

The scope of public sector data re-use will be extended significantly!

The scope of re-usable public sector datasets will be extended significantly, owing to the latest amendment of the Act on the Re-use of Public Sector Information, with the new rules taking effect next year.

The Act on the Re-use of Public Sector Information was adopted by the Hungarian Parliament in 2012. The purpose of the Act is to create a uniform regulatory framework under which private sector actors may get access to data kept in government and municipality agency records and databases to use and process such data for commercial and non-commercial purposes (e.g. research). The documents are available on request from the public sector body responsible for the management of the data, with which, subsequent to positive evaluation of the request, the applicant concludes an agreement for the re-use of the data. Of course the documents held by public sector bodies are made available against charges, to be determined by the body providing the service in line with the requirements prescribed by the applicable legal regulations.

According to the data published by the Parliament's Information Centre for Representatives, over the past few years the applications and request were targeted primarily at geospatial and meteorological data, but it is anticipated that in the future there will be increasing demand for such data in the agriculture, health industry and tourism sectors too. Geospatial datasets have been used in the development of navigation software and other cartographic software products, while meteorological data was applied in weather forecast related services. The second major area of application is electronic legal resources, which supplement the laws with versatile solutions before the product is put on the market, such as search functions, and additional content.

Reason for the amendment

The recent legislative changes became necessary for adapting the Hungarian legislative framework to the measures prescribed by the so-called **PSI directive, which provides a common legal framework for the European market** for the use of public sector information . As public data is gaining increasing socio-economic growth potential, there is growing demand for the re-use and re-processing of such data. Accordingly, these amendments are also aimed at boosting this market and encouraging the development of data-driven sectors.

But how exactly will the scope of re-usable public sector information be extended?

One of the most prominent changes in the amended law is the broadened scope of the Act, meaning that from next year on the scope of re-usable public data will not be restricted to that permitted by the head of the public sector body concerned, or that determined by Ministerial Decree. Instead, **according to the general rule public sector bodies must make all public data available for re-use.** Of course there will be some exceptions from the general rule, for instance documents which are protected by intellectual property rights or other industrial property rights , as well as results and findings achieved by certain research and educational institutions may not be subject to re-use.

Another new feature is that **the scope of re-usable data will extend to cultural public data as well** Public data in the cultural sector practically involves records kept by museums, libraries, archives and other cultural institutions, as well as machine-readable electronic copies of cultural assets, authentic



instruments, library documents. However, in this sector the scope of data available for re-use will be assessed by the head of the responsible public institution, or alternatively will be determined by ministerial decrees. In other words, not all cultural data will be available for re-use.

Changes in charging for public sector data re-use

The Act will modify the costs charged for supplying the data. According to the general rule, from next year on public sector bodies **may only charge for such costs** which are incurred by the given body in connection with the fulfilment of the re-use request in terms of the costs of reproduction, distribution and dissemination of the data.

However, if a given public sector body is solely responsible for covering a significant part of its own costs incurred in connection with performing its public tasks, or based on some laws or other mandatory legal regulations a given institution is required to finance the collection of public data and the pertaining re-use activities from its own funds, then the said institution **may add a further five percent profit margin** to the total costs incurred. Similarly, the said five percent margin may be applied when charging for the re-use of cultural sector public information.

Preference is granted to electronic, machine-readable and open formats

Until now, the Act provided that the required data must be made available to the applicant in standardised electronic and machine-readable format. This time the legislator clarified the Act to the effect that open, i.e. platform-independent electronic formats should be released as a priority.

How to get access to re-usable public data?

Government bodies and local municipalities are required to publish re-usable public data on their websites and in certain cases on the websites of their supervisory bodies and the affiliates as well. These websites must also display information on what type of public data is available, as well as the list of re-usable public data in the field of culture, the available formats, the general terms and conditions of re-use, the list of charges and the principles and factors applying to charging.

Do you have further questions? Would you require consultancy in a special case? We're at your entire disposal and looking forward to your kind request! Please contact us personally, by phone, by E-mail or on our webpage!