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State of Play: PSI in Germany

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1. Executive Summary

In 2010 the notion and concept of open government in general and open data in particular has made it on to the political agenda in Germany. This conclusion can be drawn from three major developments. Firstly the federal government has decided on a program titled 'Networked and Transparent Governance' which assigns the federal ministry of the interior, BMI (Bundesministerium des Inneren), to both work out an open government strategy for Germany by 2011 and to start a pilot project by 2012 and to coordinate a common strategy for open government with the German states. Secondly open data is being discussed in at least three major political parties including the christian democrats (CDU), the social democrats (SPD) and the greens (Bündnis 90 / die Grünen). Thirdly in 2010 open government and open data has become a widely visible topic in both media and on conferences.

All this indicates that the importance of an open and transparent government as an enabler for dialogue, participation and collaboration has been recognized by all parts of society. Also the potential for innovations, new products and services, as well as greater efficiency of the government, that comes with opening up public sector information (PSI) and turning it into open data seems to be widely understood.

All these are very positive signs and one could conclude that Germany is on its way to implement open government and open data into government policy and turn it into real projects such as a data catalogues. Nevertheless there are challenges and obstacles that have to be discussed and decided. Among the most critical decisions are the questions of licensing and pricing models for PSI. There is a possible risk that if restrictive licenses are applied to PSI and releasing of data is understood by government agencies mainly as a source of income for the agencies we might see German PSI turn into a PSI warehouse instead of the wider open government data environment envisaged by both the open data community and PSI re-users that will enable innovation and economic growth.

State of Play: PSI in Germany

2.   Introduction

If you look at the situation of PSI re-use in Germany you see a fragmented picture. There is not yet a coherent government strategy and policy on how to reinforce the re-use of PSI. The legislative framework that affects PSI re-use is complex and in some cases the regulations are overlapping and not as clear and straight forward as they should be. This topic report will provide an overview of the legislative framework affecting PSI re-use in Germany. It will introduce the players and their role, examine the ongoing debate and the efforts and progress that has been made to support the re-use of PSI in Germany. It will conclude with an analysis of the challenges and an assessment of where Germany is heading to regarding PSI re-use.

3.   Legislative framework

In order to develop an understanding of the legislative framework surrounding PSI re-use it is first necessary to consider the federal system. This consists of the federal government, the 16 federal states and the municipalities. Each federal state has its own parliament, executive and judiciary and enjoys a degree of legislative autonomy as far as this is provided for in the Constitution (Grundgesetz). The parliament of the federation is the Bundestag while the Bundesrat represents the interests of the federal states.

In addition to the federal and federal states levels of administrative authority, there is also the administrative level of the municipalities with a high level of autonomy. PSI is produced by government agencies on all three levels. Although much of PSI is actually produced and maintained at the local level under the responsibility of the municipalities. For example, most geo data is produced at federal state level where population registration registers and cadastral offices are essentially a local responsibility.

This hierarchy of legal competence depending on subject matter has consequences for the legal framework that regulates PSI re-use. While some laws, such as data protection, freedom of information, access to environmental information, consumer information and geo information require implementation into law on federal government level as well as on federal state level, some other laws such as the IWG (which is the implementation of the PSI directive into German law) and the satellite data security law are federal laws (Bundesgesetze). These federal laws, once enacted, are in force for the federation the federal states and the municipal authorities.

The implications of the German legislative framework surrounding PSI re-use has been examined in depth in a topic report by Michael Fanning that this report is intended to complement: "Topic Report No. 11: Recognising the road to data.gov.de:

State of Play: PSI in Germany

An assessment of the European and national regulatory framework impacting PSI re-use in Germany"[1]

EU PSI Directive - public sector information re-use in Europe

The EU PSI Directive 2003/98/EC[2] of the european parliament and of the council of 17th November 2003 regulates the re-use of PSI. The EU PSI Directive builds the legislative framework that dominates the re-use of PSI in the EU. All member states have to implement it into national law.

EU INSPIRE Directive - Infrastructure for Spatial Information in Europe

The EU INSPIRE Directive 2007/2/EC[3] of the european parliament and of the council of 14th March 2007 regulates an infrastructure for spatial information in the european community. The INSPIRE Directive builds the legislative framework that dominates the geo information community in the EU. All member states have to implement it into national law.

SEIS - Shared Environmental Information System

The Shared Environmental Information System (SEIS)[4] is a collaborative initiative of the European Commission and the European Environment Agency (EEA) to establish, together with the Member States, an integrated and shared EU-wide environmental information system. This system will aim to tie in better all existing data gathering and information flows related to EU environmental policies and legislation. Similar to INSPIRE, SEIS is a plan for action based on the realisation that interoperability between information sources, and the application based upon them, is essential in order to provide the timely, relevant and reliable information on the environment which is "absolutely necessary for decision makers to respond to the environmental problems of our time." Further, the aim of SEIS is to set out a road map to improve the way that information on the environment is collected, analysed and communicated within the EU. In this way citizens will be able to better assess risks in terms of the quality of air and water in their neighbourhood, and the risk of flooding, droughts or pollution.

BDSG - data protection law

The BDSG (Bundesdatenschutzgesetz)[5] is a law regulating the protection of personal data. In 1977 the federal government enacted the federal data protection law. The BDSG applies to federal authorities only. Each of the 16 federal states was required to transpose into federal state law. By 1981 all the 16 federal states had enacted data

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[1]

http://www.epsiplatform.eu/topic_reports/topic_report_no_11_recognising_the_road_to_data
_gov_de_an_assessment_of_the_european_and_national_regulatory_framework_impacting
_psi_re_use_in_germany

[2] http://ec.europa.eu/information_society/policy/psi/docs/pdfs/directive/psi_directive_en.pdf

[3] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:108:0001:0014:en:PDF

[4] http://ec.europa.eu/environment/seis/

[5] http://bundesrecht.juris.de/bdsg_1990/

protection legislation that regulates data protection on federal state level. There is a slight variance amongst them. The current version of the federal data protection law dates from the 20th December 1990, yet was reformulated following a proclamation of 14th January 2003 and amended again by legislation in 2005 and 2006. These latter changes took into account EU legislation such as the EU data protection directive 1995/46/EC.

UrhG - intelectual property legislation

The UrhG (Urheberrechtsgesetz or Gesetz über Urheberrecht und verwandte Schutzrechte)[6] is a law that regulates intellectual property in Germany. It was enacted on 9th September 1965 and entered into force on 1st January 1966. The current version of the federal data protection law dates from the 17th December 2008 and entered into force on 1st September 2009. The UrhG is a federal law which has effect upon federal authorities, federal state authorities and municipal bodies alike.

IFG - Freedom of Information law

The IFG (Informationsfreiheitsgesetz)[7] is a law providing a general right of access to information held by public authorities on federal level. It was enacted on 5th September 2005 and entered into force on 1st January 2006. The IFG applies to federal authorities only. Federal state level freedom of information legislation has also been implemented in 11 of the 16 federal states wile 5 federal states still don't have a law providing a general right of access to information held by public authorities on federal state level. There is a slight variance amongst them.

UIG - access to environmental information

The UIG (Umweltinformationsgesetz)[8] is a law providing a general right of access to environmental information held by public authorities on federal level. The UIG is the implementation of the EU Directive 2003/4/EC into German law. It was enacted on 22th December 2004 (BGBl. I S. 3704) and entered into force on 14th February 2005. The UIG of 2004 replaced the former UIG of 1994. The UIG of 2004 applies only for federal authorities only. Each of the 16 federal states was required to transpose the EU Directive into federal state law. By 2006 all 16 federal states had implemented the appropriate legislation. There is a slight variance amongst them.

VIG - consumer information right

The VIG (Verbraucherinformationsgesetzes)[9] is a law providing a general right of access to information regarding consumption goods. It was enacted on 5th November 2007 (BGBl. I S. 2558) and entered into force on 1st May 2008. The VIG of 2008 applies only for federal authorities only. Each of the 16 federal states was

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[6] http://bundesrecht.juris.de/urhg/
[7] http://bundesrecht.juris.de/ifg/
[8] http://bundesrecht.juris.de/uig_2005/
[9] http://bundesrecht.juris.de/vig/

required to transpose into federal state law. By 2006 all 16 federal states had implemented the appropriate legislation. There is a slight variance amongst them.

IWG - Implementation of the EU PSI Directive (2003/98/EC) into German law

The IWG (Informationsweiterverwendungsgesetz or Gesetz über die Weiterverwendung von Informationen öffentlicher Stellen)[10] is a federal law that regulates the re-use of PSI. The IWG is the implementation of the EU PSI Directive (2003/98/EC) into German law. It was enacted on 13th December 2006 and entered into force on 19th December 2006. The IWG is a federal law which has effect upon federal authorities, federal state authorities and municipal bodies alike.

GeoZG - spatial data access law

The GeoZG (Geodatenzugangsgesetz)[11] is a law providing a general right of access to spatial data information. It was enacted on 10th February 2009 (BGBl. I S. 278) and entered into force on 14th February 2009. The GeoZG is the implementation of the EU INSPIRE Directive 2007/2/EC into German law. The GeoZG applies for federal authorities only. Each of the 16 federal states was required to transpose into federal state law. Currently, the federal states are working on the implementation of federal state laws. Bavaria was the first of all the jurisdictions in Germany to implement the directive. There is a slight variance amongst them.

SatDSiG - Satellite Information

The SatDSiG (Satellitendatensicherheitsgesetz)[12] is a law that regulates the endangerment by the distribution of high-grade earth remote Sensing Data. It was enacted on 23th November 2007 (BGBl. I S. 2590) and entered into force on 29th November 2007. The SatDSiG is a federal law which has effect upon federal authorities, federal state authorities and municipal bodies alike.

4.   What do all these regulations mean for PSI re-use?

Right to access?

Reflecting the aims and goals of the EU PSI Directive itself, the IWG does not create a right of access to official information. However the application of the IWG assumes that such a right is already in place. The decisions as to whether official information may be re-used and the details of that use are under the responsibility of the public authority concerned.

Article 9 of the EU PSI Directive holds that: "member States shall ensure that practical arrangements are in place that facilitate the search for documents available for reuse, such as assets lists, accessible preferably online, of main documents, and

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[10] http://bundesrecht.juris.de/iwg/
[11] http://bundesrecht.juris.de/geozg/
[12] http://bundesrecht.juris.de/satdsig/

portal sites that are linked to decentralised assets lists." This has not yet been widely realised in Germany. The environmental information platform PortalU being an exceptional example for best practices.

Licensing: PSI or open government data?

It has to be made very clear that PSI is not the same as open government data. PSI is not to be conflated with 'open government data' but is a much broader term . PSI policy *may* include discussion of 'open government data', but by no means is all PSI open. One could say that 'open government data' is a subset of 'PSI' like 'open source software' is a subset of 'software'. So it very much depends on the technical and legal openness of the data in question if PSI will become open government data. To define this openness in open data an international community has developed the 'open definition'[13] and the 'ten principles for opening up government information'[14].

In the German context paragraph 5§ of the intellectual property legislation UrhG states that: "laws, ordinances, official decrees and notices as well as decisions and official written policies on decisions do not enjoy copyright protection." Some people argue that this would in fact mean that all PSI in Germany would be in the public domain and so it would be open for re-use for any purpose, including commercial re-use, because what is in the public domain should not have any copyright license or other terms of use attached to it. Unfortunately the same §5 also holds that it is on the administration agencies to decide which documents are suited for publication.

Also there is no coherent policy for licensing and terms of use of PSI re-use in Germany. In fact the policy differs from federal to federal state, to municipality level as well as within each of these levels from agency to agency. This results in a situation where the potential re-user finds himself in a situation where he is forced to examine whom to ask under which conditions he may or may not be able to re-use the PSI in question.

Pricing models: the government as data seller?

Unfortunately the EU PSI Directive doesn't say a lot about licensing and pricing of PSI other than that the pricing should be made transparent and no exclusive arrangements should be made. The situation in Germany regarding pricing models for PSI is as incoherent as with licensing. It differs from federal to federal state, to municipality level as well as within each of these levels from agency to agency. These two factors - licensing and pricing - can be identified as the main obstacles for the rise of a sustainable open government data infrastructure that can build the environment for new products and services, innovations and new business models.

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[13] http://www.opendefinition.org/okd/
[14] http://sunlightfoundation.com/policy/documents/ten-open-data-principles/

5.   Federal Government Policy

Government program 'Networked and Transparent Governance

On 18th August 2010 the federal government has decided on a program called 'Networked and Transparent Governance' which assigns the federal ministry of the interior (the BMI) to develop an open government strategy for Germany. This program covers the modernisation of government processes and states as goals both the efficiency of government as well as increased transparency. Structural reforms, new forms of collaboration and cooperation, as well as more horizontal and vertical collaboration throughout government departments are stated as the way to achieve the goals.

On page 27 of the 79 page programme, it states that PSI reuse and open data are part of the effort. The programme compares the German situation to the efforts made in other countries, namely the USA and the UK, were PSI is actively released as open data to build a resource for everyone.

The programme mentions publishing PSI and open data as a way forward, but does call for 'a simple and unified' system for re-users to pay for data. The programme does not answer the question if the German government intends to publish public data under an open licence on the internet in the future, but instead points to both the German geo data portal[15] and the federal statistics office[16] as pilots for publishing data. Both are examples where PSI is not available under conditions that would allow for the term open data.

The timeline for the programme is roughly as follows:

• End of 2010 : Concept ready for Open Government in the federal government
• End of 2010: Start of open government pilot inside the Germany ministry for the interior
• 2011: Development, discussion and coordination of a federal open government strategy, taking into account the plans of individual German states, and those of the EU concerning electronic citizen participation.
• 2012: Discussion and coordination of a common strategy for open government with the German states.
• 2012: Roll-out of the common open government strategy for transparent governance.

IT-Staatsvertrag and IT-Planungsrat

The IT-Staatsvertrag[17] is a government programme to strengthen the cooperation between and across the federation and federal states as regards IT implementation and eGovernment. The IT-Staatsvertrag went into force on 1st April 2010 to set up

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[15] http://geoportal.bkg.bund.de/
[16] https://www-genesis.destatis.de/genesis/online
[17] http://www.it-planungsrat.de/SharedDocs/Downloads/DE/ITPlanungsrat/Staatsvertrag/Staatsvertrag.pdf

the IT- Planungsrat[18]. On 22nd April 2010 the first meeting of the IT-Planungsrat took place at the Federal Chancellors Office (Bundeskanzleramt). The role of the IT-Planungsrat is to further strengthen the interoperability of information technology solutions, implementing eGovernment programs and derive better coordination and efficiency.

Dresdner Vereinbarung

On 7th December 2010 at the fifth German National IT Summit in Dresden, parties from German politics and government, markets and academia put together the 'Dresden Agreement'[19]. This paper foresees the development of an 'open data platform' as a central entrance point to access PSI both from federal government as well as from federal state government agencies. The German ministry for economy and technology calculates that this national open government data catalogue will not be realised before 2013. Under the section of open government the paper states on page 7:

> "Open Government with its three aspects of transparency, participation and cooperation can strengthen the cohesion of society in Germany and support democracy. Politics, administration, markets and academia will formulate joint open government goals for Germany. As next step, in close cooperation with all stakeholders, the building by 2013 of a centrally accessible and unified, easy and user friendly open data platform is planned fitting the interest/needs of its users."

This open data platform will link other existing platforms, such as data catalogues planned, discussed or emerging in various German federal states and municipalities, together. The 2013 date corresponds with the content and time line of the strategy for 'Networked and Transparent Governance'..

Some open data advocacy organisations such as the Open Data Network concludes that while this plan certainly is promising it is also still somewhat cautious, bureaucratic and slow moving. The German Open Data Network would like to see a clear cut statement on the political level about making PSI reuse possible for everyone.

6.   Local Government initiatives

Apart from the developments of building an open government policy on the federal government level there is also progress on the local level. Here two cities have to be mentioned above all, Berlin and Munich: Berlin with its Apps4Berlin competition and its survey about what data the city of Berlin should publish first and Munich with its MOGDy, the Munich open government day. Quite remarkable is also the paragraph on open government in the election program of the social democrats (SPD) in NRW (North Rhine Westphalia). Although the programme almost sounds

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[18] http://www.it-planungsrat.de/
[19] http://www.bmwi.de/BMWi/Redaktion/PDF/Publikationen/Technologie-und-Innovation/it-gipfel-2010-dresdner-vereinbarung

like an adaptation of the Open Government initiative of the US Government of President Obama sadly after the elections nothing of this has been realised nor have efforts been undertaken.

Berlin - Apps4Berlin and Survey about what data to publish first

On 15th September the senate department for economics, technology and women of Berlin announced a competition to build apps[20], but did not explicitly connect it to the release of data sets. This was publicly criticised by members of the German based Open Data Network which came up with an 'adopt a data set'[21] plan to make sure that some data would be available to the participants in the competition. In September the administration of the city of Berlin then opened a survey[22] to ask citizens which data sets it should release for the upcoming Apps4Berlin competition. Although the data sets could not be released in time for the competition the initiative and the survey underlines the awareness and willingness of the Berlin administration to open up PSI for re-use. The results[23] of the survey are, in any case, quite interesting even if they are not representative.

Munich - MOGDy, the Munich open government day

The MOGDy[24] is an initiative of the IT strategist of the municipality of Munich Dr. Dapp. The MOGDy started on 1st of December with an online participation platform[25] were citizens can suggest ideas on how they would like the digital Munich to look like. Until January over 100 proposals for projects have been submitted, discussed and rated by an online community. In a public meeting on 21st and 22nd January 2011 the list of project proposals was finalised and officially handed over to the government of the city. The municipality of Munich also released data sets to be reused for the programming contest called Apps4Cities. Simultaneously, the event is the prelude to the Apps4Cities contest[26], with which the city offers an incentive for the developer community to build useful apps that make use of the published data. Because of its emphasis on the use of open source technology the applications could be used in other cities as well.

Open Government in the election program of SPD in NRW

The social democrats party SPD of the federal state of NRW (North Rhine Westphalia) published an election programme[27] for the elections on the 9th May 2010 in NRW. The program underlines that the government of NRW will execute an open government strategy with a focus on transparency, participation and collaboration. The programme states in the section 'new governance' on page 49:

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[20] http://www.berlin.de/projektzukunft/wettbewerbe/apps-contest/
[21] http://www.epsiplatform.eu/news/news/adopt_a_berlin_data_set
[22] http://www.epsiplatform.eu/news/news/berlin_city_asks_which_data_you_want
[23] http://www.epsiplatform.eu/news/news/first_results_berlin_survey_on_open_data
[24] http://www.muenchen.de/mogdy
[25] http://mogdy.liqd.net/
[26] http://www.muenchen.de/Rathaus/dir/limux/mogdy/Programmierwettbewerb/463049/
[27] http://www.hannelore-kraft.de/db/docs/doc_28184_2010311112258.pdf

"If Social Democrats govern in NRW again, we will be an open, transparent and participatory government and administration. By the free provision of public data and information in machine-readable open formats we want to raise the cooperation of the country and its citizens under an open government initiative.

We will introduce a "Chief Technology Officer, who takes over the cross-cutting issue of e-government and made more social debates on how to deal with the network. We will perform regular competitions, in which developers create application that contribute to transparency, participation and cooperation using publicly provided data."

It is a bit disappointing that these ambitious words were not followed by any corresponding actions.

7. Public Sector agency projects

One might observe that apart from the fact that federal Government has not yet launched any projects under the notion of open government data there is quite a lot of PSI published by German government agencies online at all levels: federal, federal state and municipally level. Not all of these portals fulfil the requirements for open data but some of them are surprisingly effective and well done, one positive example being PortalU.

PortalU

PortalU[28] is the environmental information website of the environmental administration on federal and federal states levels in Germany. The portal offers central access to over 2,500,000 web pages and about 500,000 database entries from over 340 public organisations in Germany. The portal aims at establishing a fast and reliable survey of all relevant public environmental information. The main focus is set on the evidence of environmental information according to the EU Directive on public access to environmental information 2003/4/EC. All environmental metadata from the environmental data catalogues (UDKs) at the federal and federal state level are bundled in PortalU and transferred to the central German INSPIRE organisation GDI-DE to contribute to the aim of the EU INSPIRE Directive 2007/2/EC and to establish a spatial data infrastructure for Europe.

European Commission cites the German environmental information website PortalU as an example of best practice   implementation of the SEIS idea.. The Commission's description notes that: "the organisational structure (cooperation between federal level and all 16 states of Germany) of the long-term project PortalU proved to be sustainable network.

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[28] http://www.portalu.de/

8.   The dialogue has begun

The year 2010 can be characterised as the year in which a dialogue between government and all parts of society began. In a panel discussion at re:publica conference[29] in April 2010 Dr. Jachmann from the German parliament administration and Dr. Dauke from the ministry of the interior (BMI) discussed with members of the open data advocacy community the status quo of open data in Germany.

This was followed by Gov20Camp[30] in October 2010 were open data and PSI re-use was a very visible topic in sessions on the value of geo-data re-use and the INSPIRE directive. In particular, a session with international examples from Finland, the UK and the Netherlands, as well as a very well attended session spontaneously hosted by Dr. Dauke of the German ministry for the interior on the benefits of open data for citizens, economy and government. In another panel discussion Ms Lohmann, responsible for the modernisation of government at the German ministry for the interior, pointed to the willingness to move towards open data. All in all promising signals at the German national government level that many participants had previously indicated they had not dared to hope for only six months before.

As a result of the demonstrated willingness for dialogue and collaboration a regular monthly meeting[31] called D2B1[32] is now underway bringing together open data advocates and public sector servants interested in open government and open data. This form of informal dialogue is of great importance for both sides in order to better understand each other and to jointly develop ideas and projects.

Apart from these two events there has been a number of relevant conferences dealing with questions around open government and open data such as: the interdisciplinary think tank 'co:llaboratory internet and society'[33] workshop in August, the XInnovation conference on e-Government[34] in September, the trade fair 'modern state' (moderner Staat)[35] in November, the scientific research conference on open access and open data[36] in December, and many others.

But not only has the dialogue between government and other groups of society begun, there are also new forms of collaboration emerging between other stakeholders themselves. It is worth mentioning in this regard the announced collaboration[37] between the advocacy group Open Data Network and the professional association of geo information GeoKomm. The two organisations have agreed to provide each other with reciprocal membership and to jointly form a specialist working group devoted to PSI re-use matters.

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[29] http://re-publica.de/10/
[30] http://www.gov20camp.de/
[31] http://www.epsiplatform.eu/news/news/regular_berlin_round_tables
[32] http://wiki.opendata-network.org/D2B1
[33] http://www.collaboratory.de/open-government
[34] http://www.xinnovations.de/e-government.html
[35] http://www.moderner-staat.com/
[36] http://www.oaod2010.de/
[37] http://www.epsiplatform.eu/news/news/the_professional_association_geokomm_e_v_and_open_data_networks_agree_closer_cooperation

On 18th February the ePSIplatform team will jointly host a conference[38] with the title "Open data: apps for everyone? Opportunities and challenges in the re-use of public sector information" in Berlin. Among the partners are PSI Alliance, Open Data Network, GeoKomm, Online Consultants International and the Open Knowledge Foundation Germany. The meeting aims to provide a forum for decision-makers and their representatives to gain an up-to-date understanding of open data and PSI re-use in Germany, to assess progress in comparison with other EU countries and to focus on the identification of market drivers. It will consider political and administrative competences, the benefits to business and society of open data and PSI reuse, and the need for mechanisms to ensure the sustainability of innovative processes.

9.   Civil Society – hack days, prototypes and projects

One of the main - if not the main driver - for open government and open data in Germany are the civil society organizations. The importance of the role of open data advocacy groups and civil society pioneers to bring open data on the political agenda in Germany cannot be underestimated. The Open Data Network Germany[39] and the Government 2.0 Network Germany[40] have played a significant role in this regards in 2010.

Hacks4Democracy - the first open data hackday

On 17th and 18th April 2010 the Open Data Network in Berlin hosted Germany's first open data bar camp called: "Hacks4Democracy - Hack the Government"[41]. The hackday was inspired by a similar event in the Nederland called 'hack de overheid' (Hack the Government)[42] in June 2009.

The German 'Hacks4Democracy' should only be the start of a whole series of events of the Open Data Network. Plans include a project called "Apps4Democracy Germany"[43], inspired by the American "Apps for Democracy"[44] project.

Civil Society run Open Data Projects

In 2010 there have also been some little success stories for the first open data projects run by civil society organisations or individual pioneers. There are more than a dozen of projects and prototypes that exemplarily show the usefulness of PSI re-use for citizens and administrations alike. Among these pilot projects are the community driven open data catalogue for Germany called "offene Daten"[45], the

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[38] http://www.epsiplatform.eu/news/events/opendata_apps_for_everyone
[39] http://opendata-network.org/
[40] http://www.gov20.de/
[41] http://opendata.hackday.net/
[42] http://www.hackdeoverheid.nl/
[43] http://apps4democracy.de/
[44] http://www.appsfordemocracy.org/
[45] http://offenedaten.de/

budget transparency project "offener Haushalt"[46] and the platform "Frankfurt gestalten"[47] on which citizens of Frankfort can access information from the municipality administration as well as other information with local relevance such as traffic information, local news and crime reports.

10.   Media – open data and transparency in the spotlight

Another factor in the progress towards open government and open data is media attention. In 2010 the notion of open data as an enabler for greater government transparency, participation, collaboration and innovation has made it into mass media in Germany. This can be concluded by the simple amount of media coverage in major publications online, in print, and on radio and TV. In particular, the recent launch of two dedicated open data weblogs of two major German online news sites underline the importance of and awareness for the topic.

In October the Zeit Online launched an open data weblog[48], giving a place to their data driven journalism. In November the newspaper Tageszeitung (TAZ), also opened up an open data weblog[49], reinforcing the momentum towards data re-use in journalism. Several other weblogs cover the topic of PSI reuse, open data and data driven journalism such as the influential blogs Netzpolitik[50], Kooptech[51] and Datenjournalist[52].

Also the attention to 'data driven journalism', where PSI is becoming more and more available for re-use, is taken as the basis for journalistic work and visualizations have visibly increased. The theme is popping up on conferences, as well as multiple meet-ups between hacks (journalists) and hackers (coders). Since November 2010 there is a regular meet-up on data driven journalism[53] in Berlin.

11.   Conclusions

The state of play in debate and practice of PSI re-use in Germany is characterised by the absence of a coherent government strategy and policy on PSI re-use. The picture is fragmented. The legal framework of laws affecting PSI re-use is complex and might result in a certain legal insecurity for the potential PSI re-user. . In result there is no coherent policy regarding such important issues as licensing and pricing models of PSI. These important questions are mostly left to responsibility of single government agencies on all administrative levels such as federal, federal state and municipality level. In addition to this incoherence in legislation there is yet no coherent federal government strategy and policy that could provide a guide to an effective development and implementation of open data projects in Germany.

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[46] http://offenerhaushalt.de/
[47] http://frankfurt-gestalten.de/
[48] http://blog.zeit.de/open-data/
[49] http://blogs.taz.de/open-data/
[50] http://www.netzpolitik.org/
[51] http://blog.kooptech.de/
[52] http://www.datenjournalist.de/
[53] http://www.epsiplatform.eu/news/news/first_data_journalism_meet_up_berlin

Although there are these systemic challenges there has been a significant progress regarding the opening up and the re-use of PSI in 2010. The ministry of the interior (BMI) now having a clear lead on developing an open government strategy for Germany is a very positive development. The expressed interest of the BMI for dialogue with all stakeholders is also a very promising circumstance.

While 2010 has been a year of agenda setting and entering a dialogue, 2011 will be the year of policy making and decisions. 2011 Germany is standing at the crossroads. Serious decisions regarding licensing and pricing models of PSI will be made. These decisions have to be decided politically and bear the risk that - if a restrictive, non-open model for licensing and pricing of PSI is made - we might see PSI to be a good turned into a 'closed shop', instead of being opened up and turned into a flourishing open government data re-use landscape from which it is anticipated that all PSI reusers could benefit and create innovations.