immediately for coordination and collation of findings, with a view to producing a minimum specification for metadata and search engines. Significant central funding should be available for work on developing a workable system for the whole of Europe. It may be appropriate to consider sectoral projects, as well as information resources in individual countries. This is likely to be an expensive exercise because of the multi-lingual approach that is required. Those already involved in projects of this kind involving metadata should be funded and commissioned for this task.

4. Establishment of standards across organisational and national boundaries

Some standards and principles should be agreed immediately, to ensure as much consistency of approach as possible in the project to link up Europe's public information resources and provide clear navigable access to the information itself .

5. Infrastructure and investment

Greater priority should be given to equality of infrastructure provision (networks, bandwidth, accessibility using low-specification equipment, adequate support for increasing demand,etc). Digital access for citizens is currently very uneven across the union. Adequate funding for investment needs to be found if there is to be greater equality of service provision for citizens and enterprises themselves.

Guiding Principles

In principle, EBLIDA believes that far greater emphasis should be placed on providing access to citizens, and on facilitating non-specialist access to core public sector information.

- The overriding principles of openness and transparency must be clearly established, defined and agreed across all public sector bodies.
- There should be designated bodies responsible for defining principles and monitoring

implementation, both at national and at European level.

- Qualified information professionals should play a key role.
- When compiling standards, there must be consistency of approach across national and organisational boundaries
- This activity must be adequately funded
- The general public should not be made to underwrite the information needs of large corporate bodies - agreement will need to be reached about categories of information - generalist and specialist; when availability to the public serves a democratic purpose, and when it is of commercial interest only. This identification of categories of information will affect charging regimes, where appropriate.
- The role of private sector information provider in providing more diverse and useful products should be welcomed. The private sector complements the public sector in this respect.
- Where necessary there must be legislation to bring about changes in attitude and in practice, backed up by recommendations, guidelines, codes of practice, etc.
- There must be publicity about what is available, how it might be used, what might be available in the future, who to turn to for help. There must be adequate funding for this promotional activity. If the public are not informed about improved products and access, they will not use the available facilities. The role of public and public sector libraries in educating the public should not be forgotten when funding is allocated.

The Hague, 10 June 1999