

Subject: Green Paper on

"Public Sector Information in the Information Society"

The Commission Green Paper (DG XIII) should provide a basis for regulations at EU level, in order to improve access to and marketing of public sector information. It is regrettable that the first draft of this Green Paper was not submitted to the Eurostat Working Party on "Dissemination of Statistical Information" for comment. At that point in time, it would have been easier to exert considerable influence on the document being drafted. As regards access to official statistical data, there are only a few statements which tend to have a negative or unclear content.

In its current form, the Green Paper has a broader scope than the first draft regarding the spectrum of those using public sector information. We welcome the fact that the general public too is now a focal point of the document as a central target group for the dissemination of state information, and that interest is no longer concentrated solely on information market businesses. However, there should be a clear distinction between public sector information in general, meaning information used for authority purposes, and value added information for businesses as statistics. This distinction is needed when talking about pricing, competition and copyright issues.

Topics mentioned in the Green Paper include fundamental aspects, which go beyond legal issues and, in our opinion, really must be addressed. A first general remark to be made is that the draft still completely misjudges the role of official statistics as part of the public sector. For one thing, it accords it very little value and, consequently, official statistics are only mentioned once in the text as a data compiler (Eurostat) (point 30). There, the main point made is that statistical information is not promptly available. This hardly reflects the fact that official statistics are one of the main producers of information in modern societies. Yet it is precisely in this respect that official statistics differ from other public sector institutions, since here data are not obtained **during** the administrative activities, but rather the **main aim** of the work is producing and providing information. This misunderstanding is very clear in Chapter III.1 "Types of public sector information", in which a difference is made between administrative information and non-administrative information. There is no doubt that official statistics belong to the second category, and yet they are not mentioned there. Furthermore, from the point of view of official statistics, an opinion on many points in the Green Paper is possible and/or necessary (in

particular in Chapters III.2 and III.7 on issues such as "Right of access" or "Privacy issues"), whereby it is uncertain whether recommendations or rulings on the handling of "public sector information", on an undifferentiated basis, are both useful and helpful. Unlike in the first draft, in this case there is at least a reference to the peculiarities of privacy issues concerning statistical data. However, this reference is only inserted and does not appear to have any effect on other statements (point 113). In our opinion, for example, the different handling of personal data obtained in the administration process and those compiled and processed when statistical information is drawn up is extremely significant. Irrespective of this, in No. 113 of the Green Paper the privacy aspect of statistical confidentiality should be stressed positively and not portrayed as an obstacle to the dissemination of information.

Proposed wording for No. 113 of the Green Paper:

*"In the specific case of statistical data, the established statistical confidentiality principle protects not only personal data but also business data. Confidence of those responding in the safeguarding of statistical confidentiality is a basic prerequisite for the smooth running of official statistics, which provide statistical information necessary for developing an informed opinion in a democratic society. The transmission of **confidential** information to private individuals or to administrative bodies other than the statistical offices is thus absolutely inadmissible. It goes without saying, however, that statistics makes its results available to the public in aggregate form or as anonymous individual data."*

Furthermore, in the light of official statistics as one of the largest information providers in modern societies, it is essential that they disseminate (statistical) information in accordance with the role assigned to them as a basis for developing an informed opinion in a democratic society. This approach - availability of and access to public information as an infrastructure for working democracy - is reflected only to an inadequate degree in the draft Green Paper. The objective of supporting the information industry on the information markets is, however, given too much emphasis.

It should also be clarified what relation this Green Paper bears to the discussions to be held within the framework of the Council of Europe's Steering Committee for Human Rights in the Working Party on "Access to Official Information". It is therefore rather disconcerting that, in a footnote (19) to Chapter III.1, it is stated that any actions resulting

from this Green Paper will not prejudice the provisions of other relevant legislation. This could lead to contradictory and inconsistent rulings.

Since, as explained, the operation and strategic establishment of official statistics with regard to access to statistical information are not described in sufficient detail in either the text of the Green Paper or the annex, they will be commented on below.

1. Official statistics as an information provider

- In the introduction to the Green Paper, the main objective is stated as being "ready availability of public information" as a prerequisite for decisions by market operators and as a universal right of citizens. As a result, the Green Paper highlights one of the main issues which is being dealt with in great depth by the Eurostat Working Party on "Dissemination of Statistical Information". In this context, a "marketing" task force was formed whose task it is to develop a transparent marketing concept for the users of European statistical information. A description of the marketing model, designed by members of the Working Party, and used as a basic input for considerations on the dissemination of statistical information, can be found in the latest edition of the Eurostat magazine SIGMA (enclosed). In the framework of the Eurostat Dissemination Working Party, this model is now being developed further and given concrete form by the new task force as a basis for a future common marketing strategy. In the context of the Green Paper, it could be examined to what extent this model, developed within the European Statistical System, could be applied to other (potential) information providers in the public sector.
- For quite a few of the issues addressed in the draft Green Paper, the above-mentioned marketing model may represent a guideline, at least with regard to issues which (may) affect official statistics and their position as one of the main producers of "public sector information". This model makes it possible to deal boldly and productively with the issue of how the public sector can use new technologies to improve access to information and its use. Ideally, official statistics disseminate their products actively by means of any desired media and also allow access to information, for example via the Internet, or even give science the opportunity to evaluate and analyse data in a desired form itself. The marketing model is sufficiently flexible for access routes,

media and prices to be adapted to the needs of various target groups. In this respect, official statistics could lead the way for the public sector.

- Statistical results are public property and in this respect are to be seen as a part of the infrastructure provided by the state. There is not necessarily a conflict between the public demand for universal and (cost-) free access to (basic) statistical information, on the one hand, and active marketing of various products and services on the other. This is particularly clear in the aspects of the range of information available to the public which are discussed in Chapter III.3 and Chapter III.4 of the Green Paper and in the pricing for using information. The question of "whether public organisations have a right to charge for the provision of information" (point 94) is relevant to all further considerations on market access and pricing. This is precisely where the marketing model provides a guideline, which sets out the range, the depth of the information made available and also the specific pricing in each case. The model divides the information needs into three segments with which differing price structuring recommendations are associated:
 - The outer segment includes the demand and/or information sources established in the field of **providing basic information**. The products and services of this segment can be made available free of charge. The main channel is the Internet, and the challenge is to increase quantity and improve quality of the dissemination.
 - The middle segment contains the **standard sources geared towards demand and target groups**. The pricing for these products and services is determined in accordance with market prices. Within this segment, co-operation with third parties will allow for improved products, quality and user satisfaction.
 - The inner segment contains **customised editing** and advisory services. Since, in this case, it is a question of made-to-measure products and services, the prices are determined individually. Investments in human resources and technology are requested for providing a high quality user service.

In fact, this model - as mentioned in the Green Paper (point 94) - is based on the consideration that, on the one hand, the democratic principle of universal access to public information is of great importance while, on the other hand, there is the equally democratic principle that the general public should not have to subsidise the use of

certain information products by a few people. This also raises the question of the efficient use of limited resources.

- In the light of other strategic questions on the dissemination of public - in this case statistical - information which are discussed in the draft, the marketing model provides a reference framework. Thus, the Green Paper, in Chapter III.5, describes the difficulties of adversely affecting fair competition if public sector organisations offer better products on the market (point 99). The arguments listed here focus on protection of the private supplier on the information market and call for public sector restraint in the marketing of information. From the point of view of the marketing model for official statistics, this line of argument falls short. Firstly, there are opportunities for cooperation between public suppliers of (statistical) information and private information intermediaries precisely in the areas of standard sources geared towards demand and target groups and customised editing and advice. Secondly, in this line of argument, the interests of information users are kept too much in the background. Since in the information society itself, "information about information" (advisory services and meta-information), for example on the methodology of information production, is likewise of increasing importance and has a significant influence on the use of information *per se* for customers. In the context of a full service for the information user which includes both the information itself and meta-information, in many cases it is useful when the information producer and information supplier are one and the same.
- European statistics initiatives to improve access to European statistical information are not mentioned at all. Here, the European Statistical System (ESS) is of great importance for many information users in terms of harmonising the production and dissemination of statistical information. In almost all areas of European statistics, informal and formal regulations are being created which also benefit private and public users of European information. Particular importance attaches here to the Europe-wide Data Shop Network run by Eurostat and the respective national statistical offices, by means of which the general public also has access to Europe-wide comparable statistical information. As far as exchange of information between public bodies in Europe is concerned, there is already a free exchange (which is also free of charge) of statistical information within the "statistics family". Ministries and

other public institutions are also provided with the necessary information on a regular basis.

2. Official statistics as an information intermediary

Official statistics also serve - in the case of quantifiable information - as an information intermediary between the state authorities and the general public and private organisations: they gather information from administrative bodies, edit it and make it accessible to everyone.

Compared with the direct access of private individuals to administrative data, the transmission and improvement of information by official statistics has a string of advantages:

- Basic data available from administrative bodies need only be compiled, transmitted and edited once and can then be made quickly available to everyone. This prevents identical tasks from being carried out several times, thus considerably reducing the economic costs and increasing the topicality of available material.
- The statistical offices organise and classify various information in accordance with standard terms and criteria. Consequently, both the results of various statistics together and the information from various countries - especially those of the EU - are comparable and compatible.
- Since many administrative data are individual data of a personal or business nature, passing this information on to everyone is often out of the question for reasons of confidentiality. By transmitting these individual data in the form of aggregated and therefore no longer individually classifiable information, statistics provide the general public with access to information which would have otherwise remained inaccessible to it. By means of strict rules and controls for confidentiality at statistical offices, the protection of individual data against disclosure or misuse is completely guaranteed. (For details on statistical confidentiality: see also Chapter V of Council Regulation (EC) No 322/97 of 17 February 1997 on Community Statistics).

Although official statistics will never be able to take all information interests into account, they are, however, an important tool for providing the general public and private organisations with wide and economical access to information from state institutions.

Another aim of the Green Paper is that official statistics should be supported in their work in order to be more efficient and cost-effective, for instance by having better access to administrative and other sources.

3. Conclusion:

Official statistics are one of the few public institutions whose main task is providing and disseminating information. Because of this, in all considerations on the improvement of access to public sector information, official statistics take on a pioneering and intermediary role, which should also be taken into account when developing concepts on this subject. Considerations on (self-) limitation of the market entry of the public sector are viewed as an outdated response to the challenge of the information markets. On the contrary, adequate price and licence systems should be developed as well as cooperation projects with private information providers in accordance with new, future-oriented marketing models. Over-regulation by new European laws, which control access to public information in detail, should therefore be avoided for that reason alone, because the dynamic information market would regularly be ahead of the legislative process in terms of time. Exchange of experiences in the context of "best practice" and/or implementation of pilot schemes as mentioned in the conclusion of the Green Paper (point 123) would mean more flexible procedures, and findings could be converted more quickly. A European (marketing) magazine for the public sector (for example EUR-OP News) or regular forums and/or training and further education activities would be interesting alternatives for the discussion between suppliers and users of public information. Official statistics could also make their suggestions and take part in the discussion here.