



**THE EUROPEAN UNION APPROACHES AND VIEWS ON BALANCING THE
COPYRIGHT, PROTECTION OF DATA, INCLUDING ENVIRONMENTAL
INFORMATION, AND THE PROMOTION OF THE RE-USE OF PUBLIC
SECTOR INFORMATION**

TASK FORCE ON ACCESS TO INFORMATION

FIFTH MEETING

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The European Commission maintains several portals for supporting active dissemination:

- **Open Data Portal** site for any type of information held by the EU institutions and bodies; operational since December 2012; legal basis: Article 5 of the Decision of the Commission of 12 December 2011 (2011/833/EU) on reuse;
- **The European Data Portal**, currently available in beta mode since November 2015; funded, through Connecting Europe Facility programme, for a panEuropean digital service infrastructure for Open Data; the principal objective is to provide a single point of access in all 24 EU official languages for data published by public administrations at all levels of government in Europe (EU countries, EEA countries and certain other European countries). It complements national, regional or thematic Open Data portals, as well as the European Open Data Portal; basis for this Portal: Communication from the Commission of 12.12.2011 COM(2011) 882 on Open Data;

The European Commission maintains several portals for supporting active dissemination:

- **The INSPIRE website** hosts the EU geoportal, providing a single point of access to spatial data available in the Member States and relevant to the environmental acquis; legal basis: Directive 2007/02/EU (INSPIRE).

Each of them target relevant user audience, offering tailored content. This infrastructure will stimulate cross-border use of reusable information in Europe.

<http://www.europeandataportal.eu/>

<https://ec.europa.eu/digitalsinglemarket/en/connectingeuropefacility>

<http://inspire.ec.europa.eu/>

European Union Open Data Portal

It is the single point of access to a growing range of information and data from the institutions and other bodies of the EU.

The Portal aims, in particular, at reaching several objectives:

- a) providing easy and free access to data, to promote their innovative use and unleash their economic potential;
- b) helping to foster transparency and accountability of the institutions and other bodies of the EU;
- c) engaging with the user-community of EU open data.

European Union Open Data Portal

This information/data are:

- of a general nature only and are not intended to address the specific circumstances of any particular individual or entity;
- not necessarily comprehensive, complete or up to date, even if efforts are made to achieve this result;
- sometimes linked to external sites over which the Commission has no control and for which it assumes no responsibility;
- not professional and do not constitute legal advice.

As a general principle, data can be re-used free of charge, provided that the source is acknowledged. Specific conditions on reuse, related mostly to the protection of third-party intellectual property rights, apply to a small number of data. A link to these conditions is displayed on the relevant data pages. The Commission's reuse policy is implemented by a Decision of 12 December 2011.

European Union Open Data Portal

Promoting the innovative use of data

- The Portal provides a metadata catalogue based on common encoding rules and standardized vocabularies in order to facilitate reuse of data;
- Data are available in both human and machine readable formats for an easier and immediate reuse;
- Efforts are undertaken to keep this information timely and accurate. If errors are brought to the attention of the Commission (which is in charge of the site), it tries to correct them. However, the Commission accepts no responsibility or liability whatsoever with regard to the information on the site.

Engaging with the user community of EU open data

As regards discussion within the user-community, any person has the possibility to:

- suggest datasets,
- provide feedback and suggestions, and
- share apps or other uses made with data from the portal.

European Union Open Data Portal

For a large part of datasets, **specific privacy policy statement** which contains the following information about the use of data:

- what information is collected, for what purpose and through which technical means the EU collects personal information; personal data are collected exclusively to the extent necessary to fulfil a specific purpose. The information not be re-used for an incompatible purpose;
- to whom your information is disclosed. The EU will only disclose information to third parties if that is necessary for the fulfilment of the purpose(s) identified and to the mentioned (categories of) recipients. The EU will not divulge your personal data for direct-marketing purposes;
- how a person can access to his/her personal data, verify its accuracy and, if necessary, correct it;
- how long data is kept;
- what security measures are taken to safeguard information;
- whom to contact if a person has queries or complaints.

Access upon request

In responding to specific requests, the Commission clarifies the possible reuse of the document/documents for each application making available the document /documents. According to the nature of the information disclosed, the most appropriate clause is invoked.

- If the document is produced by the Commission, the clause used reads as follows:

"You may reuse the document/documents requested free of charge for non-commercial and commercial purposes provided that the source is acknowledged, that you do not distort the original meaning or message of the document/documents. Please note that the Commission does not assume liability stemming from the reuse."

Access upon request

- If the document is not a final version or a 'non-paper' or an informal document, the clause used reads as follows:

"Please note that this document is a preliminary draft/these documents are preliminary drafts which do/does not reflect the position of the Commission. It/They cannot be quoted as reflecting the Commission's position and cannot be reproduced or disseminated for commercial purposes without prior consent given by the Commission."

- If the document is a study carried out by external consultants, the clause used reads as follows:

"Please note that this document is a study carried out by external experts and does not reflect the position of the Commission. It cannot be quoted as reflecting the Commission's position."

Access upon request

•If the document originates with a third party, the clause used reads as follows:

"Please note that this document was received by the Commission from It is disclosed for information only and cannot be re-used without the agreement of the author, who holds a copyright on it. It does not reflect the position of the Commission and cannot be quoted as such."

Despite the variety of the clauses, due to the nature of the documents, the same principle as for active dissemination is applied.

Active dissemination and rules for reuse applied by the judicial bodies of the EU

The same liberal approach for the reuse is followed by the EU judicial bodies website: Curia. The following disclaimer and warning can be read:

"Only the versions of the documents published in the 'Reports of Cases' or the 'Official Journal of the European Union' are authentic. The other documents available on the Institution's website are given for the purposes of public information and are subject to amendment. The information and texts available on this site may be reproduced provided the source is acknowledged. Readers should be aware that certain parts of such information and texts might be protected under intellectual property law, in particular by copyright. Links to the pages on this site are permitted provided that:- the browser window does not contain any information other than that of the page of the present site to which the link is made and its address; - none of the information provided on this site is modified".

<http://curia.europa.eu>