

Why censoring Slovak spending app means bad news for open data

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The following guest post is by Eva Vozarova from the [Fair Play Alliance](#) in Slovakia. This [article](#) was first published on the blog of the Open Knowledge Foundation.

When we first started working on [ZNasichDani.sk](#) in October last year, it looked like a promising, useful idea. Creating a tool that would enable journalists and watchdogs to cross-check information about companies successful in public procurements with persons influential in these companies was an attractive prospect. This was not only because of levels of high-profile corruption which, in Slovakia, often appears in business transactions between private companies and the state, and necessarily has to be connected to non-standard personal relationships between key players. Also very beautiful was the promise of a shortcut this would mean for everyone interested in reviewing financial management of Slovakia. What you previously had to do manually, our website would do for you automatically.

The idea was a simple one: to scrape the Public Procurement bulletin, access the database of Business register of the Slovak republic and connect both types of data, in a way that would match persons with the names of companies in which these persons are or once were active, and with financial volume of the companies' state contracts. We had the vision and when we got to know a pair of coders – Michal Habala and Rudo Dačo, who were working on their own data project [VORSR.sk](#) (Visual business register) – we found out that our goals had a lot in common. All of us tried to visualize connections that are not necessarily obvious at first glance, and we were all very interested in the mechanisms of doing business with the state. So we started to work together on the then unnamed project.

When, six months later, we were told that our joint project [ZNasichDani.sk](#) (called From Our Taxes in English) won 1st prize as the best open data application in the Open Data Challenge, we were a bit surprised, but very satisfied. It was a confirmation that the application clearly has the potential to be useful and is not viewed as such only in Slovakia. That was a good feeling.

But the satisfaction was all the more important to us because of other events, happening at the same time, which could hardly be considered good news. Approximately at the time when [ZNasichDani.sk](#) was being awarded the prize in Brussels by EU Commissioner Neelie Kroes, we were informed by district court in Bratislava about a preliminary injunction concerning [ZNasichDani](#). We were asked by court to remove information from the website related to Mrs. Jarmila Považanová, a statutory in Strabag, one of Slovakia's biggest construction companies, and a former representative of other well known companies – most of them participating in big construction tenders in Slovakia.

Of course, we immediately appealed the preliminary injunction. Firstly, because it is against our principles to censor any kind of information, not to say such kinds of data that are made public elsewhere. Secondly, because the ruling itself is unclear and our lawyers had to appeal it as impossible to apply. A preliminary injunction should tell you exactly what you are supposed to do, but in this case, it was only hinted to us: we were supposed to restrain from publishing information about the claimant in the extent of name, surname and title published anywhere and anyhow on the website [www.znasichdani.sk](#) in such a way that directly connects the claimant's person with expression of financial value gained from public procurement. But what exactly did they want us to

do? ZNasichDani.sk makes no connections of financial values to the claimant's name; the website only filters information and shows the results side by side. More than that, how could we erase the sum or the claimant's name in a way that would be technically possible and would not compromise the rest of the service? The site is a mash-up; both Public procurement bulletin and Business register are publicly available sources of data. The Business register is being requested by our application in real time – we do not have read/write access to its database and cannot remove names of dissatisfied subjects on request. Neither can we erase financial values – one such case would influence the quality of data on the whole website, because other entries would become incomplete. And even if we could, we do not want to manipulate the data in any radical way. So what were we supposed to do, when, clearly, something had to be done? In the end we decided to remove the total amount of value of procured contracts of companies where Mrs. Považanová is or was active from the site. Now we have to wait for what happens next.

But this is another riddle. In most cases a court case is what happens next. A preliminary injunction should only protect the claimant before the decision in the merit of the case itself is made. But we found out that there is no legal case in court as of yet, there is only the preliminary ruling. This leaves us wondering and asking ourselves how we are supposed to deal with such a paradoxical situation.

To be completely honest, it did occur to us that launching ZNasichDani.sk could cause us problems in the future. After the website was first launched we got calls from entrepreneurs and politicians pressing us because of media misinterpreting the data. But knowing that this would happen, we decided to act accordingly from the start: 1. Not to interpret any information ourselves, only to provide facts and numbers. 2. Explain sufficiently, on the website and in the media, that ZNasichDani.sk does not contain information about personal profit of listed persons, only about values of companies' contracts with the state. 3. Make clear that we don't only monitor entrepreneurs, but also managers, members of boards and statutory bodies of companies. As we went along we made further changes in the wording of the site to make our principles even more clear. Mrs. Považanová doesn't agree with this and claims that we were damaging her reputation by falsely identifying her as an entrepreneur and making numbers appear as if they were her private profit. But this we never did.

And so we wait. We got immense support from Slovak media and the preliminary ruling was also noticed on blogs and news servers abroad. Such support really helps. Although we are prepared to fight for ZNasichDani.sk, we need to know that we are not on our own. There is more at stake than one open data application. If our case ended the wrong way, it would not only bring consequences for the Fair-play Alliance. It would be bad news for all other similar initiatives in Slovakia, showing that there is a deep misunderstanding of the open-data principles in this country.