

Thoughts on PSI Re-use In Poland

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After several years of discussions, elaborating and consulting, Polish government has decided the manner of implementation the EU Directive 2003/98/EC on re-use of public sector information. For many of us, who were engaged in the process from the side of NGO's dealing with Freedom of Information this was also the possibility to present our views on the existing legislation, as well as to share our experiences that might help to implement the directive within the perspective of the idea of transparency and openness. The final effect is satisfactory, but there are still some serious concerns about the government's philosophy on open data.

While some organizations triumphed over the [Prime Minister statement](#) "That which is created with public money is in the public domain, and therefore also for those who want to use it in any manner chosen by them" the rest are much more restrained. Especially that his declaration was understood as the agreement for re-using PSI without any charges. The day before his speech, Donald Tusk together with his ministers accepted the guidelines for the bill implementing the directive. The wording of the document is quite opposite to what was said and then underlined by some of bloggers and internet activists. There is also a wide concern about the lack of activities towards popularizing the re-use within numerous public bodies, which at the end will take whole responsibility in sharing PSI with citizens.

Council of Ministers accepted that public bodies will have the opportunity to create their own conditions under which the information will be transmitted to re-use. That includes also the acceptance to charge entities wishing to make use of PSI. In the guidelines, we could find the promise that government will prepare the executive regulation describing exemplary conditions of re-use. Unfortunately, we have not heard any formal propositions on its future shape. Giving public bodies a choice to charge for the re-use or not will definitely lead to the situation that citizens and entrepreneurs will be obliged to cover some costs. When public officials are asked what will be their attitude when they will have a possibility to get some extra money for their offices, vast majority raise their hands stating that beyond all doubts they will exercise their power to gain some money. In that atmosphere, we are not able to predict the factual impact of the accepted document, but bearing in mind examples of misusing the provisions of binding FOI legislation, we are worried that what was said by the Prime Minister was a purely political statement with no practical consequences.