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INSPIREd by Openness:

**The case of the implementation of
Directive 2007/2/EC in Greece as a
general model for open data
regulation within the context of
Public Sector Information**

Author: Prodromos Tsiavos, London School of Economics

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About the Author

Prodromos studied law at the University of Athens. He received his LL.M. in Information Technology and Telecommunications Law from Queen Mary, University of London, his M.Sc. in Analysis Design and Management of Information Systems from London School of Economics and his Doctorate (Ph.D.) from the Management Department of the London School of Economics.

Prodromos is the legal project lead for the Creative Commons -England and Wales (CC-EW) and Greece (CC-Greece) projects, and an associate in Avgerinos Law Firm in Athens. He is a visiting lecturer in the Informatics department of Oslo University and a research officer at the Innovation and Information System Group, Management Department of the London School of Economics. Prodromos has worked for the European Commission and Oxford University. He is advising various public sector organizations in the UK, Greece and Norway on open content and data management, licensing and innovation issues. Prodromos is an adviser for the Greek Special Secretary for Digital Planning on Public Sector Information, Open Government and Data issues and teaches in the Greek National School of Public Administration.

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Executive Summary

This paper discusses the passing of law 3882/2010 entitled “National Infrastructure for Geospatial Information” in 22 September 2010 by the Greek Parliament. This constitutes the Greek national transposition law for the INSPIRE Directive (2007/2/EC). This was the result of a lengthy process, which involved a meticulous consultation with all involved stakeholders, and a concentrated effort to create a functional and sustainable system for the sharing of Geospatial Information in the context of the Greek legal system.

Law 3882/2010 is an important piece of legislation both in the context of open data and Public Sector Information regulation. It adopts a data-life cycle approach and increases the threshold of protection of the re-use of Public Sector Information. In that sense, it could operate as a model for a general system for organising the regulation of open data in the public sector: Law 3882/2010 follows data throughout their life-cycle from data production or procurement to data consumption and re-use both by public authorities and the private sector, ensuring that sharing and re-use are possible at each stage. Law 3882/2010 is a lengthy and technical legislation comprising of 35 articles, it complements and expands the scope of Law 3448/2006 on the re-use of Public Sector Information and it goes beyond the scope of the Directive appreciating the individualities of the Greek public administration and ensuring that the organisational conditions for meaningful and sustainable data sharing are established.

The author argues that it is important to view the transposition of the INSPIRE directive as part of a greater ecology of laws aiming at the cultivation of a broader common information environment. Such an ecology contains both legislative instruments such as Laws 3448/2006 and 3882/2010, but also ministerial decrees, licensing practices and interoperability specifications. The report aims at presenting the key elements of the contribution Law 3882/2010 could make to such an infrastructure and the way in which its constituent elements may be used as a blueprint for a broader public data sharing regulatory intervention.

The success of Law 3882/2010 is something yet to be tested in its implementation. However, the report concludes that it is significant as a model for increasing administrative capacity in dealing with open data.

Background

In 22 September 2010 the Greek Parliament passed Law 3882/2010 (FEK 166/A) entitled “National Infrastructure for Geospatial Information”, which constitutes the Greek national transposition law for the INSPIRE Directive (2007/2/EC). This has been the result of lengthy process, which involved a meticulous consultation with all involved stakeholders and a concentrated effort to create a functional and sustainable system for the sharing of Geospatial Information in the context of the Greek legal system.¹

Law 3882/2010 is an exceptionally important piece of legislation in the context of both the Greek Public Sector Information legislative framework² and open data³ in general. This is not just because it constitutes a much anticipated transposition of the INSPIRE Directive⁴ in the Greek legal system, but most importantly because it adopts a data-life cycle approach that could operate as a model for a general organisational system for the regulation of open data in the public sector: the law 3882/2010 follows data throughout their life-cycle from data production or procurement to data consumption and re-use both by public authorities and the private sector, ensuring that sharing and re-use are possible at each stage. Law 3882/2010 is a lengthy and technical legislation comprising of 35 articles, but it goes beyond the scope of the Directive appreciating the individualities of the Greek public administration and ensuring that the organisational conditions for meaningful and sustainable data sharing are established.

Law 3882/2010 as part of the Greek PSI legislative ecology

The transposition of the INSPIRE Directive has to be seen as part of a broader effort to create a common information environment and a direct continuation of Law 3448/2006 which transposes the PSI Directive⁵ in the Greek legal system. This is explicitly mentioned in

¹Law 3882/2010 has been the result of concentrated effort and work carried out by the Ministry of Environment, Energy and Climate Change (MEECC) between January and May 2010, which was coordinated by the Hellenic Mapping and Cadastral Organization (HEMCO) and supported by the Prime Minister’s Office in collaboration and with the input from all Ministries

²Law 3448/2006 implemented the Public Sector Information Directive in the Greek Legal System

³Open Definition provides criteria for openness in relation to data, content, and software services. The Open Knowledge Definition (OKD) sets out principles to define ‘openness’ in knowledge – that’s any kind of content or data ‘from sonnets to statistics, genes to geodata’. The definition can be summed up in the statement that “A piece of knowledge is open if you are free to use, reuse, and redistribute it - subject only, at most, to the requirement to attribute and share-alike.” <http://www.opendefinition.org/>

⁴ <http://inspire.jrc.ec.europa.eu/>

⁵2003/98/E

paragraph 1, art. 2 of Law 3882/2010 and is reflected in a number of other provisions, particularly these referring to Data Sharing (art. 27), re-use by third parties (arts 11 and 28) and limitations to re-use (art. 10). The data sharing and re-use by third parties provisions follow contain the same elements as the ones found in Law 3448/2006, particularly with respect to the limitations to gratis sharing of geospatial data when Public Authorities use them for economic purposes that do not relate to their public task mission.

The close relationship between Laws 3882/2010 and 3448/2006 has been highlighted also by participants to the stakeholders' consultation with respect to the level of the fees and the specification of different classes of licences for data sharing and re-use.⁶ Representatives from the Ministry of Interior, in particular, have pointed out that because of the provisions in paragraph 1, art. 2 of Law 3882/2010, the latter cannot contain any provisions contained in 3448/2007 with respect to the further use of public sector information. The Greek legislator has seen the nexus that Laws 3448/2006 and 3882/2010 form as one of setting limits to the restrictions that Public Authorities can impose with respect to the re-use of public data. The only limits with respect to the re-use of data have to do with the exceptions that use the same language in both Laws (art. 10) and the cases where Public Authorities act as private entities (arts 11 and 28). The only difference between the two Laws is that 3882/2010 imposes a greater degree of protection of data sharing and re-use by third parties and limits the fees in the case of data sharing between public authorities to a maximum of the costs of reproduction and dissemination.

The understanding of the Greek legislator that Law 3882/2010 forms an organic unit with Law 3448/2006 and hence constitutes a part of the PSI legislative framework in Greece becomes again apparent in cases b and c of paragraphs 2 of art. 21. These explicitly stipulate that arts. 1 to 5 of Law 3448/2006 are to be followed for the procedure of requesting geospatial data from a public authority.

All these provisions contribute to an understanding of Law 3882/2010 as an integral part of the PSI legislative ecology in Greece. The Greek legislator has seen the transposition of the

⁶The Public Consultation and the Consultation with Stakeholders was open between 20.08.2010 and 15.09.2010. MEEC and the PM's Office received 65 responses, 63 directly as a response to the consultation and 2 via the web site www.geodata.gov.gr which is administered by the PM's E-Government Team. In addition, a number of meetings with stakeholders took place in MEECC's premises. Athanasiou, S. (2010) *Report on the INSPIRE transposition public consultation*. MEECC, Athens.

INSPIRE Directive as an opportunity to push further the boundaries of PSI legislation towards the direction of less restrictions in data sharing and re-use of data and establish a model for the way in which public data in general could be regulated so as to remain open throughout their life-cycle.

Elements of Innovation in Law 3882/2010

The new law had to tackle some basic procedural issues, such as the setting of clear rules (a) regarding the ways in which data-sets enter the public sector, particularly in relation to the clearance of rights (b) the appointment of specific entities being responsible for the curation and maintenance of the data and (c) the setting up of a body that will provide specific rules regarding the sharing and dissemination of geospatial data. Further to that, the national legislator consistently opted for the most open schemes for data sharing trying to minimise fees for data sharing in an effort to boost the development of value added services (arts 11 and 28) and reduce transaction costs for the public administration (art 27).⁷

In this context the Law 3852/2010 covers a wider range of data compared to those included in the Directive: (a) all datasets of the public sector that contain geospatial information or have implicit geospatial reference even when the information is in a descriptive form (e.g. addresses) and (b) all spatial datasets, including those not directly relevant to the environment (art 4). This is a conscious decision that again aims at the widest possible opening of geospatial information in order to achieve a uniform standard and coherent national policy for dealing with such types of data and overcome the current fragmentation of practices and data sets.

The transposition of the INSPIRE directive is frequently associated with legislation regarding Intellectual Property Rights (Law 2121/93), Personal Data Protection (2472/1997 and 3471/2006), Public Sector Information (Law 3448/2006), Access to Public Information (art.5 of the Code of Administrative Procedure). In addition, Law 3882/2010 places great

⁷The innovations introduced with Law 3882/2010 are explained both in the Greek INSPIRE 2010 Implementation Report [Pediaditi Kalliope (MEECC), Athanasiou Spiros (Prime Minister's Office) & Nedas Konstantinos A. (HEMCO) (2010) INSPIRE Implementation Member State Report 2010, MEECC, Prime Minister's Office, HEMCO, Athens.] and the Law 3882/2010 Supporting Documentation. Both these documents make explicit reference to the need to ensure that there is legislative provision for the clearance of IPR before their acquisition by Public Authorities, the appointment of single "owners" responsible for the curation, acquisition and reporting regarding original geospatial datasets, and the use of registries for monitoring the acquisition, procurement, production or updating of such data-sets.

importance to the implementation of the interoperability framework (art. 27 of Law 3731/2008), which is necessary in order to ensure a working National Data Infrastructure is in place.⁸ Furthermore, Law 3882/2007 was drafted against the background of some fundamental changes occurring in the Greek public administration, particularly Law 3852/2010, also known as project "Kallikrates", which substantially changes the way in which local government operates through an extensive scheme of consolidation of Prefectures.

Such fundamental reforms made the census of existing geospatial data-sets rather problematic but also gave a strategic direction toward a more integrated and horizontal approach of the way in which data are managed in the Greek public sector. It is, hence, important to view the transposition of the INSPIRE directive as part of a greater ecology of laws aiming at the cultivation of a broader common information environment. This report aims at presenting the key elements of such infrastructure and the way in which its constituent elements may be used as a blueprint for a broader public data sharing regulatory intervention.

Basic Structure

The transposition of the INSPIRE directive was conducted by the Ministry of Environment, Energy and Climate Change (MEECC),⁹ while for the production of the INSPIRE implementation report MEECC collaborated with the Open Government Team at the Prime Minister's Office (PMO)¹⁰ and the Hellenic Mapping and Cadastral Organisation (HEMCO),¹¹ which was assigned as the national contact point in accordance with art. 19.2 of the Directive and art. 29 of Law 3882/2010.

Three studies have been conducted in order to assess the optimal coordination infrastructure necessary for the implementation of a geospatial data coordination scheme, two by HEMCO, in 1999¹² and 2008¹³ respectively, and one by the Technical Chamber of Greece in 2009.¹⁴

⁸The existence of a coherent and operational national interoperability framework is directly linked to both 3448/2006 and 3882/2010 as it is essential in order to meaningfully provide open access to content and data produced or procured by public Authorities. The Ministerial Decree necessary for the implementation of the National Interoperability Framework and the related circulars by the Minister of Interior, stipulated by art. 27 of Law 3731/2008 are still to be issued but are expected by the end of 2010.

⁹<http://www.ypeka.gr/>

¹⁰<http://www.opengov.gr/>

¹¹<http://www.okxe.gr/>

¹²National Geographical Data Infrastructure, Technical Report, HEMCO, 1999

¹³Inventory of Map Archives of Agencies and Bodies of the Public Sector, HEMCO, 2008.

A key concern that appeared in the studies conducted regards the fragmentation of spatial-data ownership in the Greek public sector: while INSPIRE advocates a horizontal coordination structure, it is necessary to take into consideration the current situation in the Greek public sector. Hence, the legislative solution adopted in Greece would have both to establish a well functioning mechanism of coordination and at the same time represent somehow the multiplicity of stakeholders with often diverse interests and objectives.

This has been achieved with the establishment of a three level structure: (a) the National Geo-information Committee (NGC), comprising of the General Secretaries of the most pertinent Ministries regarding the implementation of this Directive, amenable to the PM and chaired by the Minister of MEECC constitutes the high-level decision making body and (b) HEMCO, which is the operational arm of the structure responsible for the technical implementation and coordination of the infrastructure (c) Focal Points that are responsible for the procurement, monitoring and preservation of data according to Law 3882/2010. The following figure, used in the Member State 2010 Report¹⁵ on the implementation of the INSPIRE directive describes the coordination infrastructure of the INSPIRE implementation in Greece:

¹⁴Report on Monitoring the INSPIRE Directive: Proposal for the Implementation and Management of the INSPIRE Directive in Greece, Technical Chamber of Greece, 2008

¹⁵Op. cit. 7

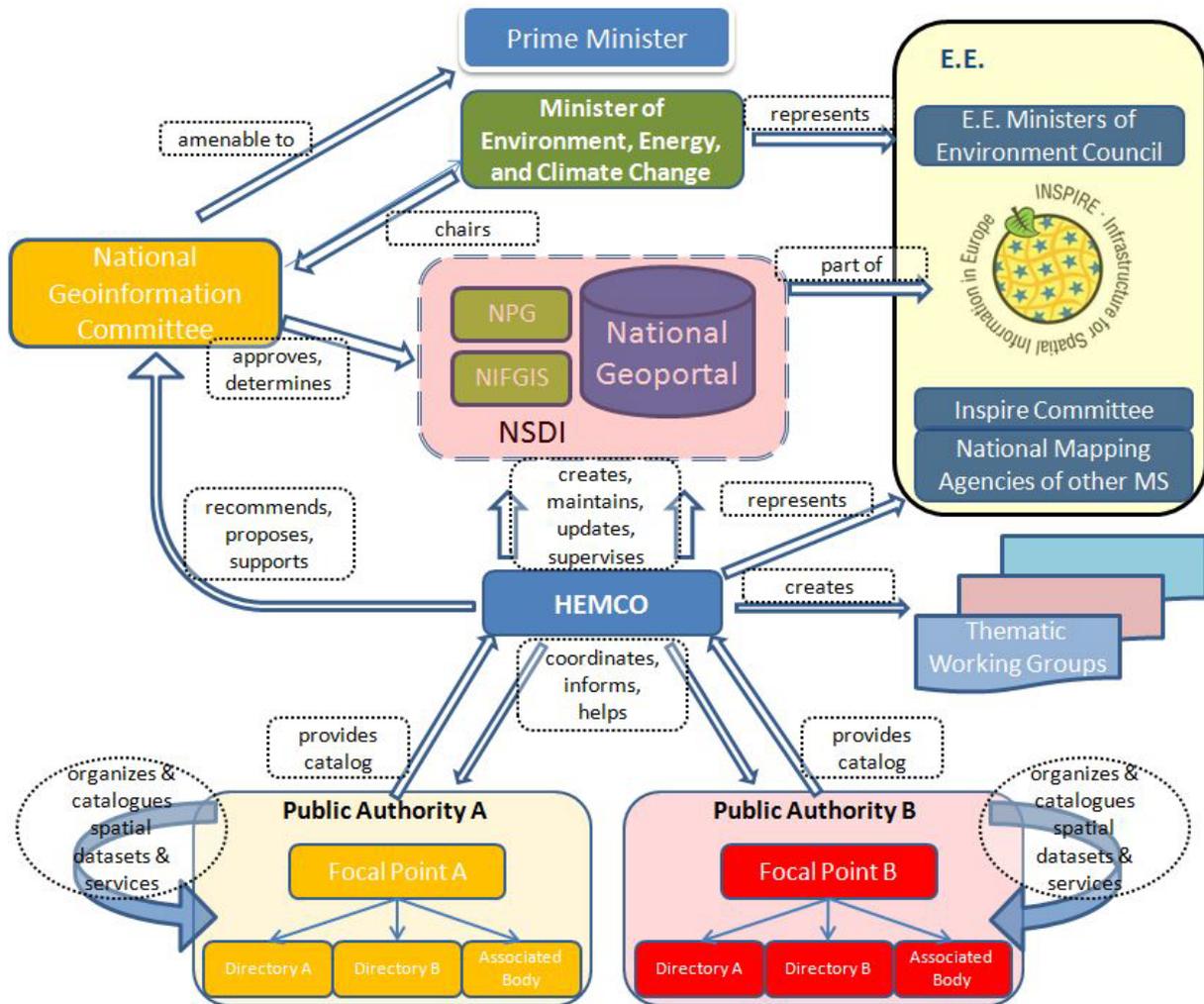


Figure I: The administrative structure that the law foresees, showing the interrelations between the main bodies and actors involved in the NSDI. (Source: INSPIRE Transposition, Member State Report: Greece, 2010, Padiaditi, K., Athanasiou, S., Nedas K., Grigoriou, E., Stefanakis, K.)

NGC performs four key roles (art.16): it establishes, monitors and evaluates the national geospatial data (a) policy of Geo-information (NPG) and (b) the National Interoperability Framework of Geospatial Information and Services (NIFGIS) throughout the public sector; (c) it is responsible for taking coordination measures for the implementation of the law, approving the relevant guidelines and technical specifications and has a decision-making role regarding sharing arrangements and dataset availability disputes; and (d) the NGC is responsible for the review and approval of the annual monitoring and reporting provisions with regard to the Directive.

HEMCO is responsible (art. 18) (a) for the development, operation and supervision (i) of the National Spatial-Data Infrastructure (NSDI) that comprises of the National NPG and NIFGIS and (ii) the National Geoportal (GS); (b) the coordination and quality assurance of spatial datasets and services developed by or on behalf of the public sector; (c) awareness raising and information provision campaigns with regard to the implementation of the Directive; (d) coordination and write up of monitoring and reporting requirements, as well as (e) collaboration with other MS contact points for the sharing of best practices.

It is important to note that in order to achieve the maximum acceptability of the NPG and the representation of different stakeholders, HEMCO creates and coordinates working groups comprising of various actors ranging from special scientists and NGOs to users or producers of geo-spatial data and governmental agencies.

Focal points (FPs) (art. 19) are set up in each public body and are responsible for the cataloguing, procurement, production, maintenance and update of all spatial data and services of the public body. FPs also provide HEMCO with the census of existing datasets and services for which they are responsible.

This low-level infrastructure is quintessential for the operation of the law and further complemented by the setting of "Geospatial Data Owners" (arts 14 and 21). These are public authorities responsible for the original procurement, production, continuous update and preservation of an original geo-data set. An original data-set is the one regarded as unique in the public administration. In the case there are more than one such sets, one is defined as an original. Geo-spatial Data Owners (GDOs) and Original Geospatial Datasets (OGDSs) are defined as such by NGC after HEMCO's recommendations.

Establishing GDOs is extremely important in the Greek public administration context as it allows a very clear allocation of responsibility for specific data-sets that would not be possible otherwise. It is important to note that an "owner" for the purposes of Law 3882/2010 is more a custodian, an entity responsible for ensuring the data-set compliance with the

INSPIRE framework, rather than an Intellectual Property Rights holder, though the two roles may coincide.¹⁶

A GDO may retain the data in its own repository and is only responsible for providing HEMCO with a list of the data-sets they have under their control.

A Data life-cycle Approach

Perhaps the most important innovation introduced with Law 3882/2010 is its life-cycle approach to geospatial data and its appreciation of the problems the Greek public administration faces with respect to the procurement or production of data. While sharing and re-use of data remains the end goal, the social and economic value of such freedoms can be maximized only if (a) there is no waste of resources in the procurement or producing of data and (b) all necessary rights or licences have been obtained so that sharing and re-use are actually possible.

A look at the current Greek legislative framework with respect to Public Sector Information (Law 3448/2006), the Greek Access to Administrative Documents legislation (art. 5 of Law 2690/1999 “Hellenic Code for Administrative Procedure”), the right to place information requests (art. 4 of Law 2690/2010) and art.12 of Law 2472/1997 regarding the access of the data subject to her personal data) highlights some of the risks of not mandating rights clearance procedures for content or data procured to the Public Administration.¹⁷

The Access to Administrative Documents legislation does not make any reference to re-use, whereas PSI legislation excludes all information on which third parties hold IPR (art. 3 paragraph 2b of Law 3448/2006). The INSPIRE Directive also excludes content on which third parties hold IPR. While such restrictions are not necessarily problematic, they have proven to be a major obstacle for the release of data and geospatial data in particular in the Greek context.

¹⁶The use of the term "owner" has raised significant concerns with respect to its meaning. Participants to the public consultation have highlighted that it may be taken to mean the owner of the IPRs. However, as the Law 3882/21010 Supporting Documentation clearly states and is explained in the definition of art 14(2) the Owner is effectively the Public Authority acts as a custodian of a data set responsible for their original procurement, production, continuous update and conservation.

¹⁷Vlachopoulos S. (2007) Transparency in the State's Actions and Personal Data Protection, A.N.Sakoulas, Athens

This is due to the fact that most of the geospatial data, e.g. maps, are Copyrighted works under law 2121/1993¹⁸ and are hence granted Copyright protection. In addition, it is standard practice that such maps are either produced by specific agencies or procured to the Greek Public Administration by third parties.¹⁹ In both cases, while there could be an easy to follow a procedure of acquiring the rights or the licences necessary to further share or re-use the data, no such provision is made. As a result, most of such content or data acquired by the Greek Public Sector lacks the necessary licences to be freely shared and is excluded from the scope of both the PSI legislation and potentially an INSPIRE transposition.

This is an issue that came up several times during the open public consultation, the consultation with the stakeholders, the surveys conducted by MEECC, HEMCO and the PM's Office and an open call for suggesting data sets the citizens would like to see open and which was conducted by the PM's Office. In all cases, the issue of not having access to data sets that have been paid with public money has been repeatedly raised, particularly with respect to geospatial data.

Law 3882/2010 gives a solution to this problem by mandating a single point of responsibility for each original data set and by obliging the GDOs in the case that it decides to procure, produce or update a geospatial data set (a) to use the National Geoportal to check that the data set has not been obtained by another public authority (art. 19) (b) to inform HEMCO about its decision (b) to obtain all rights and licences necessary for freely sharing the data with other public agencies or allowing re-use by third parties under appropriate licensing schemes (arts 20 and 21). The principle is that there is a minimum of freedoms that the public authorities and the third parties are entitled to enjoy and in all cases where public money is spent, the rights or licences acquired by the Greek public administration have to be equal or greater than the rights or licences that are to be granted to other public authorities or third parties. The openness of the data is further established by ensuring that the provision of any geospatial data related service is in accordance to the National Geospatial Data Interoperability framework and the National Geospatial Data Policy (arts 22-25).

¹⁸ Law 2121/1993 Art.2(1)

¹⁹Op. cit. 7, pp. 14, 23-25

Art. 27 of Law 3882/2010 provides the framework for geospatial data sharing, while the specifics of the licensing are to be defined in the National Geospatial Data Policy. It is important to highlight that art. 27 goes beyond the minimum of the INSPIRE Directive to allow the gratis sharing between public organizations of all geospatial data, meta-data and services irrespectively of whether they are related to the environment or not. Exceptionally it allows charging if it is necessary only for the covering the reproduction and dissemination costs, setting thus an extremely low threshold and making them virtually no-charge for the public administration.

Paragraph 7 introduces another important provision that has to do with the harmonization of the licensing schemes used for data-sharing. The objective of this provision is to ensure that either a single licence is used or if the Administration opts for different open licences, these are compatible with each other and we are not faced with the phenomenon of the “fragmentation of the commons”²⁰ or the “commons archipelago”.²¹ It is frequently the case, that while different public organizations choose to release their content under open licences, because there is no central coordination, the licences do not interoperate and hence create multiple islands of content that cannot be legally mixed, irrespectively of the relevant legislation and the choice of open licences. This is particularly the case with copyleft licences that impose conditions upon the use of derivative works and, hence, the best strategy is to adopt the licences with the least possible restrictions, such as the Creative Commons Attribution or the Creative Commons Zero licences. Such licences are able to create the maximum leverage to the re-use of the content, while reducing transaction costs and minimizing the risk of commons fragmentation.

Art. 28 of Law 3882/2010 sets the conditions for the re-use of public geospatial data by third parties, i.e. anyone not included in the definitions of public authorities of art. 3. Here there is a differentiation between meta-data, data and services. The meta-data are provided without charge, the data with licences having terms depending on their uses. Finally, the services of art.8c, d and e are provided with terms that depend both on their purpose and the service levels provided. With respect to the charging of fees both in the cases of data and services, the

²⁰Elkin-Koren,Niva (2006) Exploring Creative Commons: A Skeptical View of a Worthy Pursuit, In The Future of the Public Domain, (eds) Hugenholtz,B. and Guibault,L., Kluwer Law International, <http://ssrn.com/paper=885466>

²¹Tsiavos, P, Korn, N. (2009) “Case Studies for The Mapping of Content, Value and Rights Across the Public Sector”, Document No 567, v.1.1, Joint Information Systems Committee Content, Strategic Content Alliance, London, March 2009.

Public Authorities are obliged to make available both licences for a fee and free of charge. This construct assumes that there has to be some sort of differentiation for making the distinction. Such criteria are implied in art. 28 but are to be defined in the National Geospatial Data Policy. The purpose of use imply a differentiation on the basis of commercial uses, since this is one of the cases where charging makes economic sense and is found standardized in the most widely spread standardized public licences, i.e. the Creative Commons Non-Commercial licences. There are two reasons why Law 3882/2010 is reluctant to make a direct reference to commercial uses: First, there seems to be a problem with consistency of definitions as to what amounts to commercial use and this may make users reluctant to use a non-commercial licence, thus introducing unnecessary uncertainty and reducing the potentials for further use of geospatial data. Second, while dual licensing with the use of non-commercial licensing schemes is the most common approach when charging is involved, there may be other models and an explicit reference to the non-commercial element may reduce innovation in future business models. This is hinted in paragraph 3 of art. 28, where the differentiation is made on the basis of service levels besides charging of fees: the Greek legislator leaves, thus, the choice of the appropriate licensing scheme to the NGC after the suggestions of HEMCO and the agreement of the competent Ministers.

Such an approach sets a minimum set of rights for the licensees and avoids the fragmentation of commons while allowing the specific licence terms to be dynamically and continuously chosen and expressed in the National Geospatial Data Policy.

Finally, another innovation introduced with law 3882/2010 that goes beyond INSPIRE relates to the procedure necessary to compile documents with regulatory effect that require the use of geospatial data. According to art. 32, such procedure has to be completed using electronic documents, whereas in case of dispute the digital copy is deemed to be the original. This constitutes a great step in ensuring that the procedure is done with the minimum transaction cost and maximizes the efficiency of the process.

Beyond INSPIRE

Law 3882/2010 goes beyond the INSPIRE Directive to suggest a broader but solid model for implementing open data regulatory frameworks in jurisdictions with fragmented IPR policies and moderate levels of public organisational capacity.

Organisationally, it creates a three layers structure allowing representation of multiple stakeholders (composition of the NGC, introduction of Thematic Networks by HEMCO, decentralized Focal Points and GDOs) and flexible decision making (regular reviews of the NPG), while ensuring a strong operational arm (HEMCO) and oversight at the highest level (PM and MEECC). This mixture allows both space for the different stakeholders and a strong steering of the open geospatial policy making.

In terms of regulatory architecture, Law 3882/2010 wisely does not start from the point of data dissemination and re-use but rather at the point of their production or procurement. It ensures that there is a single point (GDO) where data are collected, produced, procured or updated and that there such information is registered at a central point (HEMCO). This is further complemented with strict rules prohibiting multiple purchases of the same data-set and mandates clearing of rights for all data sets acquired with public money. This is a structure that is not found in most PSI laws, because it is assumed it may be implemented through organizational decisions, circulars or other administrative measures. This may be true for administration at a mature organizational level but is not something that is consistently found in all jurisdictions or in all public organizations within the same jurisdiction. A mechanism such as that of Law 3882/2010, thus, assures that any PSI re-use legislation can be meaningfully implemented and does become practically void of content because of the actual volume of content that could fall under the exceptions only because there is no consistent rights acquisition policy across the public sector.

The provisions related to the sharing and re-use of data also balance between a high standard for allowed uses of the licensed material, the standardization of the licensing schemes and the introduction of flexibility in the licence choice. Whereas, free choice is the key concern in most national implementations of PSI-type legislation,²² this is normally not counterbalanced with standardization provisions or minimum levels of rights for the re-users of information. The Law 3882/2010 approach sets the virtually gratis licensing of geospatial data for sharing between national public authorities as the minimum and allows the choice of the specific licence to be defined in the national geospatial policy. Most interestingly, it stipulates that for the reuse of the data by third parties both gratis and for a fee licences should be available. The differentiation between licences and the level of the fees is left open to the public authorities

²²See e.g. The Office of Public Sector Information (2007) The United Kingdom Implementation of the European Directive on the Re -use of Public Sector Information- the first two years, OPSI, National Archives

to decide on the basis of the cost recuperation scheme, the purpose of use and the provided service level. Finally, the focus on creating a common information environment through the use of compatible with each other licences is a very crucial feature of Law 3882/2010. Again this is something that in some jurisdictions may be achieved through administrative measures; however, its inclusion in the actual law ensures that the maximum harmonization may be achieved.

Overall, Law 3882/2010 introduces a number of innovations that could be used in order to maximize the effect of PSI-type legislation, particularly when administrative measures are not adequate because of the legal culture or the capacity of the administration and the broader public sector to regulate itself. In this effort to cultivate a common information environment, it is not an isolated legislative intervention. It is complemented by a number of additional initiatives in the legislative (e.g. introduction of the transparency project Diaugeia” (Law 3861/2010) that mandates the obligatory publishing of all decisions of Public Authorities of all levels)) and the administrative level (e.g. PM’s decision No. Y255 on setting Creative Commons Attribution GR 3.0 as the default licence for the PM’s web site)²³ or the open geodata website²⁴ run by the PM’s Open Government Team)²⁵ that constitute positive efforts to increase transparency and support development through the use of open content.

In addition, the Special Secretary for Digital Planning²⁶ has introduced interoperability, open formats, standards and data as well as the degree of implementation of Law 3882/2010 as evaluation criteria for of all projects funded by the Digital Convergence Program. The Special Secretary for Digital Planning is a consistent proponent of open data and the re-use of Public Sector Information as a tool for leveraging sustainable development in Greece. It has recently issued two Calls²⁷ that provide funding for the development of services that support implementation of both the PSI and INSPIRE Directives through laws 3448/2006 and 3882/2010.

²³ <http://www.primeminister.gr/>

²⁴ www.geodata.gov.gr

²⁵ Geodata.gov.gr is perhaps the most important implementation initiative of Laws 3882/2010 and 3448/2006. It aims at allowing the request, publication and search not just of open geospatial data but all categories of data and it is meant to operate as a testbed for the opening of all public data.

²⁶ <http://www.infosoc.gr/infosoc>

²⁷ http://www.infosoc.gr/infosoc/el-GR/TodayNews/nees_proskliseis_30-09-2010.htm

This is yet another indication of the approach followed by the Greek Public Authorities of the PSI and INSPIRE Directives as essentially being parts of the same public policy objective and an essential tool for supporting the creation of value added services and the creation of a vibrant market based on public information and data.²⁸

The success of Law 3882/2010 is something yet to be tested in its implementation. Its importance, however, as a model for increasing administrative capacity in dealing with open data is hard to be disputed.

²⁸The Special Secretary of Digital Planning Dr. Antonis Markopoulos has issued a statement regarding the Calls 20.2 (Ministry of Interior) and 24 (Environment) that highlight the aforementioned points: "The two new calls of the Operational Program of Digital Convergence come to address significant issues in two key areas: On the one hand, in the sensitive area of Environment, where the creation of Forest Maps and the implementation of the European Directives will contribute to sustainable development and, on the other hand, in the multifaced and essential area of Public Administration and Electronic Government. The effort for the Public Sector reform and improvement of the service to the citizen is focus and sustained and for that reason our interventions are capable of bringing sustainable and substantial results." http://www.infosoc.gr/NR/rdonlyres/35F07CFB-9BF2-4FEE-B6AA-FB0476E98BED/8139/2010_09_30_Programmatapsifakisigli.doc