

The Regional Dimension of Open PSI

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As a rule, when we think about the benefits which may derive from opening up access and reuse of Public Sector Information, we mainly have in mind the national and global dimension. Maps, geo-data, environmental data, laws, regulations and case law and the like usually come in blocks tailored at the national level. Moreover, it can be easily imagined the extent to which the value of the same data could be enhanced if they could be seamlessly stitched together to form data sets encompassing all the twenty seven member States of the EU. Much work and effort is indeed being put into making these developments possible.

It would however seem that there is another side of the coin. It may well be argued that, when it comes to access and reuse of PSI, also the regional dimension matters. And this not only because the sub-national dimension is often the smallest unit of national and international sets of data; but also because the local dimension shows the uniqueness of each region composing the national and international framework. This approach as to be considered as a strength in countries like Italy or Germany, but also in countries where government institutions tend to be very centralized such as France or England. In particular, the case for the relevance of the regional dimension may be made at several levels.

First, also regional and sub-regional entities and public administrations of provinces and townships are repositories of massive amounts of data. These may be in many regards different from the ones held at the national level; but they may be as important. In fact, data about resources for travel and tourism (accommodations, local fairs, local events and the like) are typically to be found at municipality and regional level.

This is true not only for data which may serve for economic and business purposes. Indeed, access to PSI may also be appropriately understood as a tool for democratic participation. Some issues may have a high priority in the national debate; but often the data necessary to frame the discussion are likely to be held at the local level. One example relevant for Italy is the contentious matter of the teaching of religion in primary and secondary schools. While the teaching of Catholic religion is the default option for all students, they may also opt out; a special funding is provided by the Ministry of Finances to pay the salaries of teachers giving classes in subjects other than Catholic religion for students who have opted out. To find out whether this option is in fact available, information should be accessible as to the number of requests for funding made by schools, as to the requests accepted and as to the amount of funding actually disbursed. Typically this data is not available at the central level, because the Ministry of Finances only knows the aggregate amount of funding it has allocated for this specific purpose and the sums disbursed by it to the each Region. More analytical data about each municipality and each school are available only at the Regional Schools Department (Ufficio Scolastico Regionale). Access to this pool of non-aggregated data, while essential to see what is actually happening on the ground, may be very difficult to obtain in the absence of regional policies as to access and reuse of the data held by the regional administrations.

Second, the data available in the vaults of municipalities, provinces, regions and the administrations and entities linked to them or located in a given area may have characteristics which have distinctive advantages over the corresponding national and supra-national data sets. Speleology is a discipline concerned with caves, cave systems and pathways across them; it also is an exploration activity which attracts a remarkably large number of people interested in the experience of negotiating extraordinary pathways. While a catalogue of sites of speleological interest may well be set up at the national level, updated information on the current conditions of each pathway is more likely to be

available at the local level, particularly if the institutional design gives responsibility to local institutions. An appropriate access and reuse of this information is likely to have an impact on the development of tourism, since it encourages specific sport activities in particular areas and related security measures. The impact is likely to extend to collateral touristic activity, as underground areas often are part of the environmental cultural heritage. Additionally investment in this sector has an impact on the development of the scientific research, in particular, ground and water geology, physics, but also biology and archeobiology.

Third, the incentives for collecting the data and making them accessible and reusable may under given circumstances and in some regards be greater at the local level than at national or super-national levels. This is so because at the lower level two very relevant forces may come into play: the notion of comparative attractiveness of a given territory or geographical area vis-à-vis other areas and the operation of the mechanism of regulatory competition.

Let us look at them in turn. European citizens are not known to be as mobile as their American counterparts. However, more and more people, particularly on completion of their study careers, make a decision on the place where to start their work life; this decision may in turn be confirmed or altered over the subsequent period of time. For their part, businesses and capital always look for the most attractive location from which to operate; and this has become an ever more important factor as the European business environment becomes increasingly more dynamic and open. The theory of local finance has taught us that institutions are in the business of supplying not only infrastructure but also that peculiar public good which are the specific rules which govern the communities around them. A local institution may attract people and businesses in many ways: not only by lowering tax rates, which may be a matter outside its jurisdictional mandate, but also by providing goods and services which may either enhance business opportunities or increase the quality of life, or both. Access and reuse of public sector information may be one important factor both in terms of business opportunities and of quality of life which, over the years, may make a given territory more attractive. Here we are not only talking about more *aficionados* of speleology flocking to an area which provides extensive information on cave system pathways and their safety as opposed to a neighboring area where the corresponding information is not available or scanty; we are also talking about the feeling individuals may have (or not have) of being given a chance in being engaged in an informed way in connection with policy choices made at the local level, e.g. on the issue of availability of funding for the teaching of subjects other than the prevailing Catholic religion.

Regulatory competition is the next step. If I may provide an example drawn from my own experience, then I may mention the story of a help desk set up with the funding of the Piedmont Region ([SeLiLi](#)) to provide young artists and SMEs with basic information about the operation of free licenses, such as Creative Commons, to disseminate their works. This help desk has been operating for several years now; has proved to be helpful to many of the persons and entities making inquiries. Of course we do not have a yardstick to measure whether and to which extent the service has proved effective in making the Piedmont region more attractive to artists and SMEs than other locations. For sure the initiative has attracted the attention of other Regions. Sardinia has moved in the same direction (with help from the Piedmontese originators) and there is talk about neighboring Regions joining. Now, for sure this help desk is not strictly about Public Sector Information; but still the episode may give an idea about a mechanism whereby what is perceived as a valuable contribution by the institutions in a given territory to the welfare of the citizens residing there tends to be imitated elsewhere, particularly if the balance of benefits and costs is positive. After all, public administrators stand to be reelected.

I spent some time to explore the relevance of the regional dimension because the intuition that, as far as access and reuse of PSI is concerned, the regional dimension matters is at the basis of the EVPSI project which I coordinate. The project, which started November 2009, is financed by the Piedmont

Region; its partners are the [Department of Legal Studies of Torino Law School](#), the [Nexa Center for Internet & Society of the Politecnico di Torino](#), the [Fondazione Rosselli](#), and the [Eastern Piedmont University](#).

In short, the project is about fleshing out the intuition I tried to sketch out; and to do so from a legal, technological and economic perspective. Of course, the project spans over a vast number of areas. Being a lawyer myself, and one which has been mainly dealing with Intellectual Property for the last, well, thirty six years, I cannot say that I have a detailed knowledge and understanding of all the nooks and crannies my much younger and ever so bright colleagues are exploring at the time, even though for sure I am trying to catch up on them. In any event, we are encouraged by the statement in the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions *A Digital Agenda for Europe*, Brussels, 19.05.2010 [Com \(2010\) 245](#), at 7, that the success of the Digital Agenda will require a sustained level of commitment also at the regional level.

There are a few issues on which we have been debating extensively and which might be worth looking at even at this early stage. For the moment I will just mention them. The first one has to do with the choice between the different options available to a public administration wishing to license data sets to which it has allowed and enabled access; here we are particularly concerned whether the terms of the license should include a restriction to non commercial uses and on the policy implications of this particular aspect of the license. Of course, we may expect the Piedmont Region to be especially interested in this set of questions, as they adopted guidelines on access and reuse last year and are currently reviewing them. The second issue nicely fits my background and deals with one aspect of the intersection of access and reuse of PSI with Intellectual property. The licenses which I was mentioning concern the output: under which terms data sets in possession of a given public body are made accessible and reusable. There is however also an input side of the coin: not always the information is totally generated within the public body itself, so that there are chain-of-authorizations questions. Even if the data sets are generated within the public body, clearances may still be needed, e.g. when there are contributions by third parties commissioned by the public body. Even employees may retain rights, given the default rules governing transfer of copyright and neighboring rights. What should then be done on the input side to make sure that the public administration has full title to the data sets it disseminates? A third issue has to do with Public Private Partnerships, or PPP, such as are usually involved in digitization of libraries, museums and archives. I will come back to each of these in the next posts.