

European Commission

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GREEN PAPER ON PUBLIC SECTOR INFORMATION IN THE INFORMATION SOCIETY

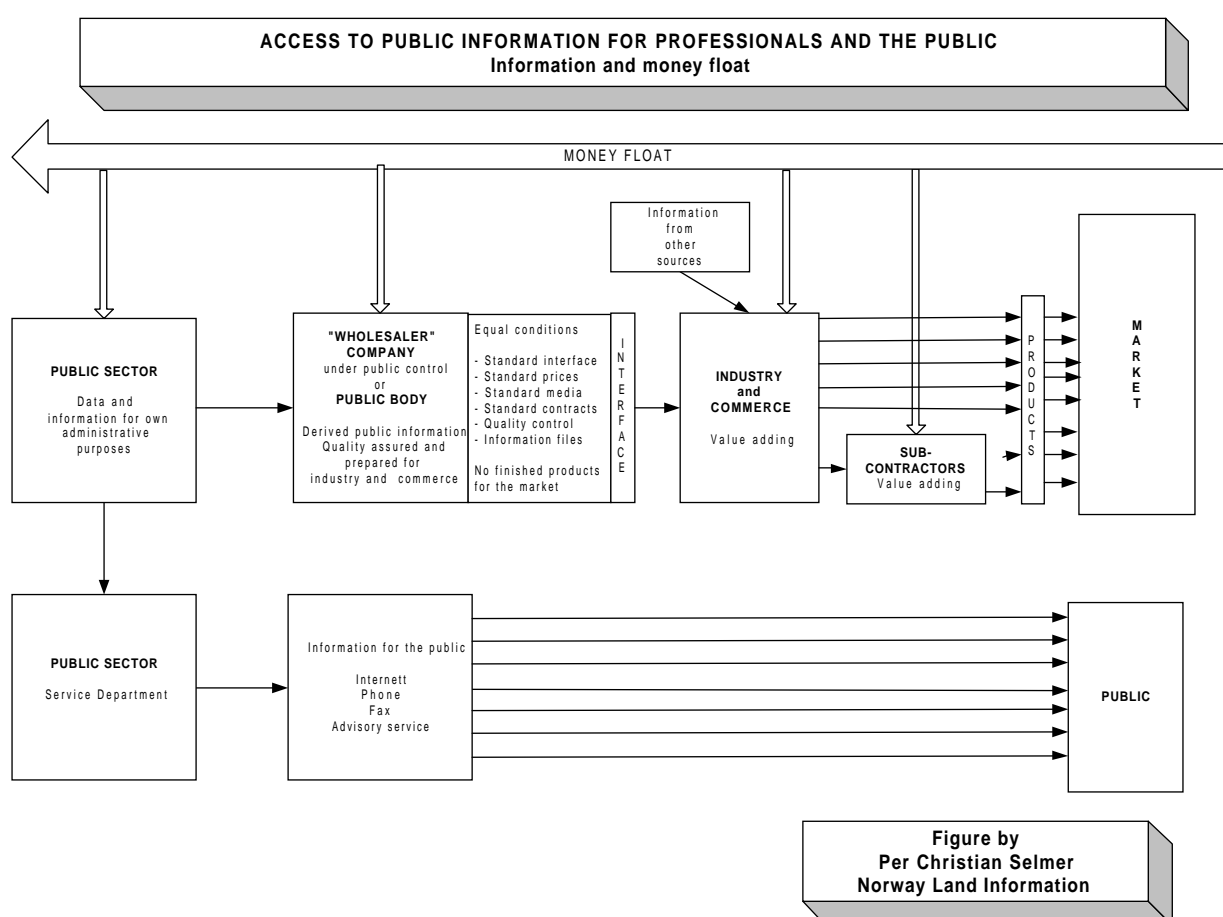
Thank you for excellent work in the green paper.

Norsk Eiendomsinformasjon as (NE or Norway Land Information) is a company totally owned by the Norwegian State represented by the Ministry of Justice and the Ministry of Environment. NE is responsible for developing, maintenance and operation of the Norwegian Land Information System containing the Mapping Authorities GAB-register (The Technical Cadastre) and the Title register from the Ministry of Justice. NE is also responsible for all distribution and sale, including pricing of information from the Norwegian Land Information System.

NEs views on the green paper on public sector information:

Figure 1

Example of public information data flow:



1. Definitions

Which definition of public sector is the most appropriate in your view?

A combination of the functional and the legalist/institutional approach is in our view the most appropriate.

2. Conditions for access to public sector information (both citizens and business)

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?

Exemptions to the right of access.

- Interest of the state.
- Interest of third parties.
- Protect the decision making process.
- Avoid unreasonable costs or workload.

All these exemptions are relevant and must be taken into consideration. The main goal must, however, be to make as few exemptions as possible and to avoid making exemptions to protect private privileges as for private notaries or public bodies which sell information in unfair competition with private companies.

Different conditions do create unfavorable barriers at European level, like limiting the possibilities for free flow of capital and labour. There are different types of public information. We shall concentrate on information that can be commercialized, first of all land, business and geographical information. This kind of information should be free and there should be few exemptions to the right of access when:

- Public costs are covered.
- Necessary exemptions are made concerning privacy, intellectual property, and commercial secrets.

Another reason for avoiding exemptions is free access to public information is also an instrument to avoid/limit corruption.

Concerning Land Information specifically, even if the legislation is different between the countries, e.g. How to qualify as a title holder or how to obtain a mortgage, the registered information is almost equal when you are qualified, Name, Address, ZIP-code, creditor, amount, etc. It should therefore be possible to agree on a common denominator on a European level.

3. Practical tools for facilitating access.

Could the establishment of European meta-data help the European citizens and business in finding their way in the public sector information throughout Europe? If so, how could this best be realised?

What categories of content should directories of public sector information resources contain?

Meta-data user-friendly search mechanisms are the most important factors to make public information more available on European level on a short term. The best way to realize a common European solution is to have parties from 4 or 5 countries to describe and carry out a solution. The parties should be a combination of private companies and public bodies from the most active countries in Europe concerning distribution of public information.

The content of a meta-data base should keep information about characteristics and quality factors like responsible body, reliability, legal status, update, form, format, accessibility, price, delivery.

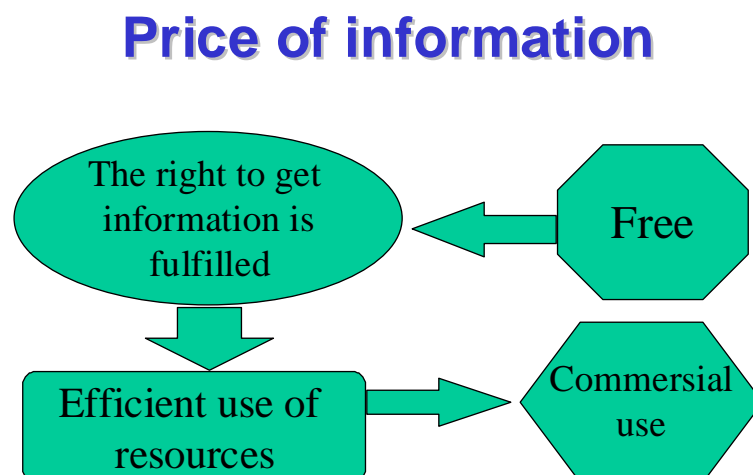
4. Pricing issues.

What impact do different pricing policies have on the access to and exploitation of public sector information?

Does this create differences in opportunities for citizens and business at European level?

In the figure all public information is, as a rule considered free of charge. So, if the public's rights to get information for free are fulfilled we can move to the next box on the way to commercial use of public information. To limit employees time to answer questions, and thereby get more efficient use of resources pricing can be necessary. The next step is then pricing for commercial use.

Figure 2

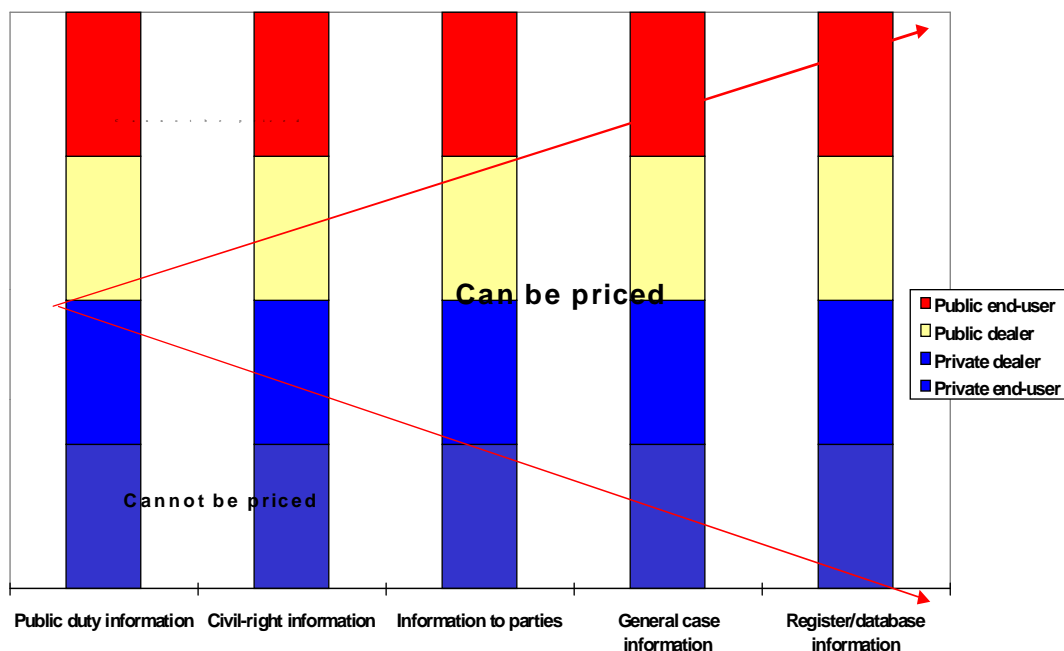


The information price should cover necessary costs to make public information available for private exploitation. In this way a small section of the public (the users)) will not be subsidized by the rest of the population. The pricing policy will contribute to avoid misuse and to encourage public bodies to make public information easy available.

NE agrees to the following:

- Affordable and equal access for all.
- Equal prices for buyers from public and private sector.
- Exploitation potential on equal terms. It is necessary to have a public body or a public owned company to prepare public information for the industry.
- Fair competition and no cross subsidizing from public budgets.

Figure 3



Correct and fair pricing is the key to stimulate use of public information and to create business for the private sector. The figures 1-3 show our view on the necessary conditions for pricing. It is urgent to create equal conditions for pricing and equal prices throughout Europe. Without such a situation Europe cannot create a market for use and exploitation of public information.

We are aware of the American principle where the public administration should not add value to their information and compete or interfere with the private sector, but limit their activity to place their information to the competing private sectors disposal free of charge or for a cost-covering fee.

Then the private sector should be responsible for the development of competing, commercial solutions.

In fact, this ideal principle is only practicable in large countries with a well-developed market. The market has to be large enough to defend the huge investments in basic technology for a number of companies.

If not, one or two large companies will dominate and in fact develop a monopoly position.

To secure deversified offers in a limited market, it has been necessary to establish an instrument between the public administration and the market – the wholesaler.

The role of the wholesaler

The role of the wholesaler is to establish equal conditions for competition:

- Standard interfaces
- Standard media
- Standard contracts
- Standard quality assurance systems
- Standard information content

The wholesaler should deliver this semi raw information for the same price to all developing companies to secure competition on creating good end-user applications for both large and smaller companies.

A part of the wholesalers role is also to be a link between the public administration and the market, taking care of common inquiries.

5. Competition

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

- Use of copyright issues.
- Cross- subsidizing from public budgets.
- Different prices to public bodies and private companies.
- Limitation of right to buy public information for commercial use to a few companies. Limitation can be done by strict rules or by refusing contracts to companies you do not like.
- To give information for free not only to the public, but also to professionals who pay employees or encourage such an arrangement in other ways.

6. Copyright issues.

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

Yes, copyright is an efficient tool for public bodies to protect their information and prevent private exploitation and private business. It is essential to have equal rules for copyright regarding public information throughout Europe. Information from the public sector should, as a rule, be excluded from copyright issues.

7. Privacy issues.

The access to information to be used by the private industry for marketing must be balanced with the individuals right to privacy. National access laws show awareness of the need for such a balance.

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 privacy of individuals must be kept on a high level. The privacy must be balanced against the society's need for openness and access to public information. Openness regarding properties, business/financial and other economic related affairs is a way to secure public interests and avoid corruption and criminal transactions.

8. Liability issues.

To what extent may the different Member States liability regimes represent an obstacle to access or exploitation of public sector information.

If the public body provides information to a requestor directly, it could, in principle, be liable for any damages caused to the citizen concerned. The issue becomes more complex when more than two parties are involved in the processing and dissemination of information. Coordinated European approaches to this issue are particularly important.

NE agrees to this statement. In Norway it is not clear to what extent a public body has liability when a third party loses money because of bad quality in public information.

Different regimes throughout Europe can lead to different access to public information and different prices. A public body must have enough liability to keep up quality, but not so that the body will protect itself by pricing or by limiting access. A part of the price for public information should be put aside in, for example a fund, to cover liability issues.

9. EU information

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?

10. Concluding remarks

Comments on the regulatory of other barriers and obstacles, which may hinder the possibilities for, access and exploitation of public sector information. This can for example address:

- Legislation
- Information exchange
- Awareness concerning the existing information sources.
- Demonstration and pilot projects allowing the spread of technologies supporting new information services and experiments with new models of public/private partnerships.
- Education and training initiatives.

Which actions should be given priority attention at European level?

For conditions regarding Land Information:

Establish a group of actual strategic organizations of public bodies and private users with the mandate to investigate the markets need for information and to propose a common denominator to be implemented on a European level.

Norsk Eiendomsinformasjon a.s

Per Chr. Selmer
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