

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 Hungarian Parliament adopted the Act on Re-use of Public Sector Information in 2012, with the purpose 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 so that they can use and process such data for commercial and non-commercial purposes (e.g. research). The data is made available by the public sector body responsible for the management of the data on request. The institution evaluates the request and if it is approved, the applicant may conclude an agreement with the institution for the re-use of the data. Of course the data supply service is subject to charges, the amount of which is determined by the body providing the service based on the requirements prescribed by the applicable legal regulations.

According to the data published by the Parliament's Information Centre for Representatives, the applications submitted over the past few years 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 other sectors too, such as agriculture, health industry and tourism. Geospatial datasets have been used in navigation software development and for the production of various cartographic software products, while the meteorological data was applied in weather forecast related services. The second major area of application is electronic legal resource services, which supplement the laws with versatile solutions before the product is put on the market, such as search functions, and additional content.

The reasons 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 and library documents. However, the difference here is that the scope of cultural public data available for re-use will remain within the discretion of the head of the responsible public institution, or alternatively it 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 fees charged for supplying the data. According to the general rule, from next year 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 the reproduction, distribution and dissemination of the data.

However, if a given public sector body is operating financially autonomously to a great extent, covering a significant part of its own costs incurred in connection with performing its public tasks, or if some laws or other mandatory legal regulations require the institution to finance its public data collection 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 same five percent profit margin may be charged for the re-use of cultural public data.

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 regarding the type of the available public data, as well as the list of the re-usable cultural public data, the available formats, the general terms and conditions of re-use, a list of the charges and the factors that influence charging.