

Re-use legal framework in Spain

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Over the past year, public sector information (PSI) re-use has been gaining momentum. Information and Communication Technologies, headed by the Internet, have changed access to public sector information and data and have opened new ways for its re-use, providing more opportunities for small-sized companies which develop new products and services.

Fully engaging the public sector on this issue remains a challenge. It is highly convenient to continue to work on policies that make the process of re-use as simple as possible and it is also important that the legal framework promotes re-use of PSI. In order to develop the market of re-use, several important issues such as the type of information that can be re-used, the process of how this information is delivered to the public, the conditions under which this information is provided or the prices this data is subject to should be addressed.

Spain, following the EC Directive, with the idea of creating a framework that encourages re-use, has established a minimum set of rules for a fair, proportional and non-discriminatory framework for re-use.

The [37/2007 Law](#)

(http://www.aporta.es/c/document_library/get_file?uuid=28c02272-f4a6-4090-b375-d10b87299e92&groupId=10128) (PSI Law) on re-use of PSI allows each public organization to decide whether it authorizes or denies the re-use of its information, whilst, at the same time, it underlines the social and economic value of PSI. The PSI law implements the Directive in all the territory providing a minimum of standards across Spain, which may be developed at the different governmental layers.

The Law establishes an ample definition of public sector information which covers not only traditional documents but also data sets. It defines the types of conditions under which re-use can be authorized and it sets the rules applicable to charging. Both process and conditions for re-use have to be established in a transparent and open manner. For example, the Law foresees, inter alia, the possibility of making PSI freely available under no restrictions. Moreover, the Law establishes that public administrations should make re-use easier by creating lists and indexes accessible online, with the aim to facilitate the identification of public information resources.

The Law specially pretends to encourage the re-use of public digital contents promoting the use of electronic means, inter alia, for the processing of requests for re-use. As a complementary action, Spain has developed the Aporta Project. During the last year Aporta has developed intensive communication and awareness-raising actions about the legal framework of the re-use process focused on public employees as well as private entrepreneurs. The Aporta Guidebook (http://www.aporta.es/web/guest/guia_reutilizacion) provides further guidance on the legal framework and the options available to public bodies when opening their information to re-use.

In Spain, other laws are also important in promoting the re-use of public digital contents. The 56/2007 Law for the Promotion of the Information Society (http://www.aporta.es/c/document_library/get_file?uuid=6eeebf8e-4f2c-4090-aa7e-814e2b29066c&groupId=10128) encourages public sector bodies to make all its digital content available to the citizens with no technological restrictions. For its part, the 11/2007 Law for e-Citizen Electronic Access (http://www.aporta.es/c/document_library/get_file?uuid=19d517c2-3ebc-4d3a-a3ed-40a3c5b47e44&groupId=10128) establishes that citizens have the right to electronically access public services, which implies that public administrations have to implement new electronic interaction tools to guarantee this right.

In the framework set out by these laws, some best practices have been developed by a number of Spanish public bodies, such as the National Cadastre (<http://www.catastro.meh.es/>) or the National Geographic Institute (<http://www.ign.es>).