Inspire Conference Aalborg

State of Data Licensing at Member States and EU level

June 19, 2014
PwC EU Services
Disclaimer

This presentation was prepared for the ISA programme of the European Commission by PwC EU Services.

The views expressed in this report are purely those of the authors and may not, in any circumstances, be interpreted as stating an official position of the European Commission.

The European Commission does not guarantee the accuracy of the information included in this study, nor does it accept any responsibility for any use thereof.

Reference herein to any specific products, specifications, process, or service by trade name, trademark, manufacturer, or otherwise, does not necessarily constitute or imply its endorsement, recommendation, or favouring by the European Commission.

All care has been taken by the author to ensure that s/he has obtained, where necessary, permission to use any parts of manuscripts including illustrations, maps, and graphs, on which intellectual property rights already exist from the titular holder(s) of such rights or from her/his or their legal representative.
# Table of content

<table>
<thead>
<tr>
<th>Topic</th>
<th></th>
</tr>
</thead>
</table>
| 1     | Introduction  
- ISA & Action 4.2.5  
- “State of data licensing at Member States and EU level” study by PwC EU Services |
| 2     | Preliminary findings on the state of data licensing |
| 3     | The way forward: some options |
1. Introduction
1. Introduction

1. ISA & Action 4.2.5

**ISA Programme**

- Provides Interoperability Solutions for Public Administrations
- Electronic collaboration
- 40+ actions – EUR 160 million over 6 years

**Action 4.2.5: “Sharing and Re-use strategy”**

- Development of a holistic sharing and re-use framework
- Development instruments which can help MSs reduce cost & time to implement public services by the sharing and re-use of already available solution (e.g. contractual clauses, business models, studies)
1. Introduction

1. ISA & Action 4.2.5

Why a study on data licensing for reuse purposes

- Growing request to publish data (bottom up)
- Growing request to publish data (top down)
- More and more data to be published for reuse purposes
1. ISA & Action 4.2.5

Open data and licensing

- **Availability and access**: data must be available as a whole and at no more than a reasonable reproduction cost;

- **Reuse and redistribution**: the data must be provided under terms that permit reuse and redistribution including the intermixing with other datasets;

- **Universal participation**: there should be no discrimination against fields of endeavour or against persons or groups. "non-commercial" restrictions that would prevent "commercial" use, or restrictions of use for certain purposes (e.g. only in education), are not allowed.

(https://okfn.org/opendata/)
2. “State of data licensing at Member States and EU level” study by PwC EU Services

Goals

- Assess the state of licensing for data that public administrations want to make available for re-use at Member States and EU level
- Assess whether there is a need for an EU Licence for Open Data or to recommend the re-use of existing licences

Methodology

- Comparative framework for standard open licences
- Analysis of licences used by Member States and EU Open Data Portals
- Survey on the state of licensing
- Workshop
2. Preliminary findings on the state of licensing
2. Findings

Survey: 38 respondents

ORGANISATION TYPE

- Governmental: 26
- Academic: 3
- Private: 6
- Citizen: 1
- NGO: 2

14 MEMBER STATES

- BE
- FR
- DE
- ES
- SV
- UK
- IT
- FI
- NL
- AU
- EE
- GR
- IE
- RO
## National Licensing Policy

1. *Is there a policy for using specific licences when publishing open data in your country?*

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>No policy</th>
<th>Obligatory</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria</td>
<td>Germany</td>
<td></td>
</tr>
<tr>
<td>Belgium</td>
<td>Greece</td>
<td></td>
</tr>
<tr>
<td>Denmark</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Estonia</td>
<td></td>
<td></td>
</tr>
<tr>
<td>France</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ireland</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Italy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Netherlands</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Romania</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spain</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sweden</td>
<td></td>
<td></td>
</tr>
<tr>
<td>UK</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Finland</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Preferred Approach

2. What is the preferred approach in your country when publishing open data?

<table>
<thead>
<tr>
<th>Approach</th>
<th>Country</th>
</tr>
</thead>
<tbody>
<tr>
<td>Each administration develops its <strong>specific licence(s)</strong> which best suits their specific needs</td>
<td>Austria, <strong>Belgium</strong>, Finland, France, <strong>Germany</strong>, Greece, <strong>Spain</strong>, Sweden</td>
</tr>
<tr>
<td>Public administrations publish open data under a <strong>public domain licence</strong> which has no restrictions at all (the owner waives his rights to the content or data)</td>
<td>The Netherlands, <strong>Spain</strong>, Sweden, United Kingdom</td>
</tr>
<tr>
<td>Public administrations publish open data under an <strong>attribution &amp; share-alike</strong> licence, which says that re-users must give attribution and share any derived content or data under the same licence</td>
<td>Estonia, Ireland</td>
</tr>
<tr>
<td>Public administrations publish open data under an <strong>attribution licence</strong>, which just says that re-users must give attribution to the owner of the data</td>
<td>Belgium, Denmark, <strong>Finland</strong>, France, Italy, Romania, <strong>Spain</strong>, Sweden, United Kingdom</td>
</tr>
</tbody>
</table>
## 2. Findings

### Main licences

3. Could you please enlist the licences used for publishing open data? (1/2)

<table>
<thead>
<tr>
<th>Licence</th>
<th>Country</th>
</tr>
</thead>
<tbody>
<tr>
<td>CC BY</td>
<td>Austria, Belgium, Estonia, Finland, Germany, Italy, The Netherlands, Spain, Sweden, United Kingdom</td>
</tr>
<tr>
<td>CC0</td>
<td>Belgium, Estonia, Italy, The Netherlands, Sweden, United Kingdom</td>
</tr>
<tr>
<td>CC BY-NC</td>
<td>Germany, The Netherlands, Spain</td>
</tr>
<tr>
<td>ODBL</td>
<td>France, Germany, Ireland</td>
</tr>
<tr>
<td>CC BY-SA</td>
<td>Estonia, Italy</td>
</tr>
<tr>
<td>Creative Commons CC BY-NC-SA</td>
<td>Spain</td>
</tr>
<tr>
<td>Public domain dedication</td>
<td>The Netherlands</td>
</tr>
<tr>
<td>CC BY NC ND</td>
<td>Germany, Greece</td>
</tr>
</tbody>
</table>
2. Findings

3. Could you please enlist the licences used for publishing open data? (2/2)

Main licences

<table>
<thead>
<tr>
<th>Licence</th>
<th>Country</th>
</tr>
</thead>
<tbody>
<tr>
<td>OGL</td>
<td>UK</td>
</tr>
<tr>
<td>Non-Commercial Government Licence</td>
<td></td>
</tr>
<tr>
<td>Charged Licence</td>
<td></td>
</tr>
<tr>
<td>Licence Ouverte (CC-BY)</td>
<td>France, City of Brussels</td>
</tr>
<tr>
<td>Licence ODbL (CC-By-SA)</td>
<td></td>
</tr>
<tr>
<td>Licence Open Data personal data (CC-By-ND)</td>
<td></td>
</tr>
<tr>
<td>Flemish Open Data Licences</td>
<td>Belgium (regional Flemish Government)</td>
</tr>
<tr>
<td>Irish PSI Licence</td>
<td>Ireland</td>
</tr>
<tr>
<td>Danish open data licence</td>
<td>Denmark</td>
</tr>
<tr>
<td>Datenlizenz Deutschland</td>
<td>Germany</td>
</tr>
<tr>
<td>the Geodatennutzungsverordnung GFDL</td>
<td></td>
</tr>
<tr>
<td>National Land Survey open data licence</td>
<td>National Land Survey of Finland</td>
</tr>
<tr>
<td>IODL</td>
<td>Italy</td>
</tr>
<tr>
<td>Romanian Open Government Licence</td>
<td>Romania</td>
</tr>
<tr>
<td>IGCYL-NC</td>
<td>Spain (Junta de Castilla y León)</td>
</tr>
<tr>
<td>OS Open Data Licence</td>
<td>UK (Ordnance survey only)</td>
</tr>
</tbody>
</table>
2. Findings

Reasons to re-use standard licences

Legal Certainty
• Widely used & well tested
• Little room for interpretation

Fosters (legal) interoperability
• Widely adopted
• Across nations
• Across data portals

Efficiency
• Convenient
• Cost-savings
Apart from benefits for public administrations, standard licences have the following benefits for data users:

- **Familiarity with standard licences**
- **Well known inside and outside governments**
- **Provides consistency towards users**
- **Lowers the administrative burden for 3rd parties to further use open data**
Reasons to develop custom licences

Language
• Availability in national language
• Ability to simplify wording

Specific Terms
• More restrictive than standard licences
• Covering rights other than copyrights (database)

Non-licence features
• Include other legal instruments in the licence, such as
  o Service Level Agreements
  o Contracts
2. Findings

Reasons to develop custom licences

**Income Generation (!)**
- Standard licences are not compatible with the business models of regional governments
- Fear of losing revenues

**Ownership**
- Fear of not being recognised
- Spell out the rights of the individual, not only the institution

**Limitation of liability**
- Addressing specific non-endorsement requirements
- Warranties
2. Findings

Reasons to develop **custom licences**

**Governmental guidelines**
- Member State may be required to cover certain aspects not covered by standard licences

**Historical reasons**
- Habit to use an already existing licence

**Distrust towards non-national NGO’s**
- Public Administrations tend to trust national governmental bodies rather than international NGO’s
2. Findings

Reasons to develop **custom licences**

**Privacy and data protection**
- *Article 29 Working Party on risk of geolocalisation on mobile apps*

**Lack of Knowledge**
- *Regarding the meaning of “Open Data”*
- *Regarding national legislation*
- *Regarding national policies*

**Machine-readability**
2. Findings

Licensing and geospatial data

Ireland
• the use of "Share-alike" often prevents businesses and other entities (Openstreetmap) from using perfectly good data as it makes the data incompatible due to licence restrictions

Italy
Use of open data licences
• CC 0 (Provincia di Trento)
• CC-BY (Regione Emilia-Romagna)
• CC-BY-SA
Use of non-open data licences
• CC BY-NC-SA 3.0 (Region of Sicily)
Licensing and geospatial data

Sweden
• http://www.geodata.se/sv/Hur/Licensiera-geodata/ - custom made licence used in the Geodata cooperation governing the Swedish Spatial Data Infrastructure
http://oppnadata.se/dataset -
• tagged as "open" but in its most common form more free than open.

Belgium
• Custom licence: the national geographic institute.
Licensing and geospatial data

Germany
• federal level: Geodata is reusable under the Geodatennutzungsverordnung (not a licence but an edit of government, loosely resembling CC-by behaviour)

The Netherlands
• Base registers and e.g. the national geo data portal all use CC0 and/or public domain.
Licensing and geospatial data

Spain (Junta de Castilla y León)
Custom licence: www.jcyl.es/licencia-IGCYL-NC.

- non-commercial use: like CC 3.0
- commercial use: request for re-user to get in touch with the organization to be sure that the commercial use is justified by added value compared to raw data
3. The way forward: some options
3. Discussion

CREATE A NEW EU-WIDE LICENCE
3. Discussion

RECOMMEND THE REUSE OF EXISTING LICENCES
3. Discussion

CREATE GUIDELINES AND SCREENING FOR LICENCES TO BE REUSED
3. Discussion

PROVIDE A TOOL TO COMPARE LICENCES EASILY