

# PSI Directive transposition

## **Introductory guide to the amended PSI Directive**

## Brief history

The Directive on the re-use of Public Sector Information (PSI Directive) removed barriers to the re-use of Public Sector Information (PSI) across the European Union (EU) and took effect in the United Kingdom in July 2005 through the **Re-Use of Public Sector Information Regulations**. Re-use means use for any purpose other than that for which it was originally produced. Re-use often takes the form of commercial value added information products and services, particularly pan-European products. The growth of a thriving information industry helps to deliver economic benefits and employment opportunities across Europe. Equally, it was hoped that the removal of barriers to PSI would lead to greater transparency, openness and social engagement across Europe.

The Directive provides for:

- the ready identification of public sector information that is available for re-use
- clarity of any charges to be made for re-use (with an explanation of basis of the charge being available on request)
- processing of applications for re-use in a timely, open and transparent manner
- application of fair, consistent and non-discriminatory processes
- transparency of terms, conditions and licences
- establishment of a quick and easily accessible complaints process
- the prohibition of exclusive licences except in exceptional cases.

The Commission undertook a public consultation to measure the effect of the PSI Directive in 2010. The responses to the consultation indicated that although considerable progress had been made in certain Member States, notably in the UK, barriers remained which prevented the full potential of PSI from being realised. The Commission concluded therefore that further work is necessary in order to maximise the potential of PSI and it published proposals for amendments in December 2011. Negotiations between Member States took place during 2012/13 culminating in the adoption and publication of the amended Directive in June 2013.

## Amended Directive

The main changes in the amended Directive are to:

- require public sector bodies (PSBs) to allow the re-use of existing and generally accessible information they create, collect or hold. The effect of this was to make re-use mandatory in most cases.
- extend its scope to cover PSI held by public sector museums, libraries (including university libraries) and archives in making their information available for re-use.
- introduce the general principle that charges for re-use should normally be set at marginal cost, with exceptions in certain circumstances.
- introduce a redress mechanism for complaints by re-users operated by an impartial review body with the power to make binding decisions.

In many respects these changes bring the amended Directive in line with the approach that has been in operation in the UK since 2005. Member States are required to implement the amended Directive no later than July 2015 although the UK aims to transpose ahead of that date.

## What does the amended Directive mean?

### For public sector bodies

For most PSBs, particularly those which already make their information available for re-use under the Open Government Licence, the amended Directive will mean business as usual. Some PSBs will be required to justify any charges in excess of marginal cost pricing. There will also be a need for PSBs to be clear as to what their public task is because this term determines what information falls within scope of the Directive. The National Archives has published [guidance on defining public task](#). There is also a change of emphasis in that we are essentially moving from a regime where PSBs were not required to make information available for re-use to a mandatory one under which accessible information which is owned by the PSB must be made available for re-use.

### For re-users of public sector information

For re-users, obtaining information for re-use should be easier. In general, any information that is accessible, either because it has been published or because it has been released under Freedom of Information (Fol) legislation or other access legislation will be available for re-use. And this information will in most cases be re-usable at marginal cost, which in practice will be at nil cost in most cases.

### For museums, archives and libraries

Documents held by museums, libraries (including university libraries) and archives in the public sector were previously excluded from the Directive, but that exclusion is now to be removed. Where these public sector cultural institutions make information available for re-use they will be able to charge to cover the costs of collection, production, reproduction and dissemination of the information along with a reasonable return on their investment. Some flexibility is permitted, on a time limited basis, in terms of exclusive licensing especially where the museum, archive or library is working with a partner on a digitisation project. The exclusion from the Directive for third party intellectual property rights remains.

## Where can I find more information?

The National Archives will publish more information, revise existing guidance and publish detailed guidance on the revisions. Information about the Directive transposition will be published on [this webpage](#). The National Archives plans to hold a consultation on the transposition of the Directive into UK law in 2014.

The National Archives will hold workshops and seminars on the new Directive – you can sign up to a new [RSS Feed](#) for the PSI Directive transposition for notice of these events and other developments.

The National Archives will be working with sector leads to disseminate information to public sector bodies in those sectors.

See also The National Archives on Twitter [@UKNatArchives](#), [#PSItransposition](#).

For enquiries about the transposition of the PSI Directive, please contact [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).