

Please, Close Your Data

Submitted on 28 Sep 2015 by Martin Alvarez-Espinar



Since the EU Directive on PSI re-use was released in 2003, all the Members States have been involved in opening up their information in some way. At the ePSI Platform we have been measuring the health of Open Data and PSI re-use across Europe through the 26 indicators of the [PSI Scoreboard](#). In concrete, the [indicator 2.3](#) monitors the implementation of redress procedures that can be invoked if a request for re-use is denied, so this is focused on legal actions against the government in case it refuses enabling the reuse.

During these years many companies have experienced difficulties to access and use public information according to the basic principles of Open Data. Sometimes these cases end successfully, others don't.

Andrei Nicoară, Coordinator for the implementation of [the open data commitments of the Romanian Government](#), recently [wrote](#) an article for OGP Romania, which explains a shocking case: a public body sued for adopting the *open by default* rule.

Applying the right to information access and PSI reuse, [legislatie.just.ro](#), the national legislative portal in Romania opened up the information regarding its documents, allowing the reuse free of charge.

One of the largest companies specialised in the provision of legislation applications, complained to [Consiliul Concurentei](#) (CC) —the Romanian independent body in charge of preserving a free and competitive market— about the Ministry of Justice exceeded the [N-lex](#) requirements when publishing also the consolidated form of the law (how the text of the current law is after several amendments). This corporation considers that interpreting the text of up-to-date laws is a service that has to be provided by private companies and professionals. The prestige of the Ministry of Justice is also an issue, as consumers would choose the Ministry of Justice site as the official source of information instead of buying services from the market.

CC refused to launch an investigation considering that the ultimate goal is the benefit of citizens by protecting them from a rigged market —and clearly citizen's benefit from this application. So the

complainant is asking in justice for forcing CC to start this market investigation. So now, under the [3507/2/2015](#) lawsuit, the Ministry of Justice and the Competition Council are involved as defendants in this process.

Thus, this is the first case where the justice and the opportunity of opening government data are questioned by the private sector. We are glad to see the principles of the Open Government Partnership implemented in Romania, although not always it's easy to achieve it.

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