



01. OPEN DATA

01. OPEN DATA ? 1/

- The Open data is born from the idea that data must be costless and freely accessible without copyright, patent or control restrictions of any kind, in interoperable formats.
- The Open data first appeared in scientific circles: the results of scientific work must be accessible to all. Each researcher must contribute to the "common pot" and renounce intellectual property rights **to advance knowledge** (Merton 1942).

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- The "Freedom of Information Act" (1966) obliges federal agencies to transmit their documents to anyone who so requests, regardless of their nationality. However, this **freedom of access** is restricted by nine exemptions on grounds of national security, defence secrecy, foreign policy, trade secrets, respect for medical confidentiality and privacy, and geological and geophysical information (Including maps) for wells.
- The "Privacy Act" (USA 1974), after Watergate, allows people to **know what information the government has about them**, to correct it if people proves it to be false, and to sue the government if it uses the data in an unauthorized manner.
- In France, the **Commission for Access to Administrative Documents** (CADA - 1978) is an independent administrative authority whose objective is to facilitate and control the access of individuals to administrative documents.

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- Directive 2003/98/EC for the re-use of public sector information (PSI, 2003) aims to establish a minimum set of rules for re-use and practical means to facilitate the re-use of existing documents held by organisms of the Member States of the European Union.

Public information is an important raw material for products and services. The re-use of this information would enable European companies to exploit the potential of this information and **contribute to economic growth and job creation.**

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- Directive 2007/2/EC for an infrastructure for spatial information in Europe (INSPIRE, 2007) lays down a general framework for a Spatial Data Infrastructure (SDI) for the purposes of European Community environmental policies and policies or activities which may affect the environment.

It requires free access to metadata, enforcement of interoperability laws and access to data and services for actors performing a mission within Inspire.

- Directive 2013/37/EU modifies the PSI directive (with Open data objectives) :
 - **Re-use possible** for commercial or non-commercial purposes,
 - Fees limited to marginal costs unless it is necessary to cover a *substantial* part of the costs of fulfilling the public service,
 - Transparency of tariff conditions.

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- www.data.gov (USA, 2009) is managed and hosted by the U.S. General Services Administration.
- www.data.gouv.fr (France, 2011) is managed by the *Secrétariat général pour la modernisation de l'action publique* (SGMAP).
- www.geoportail.gouv.fr (France, 2006)
- www.wikileaks.org
- The action of organisations promoting open data:
 - Open Knowledge International (UK, 2004) : CKAN is a tool that provides store for metadata,
 - Sunlight Foundation (USA, 2006) “making government & politics more accountable & transparent”,
 - OpenStreetMap Foundation (UK, 2006).

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■ THE ARGUMENTS FOR THE OPEN DATA:

- Transparency of citizens, administration and politicians,
- Fight against bribery,
- Sharing public data : do not pay several times,
- Collective contribution : everyone gives his stone,
- Economic development,
- Job creation,
- Modernity (importance for a politician to appear as modern),

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■ THE NEED TO FUND DATA PRODUCTION :

Funding is a key issue to be addressed, in any case, funding must be available to produce and maintain the data ; otherwise it will be very difficult to achieve datasets. Without funding, there is no data.

For many national cartographic agencies, public finance doesn't cover 100% of their production and distribution cost. The most frequent economic model is that the balance of funding is covered by users.

The PSI Directive considers that public data should be financed by tax, except for exceptions that are duly framed (and probably always more limited).

In the increasingly Malthusian framework of public finances, this will necessarily lead to a reduction in the volume of data produced and their maintenance.

UN-GGIM:EUROPE preparatory phase Working group 1 “data definition and access conditions” report (April 2014)

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A great deal of heterogeneity can continue to exist between member states and generate a distortion of competition between states that make or not the effort to invest in public information. These states affording data must then open the information to foreign companies without any reciprocity in terms of investments from any other state.

The absence of an economic link between the producer and the user may lead to the following two perverse effects :

- Data production no longer meets the needs of users,
- If the data show a significant added value, large companies would benefit from it with a limited return for the national community.

With the “uberisation” of the geographic information, European UN and Member States may no more regulate data quality.

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A multi-level approach could be found between European Union, European UN Member States and local authorities.

If political decisions favour open data then a model for adequately **sustaining** its availability with the currency and quality required by users has to be put in place.

Essential data could be free while “premium” versions could have a fee.

UN-GGIM:EUROPE preparatory phase Working group 1 “data definition and access conditions” report (April 2014)

What is the reality in 2017 ?

*How could we be not in an **only defence** position ?*

02. OPEN DATA IN FRANCE

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- **2004** : the amended decree on the IGN obliges the State services to use the IGN data (exclusive right to facilitate the dissemination) :

“The public services and establishments of the State have to provide the institute with the data they have which is necessary for the constitution and updating of the repository on a large scale and to make use of the data which are derived from this repository when they correspond to their needs.”

At the time, this article is already the subject of much debate :

The proposed price exceeds budgetary capacity.

How can a 70% subsidized product be more expensive than those offered by the competition? [Users don't need the whole product ; they don't command a similar product to competitors]

Why pay twice? [In point of fact, the State pays only a part of data and the users the other one but users don't realize the needed level of investment.]

It is difficult for government and local authorities to understand that the IGN, a State operator, establishes commercial relations with them, when they want partnerships.

In 2007, the rate of own resources was 60% of the budget, down to 44% in 2009, due to the combined decline in the consumer (maps) and professional markets.

02. OPEN DATA IN FRANCE

- **2005** : transposition of the PSI Directive (2003) into the CADA law
 - No change in the exclusive right but some complains...
- **2010** : dissemination of the Large Scale Repository (RGE) to public authorities at the sole cost of dissemination (DCM).

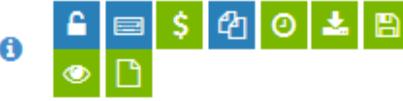
The government increases the IGN subsidy for public service by decreasing subsidies for services which use IGN data. In fact, the increase in the subsidy does not offset the indirect effects resulting from diffusion at marginal cost (orders from private professionals working for public services).

In fact, it was tremendously necessary for IGN to be looked as a state company.
- **2011** : free download of the large scale repository (RGE) for public service missions.

Necessary to sign an agreement with the IGN (with or without the DCM).

02. OPEN DATA IN FRANCE

- **2015** : Global open data index : France is ranked #10 in the 2015 Index (3rd in the 2014 Index).

Rank	Dataset	Breakdown	Location (URL)	Format	Info	Prev. (2014)	Score
30	Pollutant Emissions		http://www.airqualitynow.eu , n/a			#1 100%	45%
33	Company Register		n/a	xml, csv		#23 50%	35%
36	Land Ownership		n/a	n/a		n/a	20%
45	National Map		n/a	Shapefile		#1 100%	35%

- <http://index.okfn.org/place/>

02. OPEN DATA IN FRANCE : LAND OWNERSHIP

What data is expected?

Cadaster showing land ownership data on a map and include all metadata on the land. Cadaster data submitted in this category must include the following characteristics:

- Land borders
- Land owners name
- Land size
- national level
- updated yearly

What data is available

-  Openly licensed? No (No URL given)
-  Is the data machine readable? Unsure (n/a)
-  Is the data available for free? No
-  Available in bulk? No
-  Is the data provided on a timely and up to date basis? Yes
-  Is the data available online? No (No URL given)
-  Is data in digital form? Yes
-  Publicly available? No(as Cadastre published by Direction générale des Finances publiques, Ministère de l'économie, des finances et de l'industrie)
-  Does the data exist? Yes

Details

The landowner name is not provided in order to protect owners' privacy in accordance to <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000886460>

Reviewer comments

The provided link <https://www.cadastre.gouv.fr/scpc/accueil.do> offers only a search service and thus does not comply to the 2015 index requirement to be "data available online". As I have not been able to download a data sample, I can not determine either the data is machine readable. Following the provided link, it looks as though the data is not in vector format, but scanned images.

02. OPEN DATA IN FRANCE : NATIONAL MAP

What data is expected?

This data category requires a high level national map. To satisfy this category, the following minimum criteria must be met:

- Scale of 1:250,000 (1 cm = 2.5km).
- Markings of national roads
- National borders
- Marking of streams, rivers, lakes, mountains.
- Updated at least once a year.

What data is available

 Openly licensed? No (No URL given)

 Is the data machine readable? Yes (Shapefile)

 Is the data available for free? No

 Available in bulk? No

 Is the data provided on a timely and up to date basis? Yes

 Is the data available online? No (No URL given)

 Is data in digital form? Yes

 Publicly available? No(as BD TOPO Full 3D vectorized national database of geographical elements published by IGN)

 Does the data exist? Yes

Details

Previous revision was proposing FranceRaster, which is only TIFF images, not matching the prerequisites here.

After full examination of all open or not available data from IGN (national geography administration), BD TOPO as shapefiles seems the only dataset matching all the requirements of yearly updates, precision and contents. Some of the different contents can be accessed openly through some of the following databases but either with not enough precision or not enough updates. No combination of those allow to build the full requirements: - ROUTE500 <http://professionnels.ign.fr/route500> (roads + national limits, no fresh update) - BD ALTI250 MNT <http://professionnels.ign.fr/bdalti> (moutains) - BD CARTO <http://professionnels.ign.fr/bdcarto> (roads + water + national limits, not open)

Reviewer comments

Review: everything seems correct.

02. OPEN DATA IN FRANCE

- **2015** : The French national action plan 2015-2017 for an open government :
 - **Commitment 11** : co-produce with civil society the data infrastructure essential to society and economy
 - E.G. a collaborative national address database released under a “share-alike” license by the French Postal Service, the IGN and under an ODBL license by the OpenStreetMap association.
 - **Commitment 15** : strengthen government policy on the opening and circulation of data
 - The government already shares numerous data pertaining at the core of the democratic, economic and social life: access to law,..., geographical data, land-registry data, etc.
 - **Definition** : data is open if it can be freely accessed, used, modified and shared by anyone for any purpose – subject only, at most, to requirements to provide attribution and/or share-alike. Specially, open data be
 - A. legally open : that is, available under an open (data) license that permits anyone freely to access, reuse and redistribute
 - B. technically open : that is, that the data be available for no more than the cost of reproduction and in machine-readable and bulk form.

Before the Open Government Partnership summit in Paris in December 2016.

02. OPEN DATA IN FRANCE

- **2015**: VALTER law : transposition of the modified (2013) European PSI directive
 - Establishes the principle of **costless** re-use of public information,
 - However, some administrations may charge a fee when they are obliged to cover a substantial part of the **costs associated with the performance of their public service tasks** by **own revenue**.
 - The total proceeds of the amount of the royalty, assessed over an appropriate accounting period, shall not exceed the total costs of collection, production, making available to the public or dissemination of their information The public.
 - The re-use of public information may lead to a license. This license is mandatory when re-use is subject to a royalty.
 - The conditions for the re-use of public information as well as the amount of royalties and its bases of calculation are made public.

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- **2016** : Decrees implementing the VALTER law (July and November 2016)
 - Relating to the principle and method of fixing charges for the re-use of public sector information
 - The following are authorized to establish royalties from 1 January 2017:
 - Administrations **primarily engaged in the collection, production, making available or dissemination of public information**,
 - Where coverage of costs related to this main activity is **less than 75% covered by tax revenues, grants or subsidies**.
 - The IGN may continue to collect royalties for the data listed in the November decree. But we are only **few** public institutions to be able to do this ...

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- **2016** : LEMAIRE law (October 2016)
 - Provides that the exchange of public information between State administrations, between State administrations and their public administrative establishments and between the aforementioned public institutions, for the purpose of carrying out their public service tasks, **may not give rise to a royalty**.
 - Where free re-use results in the establishment of a license, **the license shall be chosen from those listed** in a list fixed by decree or previously approved by the State under conditions laid down by decree.
 - A major challenge for the IGN: licenses based on usage.
 - The provision of **baseline data** to facilitate their re-use constitutes a **public service remit** of the State.
- Decrees implementing the LEMAIRE law are not yet published.
- In 2016, the rate of own resources was 39% of the budget.

Towards an abolition of intellectual property rights for public data ?

03. QUESTIONS ?

