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Re-use of Public Sector Information

Free Access, Public Fees and Prices

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Abstract: Sustainability of Open Data and PSI initiatives is one of the biggest challenges for governments nowadays. This report analyses the regulations on models of Public Sector Information prizing in Europe and Spain. It also offers recommendations and techniques for establishing a framework for public sector bodies reflecting on the economic sustainability of these initiatives.

0 Introduction

Directive 2003/98/EC¹ recognises the possibility for the agencies that administer public sector information (hereinafter PSI) to establish pricing models for the data they supply.

Where applicable, these charges should be established with a proportionate return on investment, attempting to apply pricing methods to cover the marginal costs incurred by the public sector body concerned in supply of the PSI, while ensuring pricing policy does not penalise the consumption of public information, the re-use of which by information-based sectors has on numerous occasions been shown to be a significant generator of GDP and employment.

In the same line as the Directive, its transposition into Spanish legislation through Law 37/2007² and its implementing Decree also recognises the competence of a body to establish public fees and charges for PSI, referring to provisions set out in Law 8/1989, of 13 April 1989, on Public Fees and Prices³, and applying the principle of proportionality between price and cost incurred in the collection, production and dissemination of the information.

In this respect however, the Bill on Transparency and Access to Public Information and Good Governance urges Spanish public bodies to comply with Law 37/2007 by providing price exemption, though it also includes in Article 19 the power to apply public fees or charges in cases of the transformation of information into a format different from the original:

Access to information shall be free of charge. Nonetheless, the issuing of copies or transformation of information into a format different from the original source would allow charges to be levied under the terms provided in Law 8/1989, of 13 April, on Public Fees and Prices or, as the case may be, in accordance with the applicable Autonomous Community or local authority regulations.

This report is drawn up by datos.gob.es⁴ with the aim of analysing the relevant conditioning factors regarding cost exemption and pricing of PSI. It reviews the applicable regulations in this area, the different models that may be applied in Spanish and European public bodies and establishes a set of recommendations and techniques which, while not in the least binding, will enable the establishment of a reference framework for those bodies currently engaged in a

¹ Directive 2003/98/EC: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0098:En:HTML>

² Law 37/2007: <https://www.boe.es/buscar/doc.php?id=BOE-A-2007-19814>

³ Law 8/1989: https://www.boe.es/diario_boe/txt.php?id=BOE-A-1989-8508

⁴ Spanish Open Data Portal: <http://datos.gob.es>

process of reflection on this subject.

The report is structured as follows:

1. Analysis of currently applicable Spanish and European legislation and specific provisions relating to the charging of fees for PSI.
2. Analysis of existing pricing techniques, developing the model recognised by the EU and Spanish legislation as fair and recommended: **marginal cost**.
3. Development of other PSI re-use financing techniques through public-private partnership models.
4. Analysis of real cases of Spanish and European public bodies that have applied different strategies regarding the cost exemption or pricing of PSI.
5. Final conclusions and a practical guide for analysis of and reflection on the application of charges for certain PSI services.

1. Legal context of implementation

1.1. EU regulatory references

Adoption of Directive 2003/98/CE of the European Parliament and of the Council on 17 November 2003 on the re-use of public sector information⁵ established the general framework of commitments in the matter that Member States were necessarily due to transpose in the successive years.

Thus, Chapter III of the Directive, relating to the conditions applicable to re-use, includes Articles 3, 6, 7 and 8 which recognise the authority and competence of European public bodies to establish charges associated to published datasets, under certain general assumptions and rules:

“Member States shall ensure that, where the re-use of documents held by public sector bodies is allowed, these documents shall be re-usable for commercial or non-commercial purposes in accordance with the conditions set out in Chapters III and IV. Where possible, documents shall be made available through electronic means.” (Art 3 of the Directive)

These rules establish the following principles and provisions:

- Application of the principle of **proportionality in charging for the information**: charges should be proportional to the costs of collection, production, reproduction and dissemination, together with a reasonable return on investment, and consistent with accounting principles and the relevant cost calculation method applicable to the public sector body in the Member State concerned.
- Application of the principle of **transparency in the applicable charges**: applicable charges for information and the methods of calculation applied, together with the factors taken into account in regards to charges for atypical cases and the appeals mechanisms available should be published by the public body, preferably through electronic means.
- Public sector bodies may allow for the re-use of information by third parties under certain conditions through the **application of licenses**, providing such licenses do not represent a limitation of the principle of free competition.

In 2009, while not modifying the text of the Directive, the Communication from the Commission to the European Parliament, the Council, the European Economic and Social

⁵ Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of PSI: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0098:En:HTML>

Committee and the Committee of the Regions Re-use of Public Sector Information – Review of Directive 2003/98/EC – [SEC(2009) 597]⁶ made certain clarifications and recommendations with respect to charging for PSI, including: **the exemption from or application of charges based on marginal costs of reproduction and dissemination**, as a prelude to the subsequent modification of the Directive in 2011, which finally establishes this consideration as a principle. Thus in the 2011 Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/98/EC⁷ on the re-use of public sector information (COM(2011) 877 final), the EC reviews the key issues that have arisen during application of the Directive. Among these, the EC highlights the uncertainties and questions forwarded by individual Member States and public bodies that were consulted regarding whether to apply prices to PSI or to provide it free of charge, and the pricing models to be applied.

In response to the issues raised in this consultation, the Proposal introduces the following clarifications to the Directive and the modification of Articles referring to applicable charging principles:

“1. Where charges are made for the re-use of documents, the total amount charged by public sector bodies **shall be limited to the marginal costs incurred for their reproduction, provision and dissemination**.

2. In exceptional cases, in particular where public sector bodies generate a substantial part of the operating costs derived from the performance of their public service tasks from the exploitation of their intellectual property rights, public sector bodies may be allowed to charge for the re-use of documents over and above the marginal costs, according to objective, transparent and verifiable criteria, provided this is in the public interest and subject to the approval of the independent authority [...].

3. Notwithstanding paragraphs 1 and 2, libraries (including university libraries), museums and archives may charge over and above the marginal costs for the re-use of documents they hold [...].

(New paragraph 5 is added): The burden of proving that charges comply with this Article shall lie with the public sector body charging for re-use.”

Finally, together with this Proposal for modification of the Directive, **the EC endorsed the Commission Decision of 12 December 2011 on the re-use of Commission documents**

⁶ Review of Directive 2003/98/EC – [SEC(2009) 597]:

http://ec.europa.eu/information_society/policy/psi/docs/pdfs/directive/com09_212/com09_212_en.pdf

⁷ Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/98/EC:

http://ec.europa.eu/information_society/policy/psi/docs/pdfs/directive_proposal/2012/proposal_directive.pdf

(2011/833/EU)⁸, which set out the provisions for application of its own re-use policy and compliance with the Directive, establishing the following principles with respect to charging for its re-usable documents:

1. The re-use of EC documents shall in principle be free of charge except in atypical cases, in which marginal costs incurred in the reproduction and dissemination of the documents may be recovered, in accordance with that provided in the Directive.
2. In cases where the Commission is asked to adapt a document for a third party in order to satisfy a specific application, the costs involved in the adaptation may be recovered from the applicant. Such costs shall take into account the effort necessary for the⁹adaptation as well as the potential advantages it may bring in terms of the general operation of the re-use system or in terms of enhancing the public image of the Commission.
3. Any applicable charges for the re-use shall be published through electronic means.

1.2. Spanish regulatory references

The Spanish legal framework provides instruments for the transposition of the Directive and specific legislation with respect to the application of public fees and prices for the provision of public services. They are all, however, somewhat general in nature and fail to include provisions or practical models which may be used as references for national public bodies when taking decisions regarding their pricing and exemption strategy and techniques for the analysis of applicable marginal cost for the calculation of charges.

Law 37/2007, of 16 November 2007, on the Re-use of Public Sector Information, only includes references to this aspect in Article 7, which provides:

1. A fee or public price for the supply of documents for re-use may be applied within the conditions of Law 8/1989 of 13 April 1989 on Public Fees and Prices or of any regulatory provisions applicable locally or within an Autonomous Community, in such a way as to enable public bodies to cover the costs relating to the collection, production, reproduction and dissemination of information.
2. In cases where a public sector Administration or organisation re-uses documents as a basis for commercial activities outside the functions attributed to it, the same charges as are applicable to other users must be applied.

⁸ Commission Decision of 12 December 2011 on the re-use of Commission documents (2011/833/EU): <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:330:0039:0042:en:PDF>

⁹ Spanish Law 8/1989 of 13 April 1989 on Public Fees and Prices: http://www.boe.es/diario_boe/txt.php?id=BOE-A-1989-8508

3. Public prices or fees differentiated by whether re-use is for commercial or non-commercial purposes may be applied.
4. Each public sector body shall make available to the public the list of applicable public prices and fees for the information, as well as cases where no payment is required, preferably by electronic means wherever possible.
5. The organisation concerned must also indicate upon enquiry the calculation basis used for determining public prices or fees and the factors taken into account in calculating charges in atypical cases.

However, Royal Decree 1495/2011, of 24 October 2011, which implements Law 37/2007, of 16 November 2007, on the Re-use of Public Sector Information¹⁰, developed for the Spanish public state sector, does not expressly implement this Article 7 of the Law, solely enabling its Article 4 relating to the preference of publication of the list of public fees and prices and the calculation basis applied **on the website of the corresponding public body**.

Thus, the fundamental normative reference must be deemed to be based on Law 8/1989, of 13 April 1989, on Public Fees and Prices, or on applicable Autonomous Community or local authority regulations, Articles 19 and 25 of the Law establishing the following provisions which determine:

1. With respect to the application of charges in public services:
 - a. The charge for provision of a service may not exceed the cost of the service or the value of the provision received.
 - b. In the determination of said charge, an analysis shall be made of direct and indirect costs, including those of a financial nature, the depreciation of fixed assets and, where applicable, the expenditure necessary to ensure the maintenance and reasonable development of the service.
 - c. The tax payable may consist in a fixed amount laid down for such purpose and/or be determined on the basis of a tax rate applicable on quantitative elements taken as the tax base.
2. With respect to the application of public prices:
 - a. Public prices shall be determined to cover at least the economic costs originated by the service provision, or at a level equivalent to the use derived from same.

¹⁰ Royal Decree 1495/2011: <https://www.boe.es/buscar/doc.php?id=BOE-A-2011-17560>

- b. When there exist reasons of a social, charitable or cultural nature or of public interest, lower public prices may be established through associated budgetary coverage.

Considering the differentiation between the non-voluntary and voluntary aspect applicable to public fees and prices, in general terms the binding provision in this law in the matter of re-use of PSI must be Article 29, relating to the quantification of public prices, which establishes the possibility of imposing prices higher than the costs originated, within an order of utility, or allows for the establishment of prices lower than the costs originated for reasons of social, charitable, cultural or public interest.

Finally, though in draft form and pending enactment, it seems the Spanish government's future **Law on Transparency and Access to Public Information and Good Governance** will also set out considerations applicable as a partial basis for re-use of PSI policies developed by Spanish public bodies, and **which clearly and categorically stipulate the provision of public information free of charge, except as regards the costs of the medium used or its transformation:**

1. **Public information is deemed to be the contents or documents held by any of the organisations included within the scope of the Law and which have been prepared or acquired in the exercise of their functions.**
2. All people have the right to access public information, except in certain cases concerning security matters, interests of an economic or institutional nature, or related to data protection.
3. **Access to public information shall be free of charge**, except the issuing of copies or transformation of the information into a format different from that of the original, in which case charges and public prices may be applied in accordance with the prevailing provisions.

Finally, reference should be made to certain specific normative developments occurring in the Spanish Autonomous Communities. In addition, in some cases, to specific Autonomous Community and local authority regulations analogous to Law 8/1989, of 13 April 1989, on Public Fees and Prices, legislation in the field of transparency, good governance and the re-use of public information has been or is being developed in some Autonomous Communities.

1.3. Conclusions

In view of this analysis of regulations and as a general premise for the development of recommendations for public bodies in the process of adaptation to Royal Decree 1495/2011

and, more specifically, in assessing the strategic determinations necessary to apply public fees and prices for the service of provision and re-use of PSI, the conclusions reached by datos.gob.es are the following:

1. Both Spanish and European legislation generally recognise the possibility of applying public fees and prices to PSI.
2. This possibility must be made public, preferably by electronic means such as the website, through a list of free information, information subject to public fees or prices and, where applicable, the method employed to calculate the price.
3. Pricing models must be proportionate to the value of the information supplied, with the recommended doctrine being that of the European Commission based on the system of **coverage of marginal cost**¹¹, understood to be the allocation of the direct and indirect costs incurred in collecting, producing, reproducing and disseminating the information, together with a reasonable return on investment.
4. Finally, consideration should be given to the fact that application of the Bill on Transparency and Access to Public Information and Good Governance will have the general effect of exempting PSI from charge, inasmuch as this information is produced in the context of the competences of a public body, allowing for the levy of fees in cases of the reproduction of copies to non-digital mediums or the transformation of information into formats other than that of the original.

¹¹ The precise definition of this concept will be included in the enactment of the new Directive.

2. Cost estimation techniques in the re-use of PSI

2.1. Cost estimation and price setting techniques

In a study conducted in 2009¹², the University of Cambridge highlights the following models or alternative pricing strategies for PSI presented by European public administrations:

1. Profit maximization or market price models, questioned by experts in a field in which the Public Administrations enjoy a monopoly position achieved through public funds.
2. Models for the long-term recovery of the full cost of the service.
3. Zero-cost, or unitary marginal cost pricing models for an additional user.

Although European and Spanish regulations recognise both of the latter two models, recommendations centre on application of the **zero-cost or marginal cost model**, which ensures due compliance with re-use of PSI Directives and rules in the General State Administration, in addition to guaranteeing legitimacy with respect to the emerging new transparency regulations. The application of this model produces greater stimulation of PSI consumption which, according to various studies, leads to inferred social and economic effects and benefits for the Public Administrations through tax revenues and savings in public expenditure.

Thus, the following practical recommendations may prove useful for public bodies in the analysis and definition of their pricing models and are consistent with the principle of price exemption or marginal cost:

1. **Applicability of zero cost in PSI:** all “raw” data in the possession of Public Administrations and whose collection and production is carried out in the framework of their attributed functions or competences (financed by the public budget) **must be free of charge and disseminated in the conditions established in Law 37/2007** and its implementing Royal Decree 1495/2011:
 - a. Administrations shall maintain a re-usable public information inventory accessible by electronic means in which they shall disseminate free of charge the data they offer to the community.

¹² The Economics of Public Sector Information:

<http://www.econ.cam.ac.uk/dae/repec/cam/pdf/cwpe0920.pdf>

- b. Reproduction of the information by the interested party shall be by means of download from a website, with a marginal cost equal to zero being applied for each reproduction and distribution transaction.
 - c. The administrations shall convert the data, free of charge, into at least one of the formats considered re-usable.
 - d. In order to benefit national economic development – especially with regard to the information-based sector – as far as possible no specific charges should be applied relating to the granting of licenses for the commercial use, reproduction and dissemination of the information. In the event that public prices are applied to these licenses, they should be proportional and not penalise the competitiveness of re-use companies.
2. **Applicability of marginal cost in PSI:** the circumstances in which the Public Administrations are recommended to apply charges to PSI respond to the concept of **providing added-value or customised services on demand**, with the following cases open for consideration, among others:
- a. The customised gathering, production and dissemination on demand of information for private purposes, when its processing does not fall within the requirements of the “usual” competences or functions of the public body.
 - b. The specialised processing of information to attend to a specific request of an interested party.
 - c. The provision of customised advice in the interpretation and analysis of the requested information.
 - d. The transformation requested by a private individual of data into a format other than those existing in the public body.
 - e. The reproduction of information on a medium other than digital download, in which case the cost of the reproduction medium or material shall be considered the marginal cost.

The application of marginal cost as a charge must respond to an analysis of real costs incurred by the public body in providing the added-value or customised service. In such cases, the practices most commonly applied by public bodies tend towards including all the **direct costs incurred in attending to the specific request**, principally the following:

1. **Labour costs:** an hourly rate shall be established based on the average cost of an IT technician employed by the public body for the specialised collection or processing of a set of data. On receipt of a request for customised service, the public body should

- estimate the number of hours the service would take and notify the interested party to obtain his or her acceptance.
2. **Costs of materials and consumables for the reproduction:** the cost of reproduction of the digital information on different physical or electronic mediums must be established, as well as that of the materials and consumables employed in the reproduction, with indication of the associated budgets, based on the type of information, its volume and the medium employed.
 3. **Costs of depreciation of the infrastructure and equipment** used for the production or reproduction of the information (according to the established rate).
 4. **Dissemination costs:** the costs associated with sending the information by normal physical transport channels on the market could be established.
 5. **The travelling and subsistence costs** of technical staff in those cases where they need to travel in order to provide the service (in accordance with the applicable collective agreement).
 6. **Commercialisation and marketing costs** of the added services offered, which may be proportionally charged to each of the service requests received.

In any case, each public body is free to establish the cost model it applies to the pricing of PSI within the framework of recommendations set out in prevailing legislation relating to proportionality and associated marginal cost.

Likewise, each public body may determine exceptions in the collection of these charges, through discounts or zero cost, in line with whether the socio-economic motivations in providing the information are the public interest or some direct benefit for the same public body in carrying out its functions or in terms of its institutional image.

Such considerations **must be justified in a report or set out in a public regulation (duly published through official channels and preferably on-line)**, in accordance with the provisions laid down in Article 20 of Law 8/1989, of 13 April 1989, on Public Fees and Prices:

“All proposals for establishment of a new fee or specific modification of the amounts of existing fees shall include, among the background material and preliminary studies, an economic-financial report on the cost or value of the resource or activity concerned and on the justification of the amount of the proposed fee [...] Failure to meet this requirement shall result in the regulatory provisions that determine fees being declared null and void.”

2.2. Financing through public-private partnership models

There are additional ways of generating direct economic returns to finance the development of PSI re-use provisions. The principal measures being applied in the international context involve **public-private partnership models** in which private and public organisations are invited to collaborate in the development and financing of Public Administrations' PSI re-use policies, receiving direct benefit in return through publicity or direct marketing channels.

This type of agreement can be established under the Directive and Law 37/2007, which establishes the possibility of exemption from the principle of "exclusive rights" over PSI in cases of public interest, subject to three-year revision¹³: *"The granting of exclusive rights by public sector organisations to third parties shall not be permissible unless such exclusive rights are necessary for the provision of a service of public interest, in which case the corresponding public sector Administration or organisation shall be obliged to carry out a review periodically, and in any case every three years, of the continuing validity of the reason for granting the aforesaid exclusive right. Such exclusive agreements must be transparent and public."*

Article 6 of Law 37/2007, of 16 November 2007, on the Re-use of Public Sector Information

How can these partnership models be structured? The most practical method is that of setting up a web feed for sponsors or members on the PSI re-use portal or corresponding open-data channel in which, through a subscription or fee, certain private (or even public) companies contribute to financing the public body's PSI re-use operating costs. The consideration for this payment could be articulated through various complementary models:

1. **Hidden sponsorship** of companies especially interested in the release of public data for the benefit of their business. The consideration for such sponsorship is Premium and anticipated access to the information, which will enable these companies to develop competitive products and stay ahead of their competitors.
2. The **benefits inherent in static and dynamic advertising of the company on the PSI website**, deriving from the **sponsorship** (inclusion of logos, links to the company website, information, etc.).
3. The possibility of **using the public body's PSI web feed as a platform to publish or even provide data and services of a private nature, subject to prices established by**

¹³ The proposed revision to the Directive adds: *"Nonetheless, these agreements with cultural institutions and university libraries shall conclude when the contract expires or, in any case, no later than 31 December 20XX [six years after the Directive enters into force]"*.

the company. This model is especially applicable in the case of infomedia companies that wish to use public channels to market their products.

4. The **concession of management of the public body's PSI re-use and web feed to a private external agent** through an administrative license system, and the feasibility of the agent implementing certain types of business model (advertising, Premium accesses, etc.) and pricing and payment policies.

In all cases, these partnership models must be open in order to avoid generating commercial exclusivity in the field of the Public Administrations, and duly regulated by partnership agreements and contracts which include rights and obligations for both parties.

As will be analysed below, there are now real experiences of specific cases of public-private partnership and, though as yet not extensive, they open a way of funding compliance with the re-use of PSI provisions in what is currently a difficult budgetary scenario for Public Administrations. The entry of capital or private management in this field could generate a win-win situation for both the public and private sectors in the national context and produce new business models and competitive services that combine the capabilities of both sectors:

*“Benefits to be gained from improved access and facilitated re-use include: innovation in products based directly on PSI and in complementary products; reduced transaction costs and efficiency gains in the public sector; and, increasingly, the **combining of different public and private information to produce new goods.**”*

Explanatory memorandum of the Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND THE COUNCIL Amending Directive 2003/98/EC on Re-use of Public Sector Information.

2.3. Practical pricing examples

A number of case studies are presented below examining Spanish and European public bodies in which PSI pricing models are applied or public-private partnership systems have been set in motion.

The cases presented have been analysed through a desk search based on studies published by public and private organisations in the European context relating to the application of public prices in the supply of PSI in different areas of public management, at both the national and the international level:

1. Geographical information
2. Meteorological information
3. Registry authorities
4. Statistical bodies

5. Others

2.3.1. The National Geographic Institute of the Spanish government and National Centre for Geographic Information

The **National Geographic Institute (IGN)**¹⁴ is a body attached to the Spanish Ministry of Public Works and is responsible for processing and disseminating official data of a geographical nature generated by the Government of Spain, through **management of the National Centre for Geographic Information (CNIG)**.



The business model implemented by this public body is the following:

- The IGN collects, produces and manages geographical information in the framework of its functions.

¹⁴ National Geographic Institute (IGN): <http://www.ign.es/ign/main/index.do?locale=en>

- The CNIG is the body which commercialises and disseminates the geographical information. It currently offers a broad range of data free of charge, together with added-value services through digital presentation on its website, in many cases involving customised assistance under quotation, as well as the reproduction and sale of cartographic documentation in various physical formats.

Ministerial Order FOM/956/2008¹⁵, of 31 March 2008, which approves the policy for public dissemination of the geographical information generated by the Directorate General of the IGN regulates the pricing and exemption from charge of IGN-CNIG datasets.

1. Information provided free of charge:

- *The digital geographical information included in the National Reference Geographic Equipment as well as the Metadata of the geographical data produced by the IGN and the geographical information services of the IGN and the CNIG shall be deemed “public sector information”, and its use is, in all cases, free of charge, provided that the National Geographic Institute is mentioned as the origin and owner of the data. (Art. 2.1) The downloading of information encompassed in this Article is not subject to user licensing agreements.*
- *The **non-commercial use** of digital geographical data other than those included in the National Reference Geographic Equipment and the geographical information services provided via Internet included in the Order FOM/956/2008 is free of charge, provided that the National Geographic Institute is mentioned as the origin and owner of the data, within the scope authorised by the corresponding user licence. (Art. 2.2)*
- *The services of access via Internet to the geographical information produced by the IGN and those of analysis and processing of geographical information produced by the IGN delivered on-line through the same medium shall be free of charge. (Art. 3.2)*
- *Downloads using the geographical information services provided by the CNIG **for non-commercial use** and performed by the user of the geographical information produced by the IGN shall be free of charge. (Art. 3.3)*

¹⁵ Ministerial Order FOM/956/2008: <http://www.boe.es/buscar/doc.php?id=BOE-A-2008-6229>

- According to the Order, information intended for integration in internal information systems of a company or for non-commercial dissemination on the Internet will not be considered information for commercial use.

2. Information which is not free of charge:

- The **commercial use** of geographical information subject to licensing must be agreed by the beneficiary body which will establish, where applicable, a public price associated to the user licence, reproduction and dissemination.

The model to be applied for commercial uses shall be based on the partial and non-exclusive assignment of the State's rights over use of the requested data or geographical information services, formalised by user licensing agreements signed between the CNIG and the natural or legal person intending to make the commercial use of the said data or services.

This assignment of rights shall be made in exchange for a financial consideration which will take the form of a public price, the amount of which shall be that resulting from applying the proportion in which the information or service supplied participates in the generation of the product or service being commercialised, on the basis of the final business value, with the possibility of accepting consideration in kind. The State's contribution shall be assessed in terms of reference values, the amount of which shall be provided for each product in the Resolution establishing the public prices of the National Centre for Geographic Information (CNIG).

(Arts. 8.3 and 8.4)

- The provision of geographical information in non-digital formats, atypical requests for information not included in the download catalogue and on-demand added-value services *shall be made in exchange for a consideration to cover the costs of transferring same to the required support medium, and distribution. Such economic consideration shall be deemed a public price* (Art. 3.4), and shall be submitted in a quotation under the provisions established in Appendix II of the 2004 Resolution¹⁶ on public prices of the CNIG.

¹⁶ Appendix II of the RESOLUTION of 1 July 2004, of the National Centre for Geographic Information, which establishes the public prices to be applied in the distribution of geographical data and publications and in the provision of geographical services (repealed).

In this Appendix, the public body applies the following costs attributable to the added-value services and intended to cover the costs incurred, adding a profit margin of 10%, when calculating the corresponding public prices:

- Labour costs/hour: higher technician (€90), technician (€50) and assistant (€30)
- Staff travelling and subsistence costs in those cases where they need to travel in order to provide the service
- Reproduction equipment depreciation costs (€9 per hour of use)
- Costs of materials and consumables, at market price
- All costs implicitly include: 12% attributable to indirect general expenses and a 10% profit margin
- Additionally, the applicable transaction tax (VAT) is charged

The IGN also offers downloads of applications that are accessible to all, some of which are free and others not. The “Camino de Santiago 2.0” [Way of St. James 2.0] application is an outstanding example of this service: a collection of cartographic products related to the “Camino”, which are compatible with GPS devices and full of useful information for pilgrims:

- Free download of the application and format for mobile devices and Android and Apple platforms:



- Free download of the application for PCs:



- Sale of maps, printed materials and DVD of the cartography of the “Camino”, subject to public price:

Mapas impresos por etapas y DVD

En cada etapa, además del recorrido principal y sus variantes a escala 1:50.000, se aporta información de monumentos y de servicios (albergues, alojamientos, tiendas, restaurantes, etc.) de las localidades de paso. Para ayudar a planificar las jornadas se incorporan esquemas de cada etapa en los que se indican las distancias entre las localidades y puntos verticales del terreno.

El DVD contiene la aplicación Camino de Santiago sin necesidad de acceder a Internet. Con conexión a Internet permite además, visualizar servicios cartográficos en línea.



Nombre	Escala	Edition
C. Santiago. Hoja 1 etapas (1-2-3-4-5)	1:50.000	2009
C. Santiago. Hoja 10 etapas (31-32-Santiago)	1:50.000	2009
C. Santiago. Hoja 2 etapas (18-28-38-48)	1:50.000	2009
C. Santiago. Hoja 3 etapas (5-6-8-6A)	1:50.000	2009
C. Santiago. Hoja 4 etapas (7-8-9-10)	1:50.000	2009
C. Santiago. Hoja 5 etapas (11-12-13-14)	1:50.000	2009
C. Santiago. Hoja 6 etapas (15-16-17-18)	1:50.000	2009
C. Santiago. Hoja 7 etapas (19-20-21-22)	1:50.000	2009
C. Santiago. Hoja 8 etapas (23-24-25-26)	1:50.000	2009
C. Santiago. Hoja 9 etapas (27-28-29-30)	1:50.000	2009
C. Santiago. Esquema	1:50.000	2009
Camino de Santiago E. 1:500.000	1:500.000	1999
Camino de Santiago. Oira completa	1:50.000	2009
Los Caminos de Santiago de C. En Europa	1:300.000	1993
Santiago en los C. Pen. Ibérica	1:100.000	1994
Santiago en los Caminos Galic	1:250.000	1993

2.3.2. Meteorological agencies in the EU

European Public Administrations are also responsible for meteorological information, another area of operations in which PSI is of particular importance. The agencies that administer this information have vast processing systems that handle data which is of enormous interest to many primary, secondary and tertiary sectors of economic activity.

These agencies have a range of different strategies in regard to charges for this PSI, ranging from models in which information is free, to other models in which charges are levied. These two approaches are examined below, illustrated by practical case studies.

The **Norwegian Meteorological Institute (NMI)**¹⁷ is responsible for collecting, producing and disseminating meteorological information in Norway.

The NMI **provides all public information without charge** regardless of the commercial purpose for which it may be used, and even offers access to information from other European agencies free of charge. Fees are only charged for added-value services.

The approach adopted by the NMI in providing free data has resulted in a dramatic increase in the volume of information usage and downloads and has generated a significant institutional yield at a national level and in the international open-data community.

There has also been a considerable return on the investment deriving from the growth of the weather information-based sector, which has seen an increase in profits and in job creation in recent years, raising revenue for the Norwegian tax authorities in the form of direct and indirect taxes.

MET Éireann, the Irish National Meteorological Service, is attached to the Department of the Environment and provides meteorological information and other related services in the

¹⁷ Norwegian Meteorological Institute: <http://met.no/English/>

context of the Republic of Ireland.

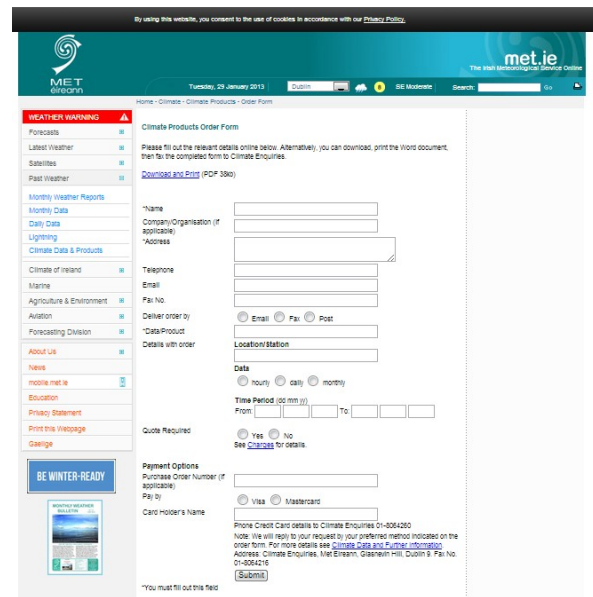
The MET offers a wide range of free information and services via its website <http://www.met.ie>, though these are supplied in a format that makes re-use impossible. However, it sells datasets of past weather information and other products on request at fixed rates: specific meteorological events, past weather datasets, marine data, etc.

Applications for this information must be submitted using a form and the charges or prices are established on the basis of a model in which tariffs are set according to the product requested.

For example:

1. Basic data:

- a. Hourly data:
 - i) €16 + 23% VAT per station/element/month
 - ii) €160 + 23% VAT per station/element/year
- b. Daily data: €80 + 23% VAT
- c. Rainfall images: €2-€4 + 23% VAT depending on whether the request is for a single site or for aggregated geographical composites.



2. Analysed data:

- a. Monthly and annual tables: €30-€50 + 23% VAT
- b. Daily station report: €25.00 + 23% VAT
- c. Tables giving monthly figures: €10.00 + 23% VAT

3. Provision of information for a flat fee for the purpose of academic research: €45 + VAT

4. Official publications in hard format: €80 + VAT

2.3.3. The Spanish Land Registry

The Spanish **General Directorate for Cadastre (DGC)**¹⁸, part of the Ministry of Finance and Public Administrations, was one of the first bodies in Spain to introduce an open and free policy on the re-use of PSI for commercial and non-commercial purposes. The transition to this new approach was implemented gradually and was completed in 2011.

Even though other land registries in Europe have returned to a public-pricing policy as a way

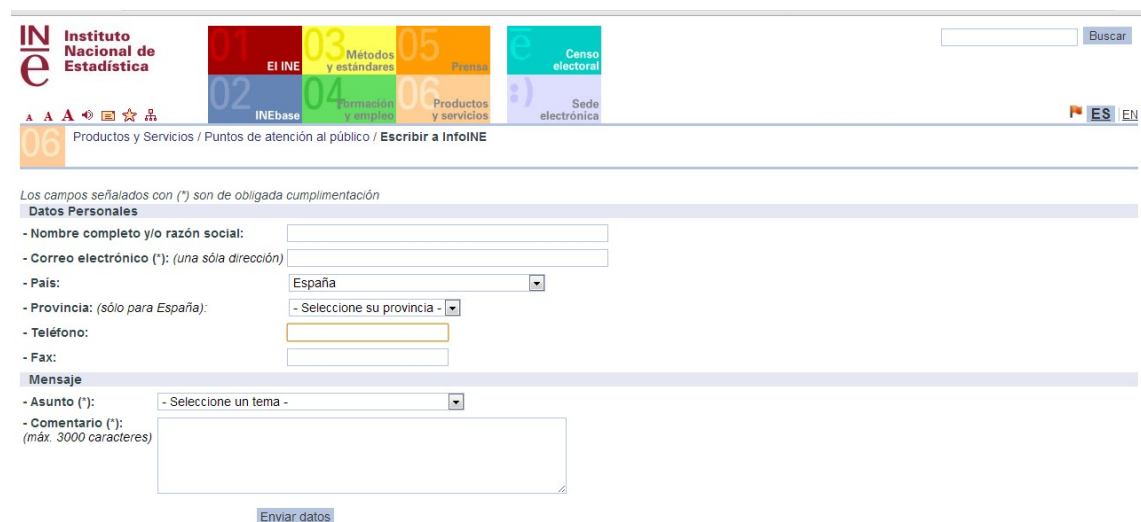
¹⁸ Portal of the General Directorate for Cadastre: <http://www.catastro.meh.es>

of raising revenue in a context of the budget cutbacks in European public authorities, the DGC has continued its strategy of providing open access and exemption from charge due to the financial benefits generated by this information and the savings for companies and citizens in terms of taxes and other fees.

At the present time, the DGC does not offer any added-value or customised PSI service for which it might be possible to consider implementing a system of charges.

2.4. The National Statistics Institute of the Spanish government

The **National Statistics Institute (INE)**¹⁹ is the public body responsible for the statistical processing of the socio-economic data and official information of the Spanish government. It is currently one of the agencies that supply the largest volume of free and public information to citizens and companies through its INEBASE application, which offers a dynamic service for downloading official surveys, which can be filtered using the various search parameters and segments available.



The screenshot shows the INE website interface. At the top, there is a navigation menu with icons for 'EI INE', 'Métodos y estándares', 'Prensa', 'INEbase', 'Formación y empleo', 'Productos y servicios', and 'Censo electoral'. A search bar is located on the right. Below the menu, the page title is 'Productos y Servicios / Puntos de atención al público / Escribir a InfoINE'. The main content area contains a form with the following fields:

- Datos Personales:**
 - Nombre completo y/o razón social:
 - Correo electrónico (*): (una sólo dirección)
 - País:
 - Provincia: (sólo para España):
 - Teléfono:
 - Fax:
- Mensaje:**
 - Asunto (*):
 - Comentario (*): (máx. 3000 caracteres)

An 'Enviar datos' button is located at the bottom of the form.

In addition, the INE offers a range of added-value information services for which it charges a public price:

1. Standard publications. Books, leaflets, floppy discs and CD-ROMs that present in an organised manner the results of the INE's statistical activities.
2. Extracts of information mined from files or databases. These consist of special selections of data from the bank of time-related series or from files containing the

¹⁹ National Statistics Institute (INE): <http://www.ine.es>

results of the INE's various statistical activities.

3. Customised information. This is produced in response to applications for information that must be collated expressly from the basic files of the statistical activities held by the INE in its computers or found in bibliographical holdings. It also includes the elaboration of sampling designs and the obtaining of customised samples. This entails time spent in studying and programming, as well as the time required to implement the computer process.
4. Copies or digitising of documents. These consist of extracts or complete copies or digitised versions of publications or other documents drawn up by the INE. Also included in this section are the printed publications issued on request by the Reprographics Unit.

The Resolution of 17 February 2010 of the INE governing the private prices of products distributed by the institute establishes the charging principles employed by the INE for this range of added-value complementary services:

1. Table of prices charged for publications, which vary depending on the type of publication and its physical support medium.
2. Price per dataset mined expressly from the raw information gathered in its surveys and from its database of maps, charged according to the volume of entries requested and scales, respectively.
 - a. For anonymous, non-standard microdata from surveys and other information on computer file, a fixed minimum price of 5 euros per request is charged, which includes the cost of the physical support (CD-ROM), the cost of preparing it and the following variable scale:
 - i. From the first datum up to 5,000: €0.35 for every 100 data or fraction thereof.
 - ii. From datum 5,001 to 50,000: €0.35 for each 1,000 data or fraction thereof.
 - iii. From datum 50,001 to 2,500,000: €0.35 for every 10,000 data or fraction thereof.
 - iv. Data from 2,500,001 upwards: €0.35 for every 100,000 data or fraction thereof.
 - b. For mining time-related series:
 - i. For mining one line of data: €0.98.
 - ii. For every additional line of data: €0.17.

- iii. In the case of non-automatic mining, which is normally supplied in digital format, the following prices are taken into consideration:
 - iv. Minimum fixed charge per request: €7.02. This includes the cost of the physical support on which the information is supplied.
 - v. Price for every series mined: €0.06.
 - vi. In addition, a rate per datum in the file is charged in the bands detailed below. For this purpose, a datum is regarded as each field in each entry (be it a numeric or an alphanumeric field): from the first datum up to 5,000: €0.35 per 10 data or fraction thereof; and from 5,001 data upwards: €0.21 per 10 data or fraction thereof.
- c. For the map database, a minimum fixed price of €7.02 is charged, which includes the cost of the physical support medium, as well as a price for each unit (census section) contained in the file according to scale-based criteria.
3. Before drawing up customised information, a feasibility study is conducted and the corresponding quotation for the work produced, which must be accepted by the applicant. This includes:
- a. Preparation costs:
 - i. Analyst or senior statistician per hour: €51
 - ii. Programmer / specialist statistician / documentalist: €37
 - iii. Operator: €30
 - b. Information costs: €5 for the cost of the CD and charge applied in mining the microdata.
4. The cost of copies of documents varies according to the support, resolution and material required.

This Resolution also governs the costs of subscription services, exceptional circumstances in charging for these services and the policy on available discounts.

3. Conclusions and recommendations

Detailed below is the series of parameters established by datos.gob.es to be considered by public bodies in their process of reflection concerning the implementation of strategies on setting public prices for PSI, as a conclusion to the principles laid down in prevailing legislation and by the models employed in the various agencies analysed:

1. The publication of PSI free of charge. The dissemination of information already generated and processed by the agency and whose marginal cost per user tends towards zero, inasmuch as mass-distribution media without a significant unit cost are available, may be offered free of charge.
2. Notwithstanding the above, the issuing of copies or the transformation of the information into a format other than the original would allow charges to be levied in accordance with the terms laid down in Spanish Law 8/1989, of 13 April 1989, on Public Fees and Prices or, as the case may be, in accordance with the applicable Autonomous Community or local authority rules and regulations, as specified in the Bill on Transparency and Access to Public Information and Good Governance.
3. Likewise, charges may be levied in the case of the **provision of value-added services or customised services on demand** and where the quotation for the work is accepted by the applicant. The information concerning the charges levied should in any case be made public (by means of a Resolution) and should **take into account the principle of covering the marginal costs of the service**. Charges may include services such as advice and personalised data processing, the gathering and production of data in addition to those already offered and the reproduction of the information on physical support mediums.
4. Lastly, where applicable, public bodies should explore other methods for funding their re-use of PSI policies based on **public-private partnership models** in which private organisations collaborate by providing additional finance (and its associated financial consideration) or by co-operating in operating the service.

About the Author

datos.gob.es is the Spanish Open Data Portal, launched in 2011 and promoted by the Government of Spain through the Ministry of Industry, Energy and Tourism [<http://www.minetur.gob.es>], and the Ministry of Finance and Public Administrations [<http://www.minhap.gob.es>]. This portal is directly managed by the State Secretariat for Telecommunications and the Information Society (SETSI).

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