Open Government Data in the Netherlands

Submitted on 11 Apr 2010 by Ton Zijlstra

Last year a session took place in Amsterdam where coders and civil servants met up for a [day of discussion and building open government data based applications](). It was during one of the first presentations that something happened that to me sums up the entire current situation around Open Government Data in the Netherlands quite well.

Someone from the Ministry of Education started his talk explaining that 'in our Ministry we act from the principle that everything is to be made public unless there are reasons not to.' This earned him cheers and applause from the audience. At the same time, via Twitter, came another response: 'How nice he promises to actually do what the law says he must.'

Between these two responses, the applause and the remark 'but that's the law', lies I think the entire story of Open Government Data in the Netherlands.

Yes, the legal picture is pretty clear at first glance. The EU PSI Directive of 2003 has been [translated into law]() (WOB) which describes both a pro-active way of making PSI public as well as a way for people to do 'freedom of information' requests. Exclusive contracts for access to PSI have been done away with. A 2009 court decision made sure we all understand that government cannot claim rights under the database rights law and base conditions of re-use on them. The use of open standards is mandatory since April 2008.

At the same time this is also where government institutions end up in a grey area. This because they make different decisions on whether or not to publish PSI pro-actively or not, and act differently in how they deal with copyright and privacy aspects as well as their assessment of how the release of PSI will or will not have impact on existing market parties. Each government institution, in absence of a national guideline, decides on their own if and how to publish PSI. This opens the door for fear based and risk averse reflexes with civil servants. Because of the differences in the resulting decisions taken, it also creates a very confusing picture for citizens regarding the availability and re-use of PSI.

A couple of examples to illustrate this. The national trade register is kept by the Chamber of Commerce. By law this is a public database. Yet, when Google plots this database onto their maps, revealing the home addresses of Dutch celebrities who have their business registered on their private address, MPs ask questions about this 'breach of privacy'. Yet, when someone builds a way to search and display the [trade register in a faster and more useful way](), the Chamber of Commerce first sends a cease and desist letter claiming database rights on this public register.

The ministry for agriculture provides information on all EU farm subsidies in the Netherlands on their website. Yet, when UK based [Farmsubsidy.org]() starts scraping that information, their traffic gets blocked (during office hours). All technical information on cars is made public and searchable by license plate, yet when you build a mobile application that automatically queries that information, your requests get blocked.

The ministry of transport publishes a lot of [traffic-related data]() but to be able to download you must register first. Other offices provide data with different licenses attached to different parts without that being indicated clearly in the dataset, or provide access only to representations and interpretations of the data and not the raw data itself. Or instances where data gets provided in several standards, just none of them open standards as mandated since April 2008. Or where a list of all public buildings is available but it's only half complete, and internally the relevant government

organization is not able to determine who made that list in the first place, nor who is maintaining it.

So while there are a lot of promising efforts to pro-actively publish information there are marked differences and inconsistencies in the way government institutions do this. Which is why a civil servant, such as the one at the start, gets a round of applause when he promises to do it 'right', and why others at the same time point to the fact that that should be the norm really.

I am optimistic however and think this period of confusion is temporary. Lots of change agents within all parts of government are making headway to more pro-actively publishing PSI in a reusable way. Both by pushing for more PSI being made available, and by taking technological steps to make that easier.

Also a new law is in preparation that will end a large part of the confusion, as it will say two important things: First, that anything the government publishes will have no copyright conditions attached to it. A first notion of what this means is already apparent at the new Rijksoverheid.nl website, aimed to be the national single access point for PSI, which carries a so-called CC0 license. Second, that any PSI provided against a cost, can only carry with it the incremental cost of distribution. For digital distribution this basically means at no cost. This second item by the way is a return to what was already in place and removed when the EU PSI directive was translated into law.

Finally I would like to see that in practice publication of PSI gets designed into the processes of all government bodies right from the start. It is a lot of work to make PSI publishable at the end of a process, or when a citizen puts in a freedom of information request. Currently government subsidies are used to help people file those requests, and that's an irony government can easily address.