

European Commission
Attn. Mr. Huber
Head of Unit DG XIII/E-1
Bâtiment EUROFORUM
Office 1174
Rue Alcide de Gasperi
L-2920 Luxembourg

Green Paper on Public Sector Information in the Information Society

Following the invitation in the green paper on public sector information in the information society (COM(1998)585), The Association Of Swedish Finance Houses (Finansbolagens Förening) hereby give its views as follows to the questions raised in the Green Paper. After replying to the questions raised in the Green Paper, the Association makes some final general remarks.

The Association is the branch organisation for those companies that carry on the business of financing in Sweden. The aims and purposes of the Association are

- to co-ordinate the joint information activities
- to be the body to which legislative and accounting matters are referred
- and to provide the members with services in legal, financial and international issues.

The Association brings together those finance companies that share common values, with the aim of upholding and developing a reputable branch and financing business which is accorded respect and credibility by the legislature

Question 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?

Answer

The Association is of the opinion that the *functional approach* should be employed to define the *public sector* since the state authority and public service tasks distinguish the public sector.

It may be said that it follows by definition that *public sector information* is such information that is held by the public sector. To what extent individuals and

businesses should be able to access this information is, in the opinion of the Association, a different question.

Question 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?

Answer

The Association considers both that different conditions for access to public sector information in the Member States create barriers at European level and that all of the elements mentioned in the Green Paper in this respect, i.e. requirement of an interest, exemptions, time, format and quantity, may create such barriers. A directive may be required to tear down these barriers.

Question 3

Could the establishment of European meta-data (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?

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

Answer

The Association is of the opinion that it can be difficult to find data in public data bases. Hence, the Association believes that the establishment of European meta-data would help individuals and businesses in finding their way in public sector information throughout Europe. The Association considers it being necessary to study in detail what categories of content directories of public sources information should contain. The Association has not performed any inquiry among its members in this matter and is therefore unable to state its opinion of these categories.

Question 4

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

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

Answer

Such pricing that is mentioned in the Green Paper in respect German mapinfo and UK mapping base-data definitely, in the opinion of the Association, constitutes barriers to the availability of the public sector information concerned. Such excessive pricing policies do restrict the availability and create differences in the opportunities for individuals and businesses at European level.

The Association has no objection that a charge is levied on the access to public sector information. However, in the opinion of the Association, such a charge should in principle merely cover the costs of the public sector for the distribution

of the information. It should not cover the gathering, storage or the adding of value to the information. Neither should there be any profit margin.

Question 5

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

Answer

The marketing of public sector information by public sector bodies may constitute unfair competition at European level to a considerable extent if such marketing is made on any other basis than what the Association approved of in its answer to question 4 above.

Question 6

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

Answer

Different copyright regimes within Europe do, in the opinion of the Association, represent barriers for exploitation of public sector information. Furthermore, the Association considers that public sector information should not be subject to any restricting copyrights other than in cases where such information already was the subject of any copyright when the information became public sector information.

Question 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?

Answer

Privacy considerations do deserve specific attention in relation to the exploitation of public sector information. However, the applying of the Directives 95/46/EC and 97/66/EC satisfy such consideration. (It is another matter that these two Directives ought to be revised.) The right for individuals and businesses to access public sector information would then be governed by national legislation issued in conformity with these Directives. Access to sensitive information would be limited as provided by Directive 95/46/EC.

However, in Sweden, much public sector information that is not considered as sensitive by that Directive are nevertheless not made available to individuals and businesses in efficient and effective manners although the technique therefore exist and is at hand. Such information is, on the contrary, blocked. Example of such information include marital status, citizenship, place of birth, and much other information contained in public data bases. This is an important obstacle to the financing industry

The Association considers that public sector information in principle should be available to everyone unless there are sufficient reasons to declare it secret. In consequence with this view, the Association considers that the question whether commercial interests justify access to publicly held personal data is put the wrong

way. The right way to put this question would be to ask what interests require a certain piece of information to be declared secret.

Question 8

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

Answer

The Association believes that the different Member States' liability regimes to a considerable extent represent an obstacle to access or exploitation of public sector information?

Question 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.

Answer

The Association is of the opinion that EU-documents issued by its various institutions and organs should be handed out free of charge or at least at no higher cost than its technical production cost. The present situation where private businesses distribute EU-documents at market costs are contrary the principles the Associations believes ought to apply to public sector information in the European Union.

The Association would prefer to have to all COM-documents sorted by number, date and topic. Access to these, as to all other documents, should be free of charge on the Internet.

Question 10

Which actions should be given priority attention at European level?

Answer

The Association considers that priority attention at European level should be given firstly to legislation (recommendations, guidelines and binding measures) and secondly to awareness raising at all levels concerning the existing information sources.

- - -

Additionally, the Association makes the following final remarks.

The association considers that the US approach to the right to access public sector information should be employed also in the European Union as being the best way to further the development in general within the Union. Public sector information is for various reasons of particular importance to SMEs. There is consensus that the future development of the financial and employment situations of the EU largely will depend on the SMEs. Consequently, all reasonable efforts to assist SMEs should be tried. Facilitating access to public sector information is an important means to assist the SMEs, especially if it follows the principles employed by the US.

It is stated in the Green Paper that the accessibility to public sector information for individuals and businesses varies from Member State to Member State. The Association considers that it is of major importance that no measures should be taken that may result in restrictions in any of the Member States to the present rights to access public sector information in each of the Member States.

Yours faithfully

THE ASSOCIATION OF SWEDISH FINANCE HOUSES

/Hans Wahrolén/