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State of Play: PSI in the Netherlands

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1. Executive Summary

The Netherlands does not have political attention driving actions regarding Public Sector Information (PSI) re-use such as for instance the UK has. Different public service bodies make different steps, creating a very varied and fragmented overall picture. The Ministry for the Interior is nominally in the lead on the topic of opening up PSI for re-use, and works both towards new legislation as well as stimulating bottom-up activities. The latter is typical for the Dutch situation, where individual civil servants and Public Sector Bodies (PSBs) are in conversation with citizens about PSI re-use. While there are further central steps planned such as a national data catalogue, much depends on the course and priorities of the new government that is taking office mid-October.

2. Introduction

The Netherlands provides a very fragmented and varied picture when it comes to the availability of PSI for re-use. While progress is certainly made, there is no coherent or coordinated (political) effort from the top down, but rather progress is the result of a collection of initiatives from the 'middle out' and bottom up. This Topic Report will provide a view of different aspects of that fragmented situation, explaining the roles of some of the players, as well as characterize the ongoing debate and efforts.

3. Legislative situation

The European Union (EU) PSI Directive of 2003 has been translated into Dutch law by adapting and amending¹ the existing Dutch Freedom of Information Act² (Wet Openbaarheid Bestuur (WOB)), mostly by adding re-use clauses to it (Article 11 of the WOB). The WOB itself had been made into law in 1980. Until the EU PSI Directive information provided under the WOB was free of charge, where the EU PSI Directive's translation has introduced payment options into the WOB. At the same time exclusive contracts for the re-use of PSI were made impossible. Other relevant laws pertaining to PSI and PSI re-use are copyright law and competition law. The EU PSI Directive could have been part of either of these laws, depending on which Ministry took the lead. As it was the Ministry for the Interior that took the lead, the WOB has been made the vehicle for the EU PSI Directive. The use of open standards for any government information exchange or communication has been mandatory since 2008 and also plays a role in pro-actively making PSI available to the public, concerning formats.

As both the licensing of PSI for re-use as well as the charging of costs are seen by the Ministry for the Interior as an obstacle to open government and PSI re-use and a source of inequality in possibilities for re-use for citizens, a new law is being drafted that addresses two elements: First that government does not reserve any rights connected to the governments copyright, which means explicit permission to re-use any material provided in any way; second, that only incremental costs of distribution may be charged when PSI is provided for re-use. In the case of digital information or data that cost will be virtually zero³.

Currently an initiative also has been launched by the Green Party to overhaul the WOB⁴, and have the Netherlands sign the European Council's TROMSØ treaty on access to information. This overhaul would make access to information a civic right, extend the WOB to cover private bodies that perform public tasks, introduce an information asset register, increase the transparency of parliament, limit charging policies to incremental distribution costs, and limit possible exceptions to publication, as well as introduce a 'watchdog' for all of these points. The main motivation here is that the WOB was drafted in 1980 and thus predates the impact of the internet and digitalization on the way government can and should provide information to citizens.

4. Public Sector Bodies: No unified response or action

The legal situation in the Netherlands regarding PSI can be summarized as 'public, unless' and defines a pro-active role for government bodies to publish PSI, with only very few grounds for exceptions. In the absence of a clear political momentum concerning access and re-use of PSI however, different public bodies in practice take very different approaches and attitudes towards PSI and re-use.

On a national level for instance the Ministry for Education is pro-actively giving access to almost all data concerning education, where other departments are less active. Despite those less active ministries, the national government website (rijksoverheid.nl) which is in the process of combining all ministerial websites on one web address, has quietly adopted a Creative Commons Zero (CC0) license allowing the re-use of all content without restriction⁵. At the same time there is a national level body, the Nationale Databank Wegverkeergegevens⁶ (National database for road and traffic data, NDW), that charges a minimum of 6000 Euros per year for accessing their data, and additional fees for actually using the data, as they perceive access as a service, not a right to information.

On a local level some cities like Delft, Enschede and Rotterdam seem open to exploring PSI pro-actively for re-use, but the Vereniging Nederlandse Gemeenten (VNG), the national association of municipalities, regularly speaks of 'misuse' of the WOB, and advises members to charge heavily for providing information. A Dutch court has ruled in May 2010 that the charging of costs by municipalities for WOB-requests are not allowed (as it is not to be considered a service but a right to information), yet the VNG actively advises its members to

ignore that ruling⁷. At the same time eleven local governments (eight municipalities, two provinces and a water authority) collaborate in the GemGids foundation⁸ which is aimed at creating a pool of citizen oriented web services, building on open government data, and provides tools for authorities to open up their data.

Some public service bodies actively publish information but then block the automated access to that information, others provide PSI in re-usable ways, still others do not make any visible efforts.

Differences in approach and level of pro-activity seem to stem from the situation that each public body, or part thereof is trying to interpret the rules and regulations on their own, and is doing that from the perspective of possible fears and worries, as well as against the background of their own level of skills and knowledge in dealing with the technological, legal and social aspects of opening up PSI. This because a 'central' interpretation or definition of 'the gold standard' is not available, nor help in making the first steps. This leads to a fragmented and confusing situation for citizens.

From these strong differences in approaches and ways of dealing with PSI re-use stems a notable distrust from the wider network of possible PSI re-users concerning the level of knowledge available inside government for these topics. This became apparent in various meet-ups and sessions between civil servants and citizens from the wider 'open data community'.

5. Lively interaction from the bottom-up

Although there is no clear unified way of action within government, nor a strong political momentum towards PSI access and re-use, there is lively interaction on the level of individual civil servants and citizens concerning these topics.

There is an active and lively community of civil servants, Ambtenaar 2.0⁹ (Civil Servant 2.0), where almost 5000 civil servants discuss the impact of digitalization on government in general, and open government and open government data / PSI re-use are a significant part of the discussion. These almost 5000 change agents from all levels of government are, as a network, connected to many individual citizens, coders, academics and entrepreneurs.

Though financially supported by central government this community is all-volunteer and completely independent from government bodies.

In the past few years there have been several 'BarCamps' (informal meet-ups with presentations and discussion sessions) around Gov2.0 and PSI re-use under the banner of 'Hack de Overheid'¹⁰ ('hack the government', hackdeoverheid.nl) where civil servants and coders met to discuss PSI re-use options and issues, as well as build applications re-using PSI on the spot. In the last of these sessions 'data driven journalism' was also a main topic. Academic groups focussed on linked data (semantic web) are also highly visible in the wider community around PSI re-use, as are various entrepreneurs.

This means that there are many different connections between civil servants and others concerning PSI re-use, and that discussion is taking place in many different places. This discussion is also largely not technology driven but geared towards utility and opportunities for citizens and organizations alike. This leads to actions even in the absence of a general and central pro-active policy towards PSI re-use.

6. Ministry for the Interior in lead role

The Ministry for the Interior is in the lead regarding the EU PSI Directive as it has been implemented through the WOB (freedom of information act). Opening up PSI for re-use is seen as a core building block for modernizing government (gov 2.0), open government, e-government, and e-participation, and not just a goal in itself.

The way the Ministry for the Interior is moving forward is along two different lines of action. The first line of action consists of legislative efforts (such as the mentioned draft law dealing with copyright and charging), and taking steps to provide a central focal point for PSI re-use by establishing a national data catalogue (similar to data.gov.uk) which is likely to become available before the end of 2010. This data catalogue can also serve as a place to communicate good practice and 'the gold standard' for dealing with PSI related issues. The second line of action is creating small scale experiments and pilots, involving the wider community. For both lines of action the Ministry actively seeks dialogue with members from the wider community, and uses a step by step approach.

Some of these small steps are / have been:

- making an inventory of existing available national level datasets, that may be used in a national open data catalogue (July 2010);
- writing a plan for the social / organizational aspects of a national open data catalogue, based on a comparison of existing initiatives (August 2010);
- commissioning the implementation of a national data catalogue (October 2010);
- setting up an 'Apps4Democracy' competition (2009)¹¹;
- financially supporting Hack de Overheid sessions, where civil servants and re-users meet (2009-2010);
- having widgets made that re-use PSI, and can be themselves used in other government websites (2009)¹²;
- having two examples made of PSI re-use (Vervuilingsalarm.nl / 'pollution alert' and Schoolvinder.nl / 'school finder') to demonstrate what re-use can be (2009)¹³;
- having a flow chart poster made that explains the basic steps of opening up PSI, and the questions involved (2009)¹⁴;
- having a short manual made explaining the core questions and issues concerning PSI re-use, for legal, technical, social and organizational aspects (vrijedata.nl) (2009)¹⁵;
- indirectly supporting PSI re-use oriented initiatives through the 'Digitale Pioniers' (digital pioneers) program, such as a tool to help generate FOIA-requests¹⁶, and building an API that combines and accesses different political PSI sources¹⁷.

On the practical side of things ICTU¹⁸, the national ICT office, is involved, often with the Ministry for the Interior as a leading client. At ICTU programs take place to raise awareness and to practically support other public service bodies with open government (such as BurgerLink¹⁹), e-participation and the use of open standards (such as NoiV²⁰). ICTU also has created the OWMS²¹, the governments semantic web meta standard (Dublin core²² based), that allows the classification of government information and linked data formats. It is also ICTU that is building the planned national open data catalogue, again involving members and volunteers of the wider community.

7. Developments to watch

There are a couple of additional developments to watch that may influence the PSI re-use state of play in the Netherlands.

Public Service Bodies becoming PSI re-users themselves: Several PSBs are discovering how 'open government data' will help them reach their own goals and complete their own tasks. The Ministry for Education is experiencing that opening up their PSI is leading to more efficiency in answering citizen's questions, the department for Cultural Heritage is opening up PSI and is working together with various amateur historical societies and the Wikimedia Foundation to not just open up but also improve and augment their data sets, as a way to become more efficient as well as more effective. The Amsterdam fire brigade is pursuing open data as a way to get life saving information from other departments to their people when and where it's needed. This concerns for instance data on building activities impacting navigation through the city, information on hazardous materials in buildings, and data on water depths and obstacles below the water surface for divers. This data is available just now, and where needed or in useful formats. Both efficiency and effectiveness are key reasons here: being able to act faster, as well as act smarter.

INSPIRE Directive: The EU INSPIRE Directive calls for a national geo data asset register. Although initially sometimes perceived as 'extra work' only, and although the asset register contains both non-digital, digital and even non-public geo data sets, there is now growing awareness rising within the geo-community that the geo asset register can be of use in stimulating re-use.

New government taking office mid-October: the level of ambition that the Ministry for the Interior will set, and the way in which it can provide the central 'gold standard' regarding PSI re-use, is dependent on the course the new government that will take office mid-October will set. Depending on the new Minister the launch of the planned national open data catalogue may be scaled up or down in scope and ambition. The new government's plans, as they have been published late September²³, contain no explicit mention of the role of PSI, nor of topics like transparency. The government plans do call for higher efficiency and effectiveness of government though, and this might mean an opportunity to make PSI access and re-use

visible as a way for government to save money and execute tasks more effectively. It is highly unlikely however that the new government plans to provide the political momentum to drive PSI re-use forward, the absence of which is the main cause of the current fragmented picture.

8. Conclusions

The state of play of the PSI debate in the Netherlands is characterized by the absence of a centralized or political driving force, yet with a very lively bottom-up network of all stakeholder groups, including civil servants of many different PSBs. The discussion in this network is largely not technology driven.

Different PSBs make their own choices regarding the possibility of access and re-use of PSI, leading to examples of good practice and bad practice existing side by side. This creates a very fragmented and to the citizen confusing picture.

The Ministry for the Interior is formally in the lead regarding PSI issues and both actively stimulates and tries to build on the bottom-up initiatives inside and outside government. At the same time the Ministry is taking more centralized initiatives, such as legislation on licensing and pricing, and planning a national data catalogue. Such a national data catalogue can help diminish fragmentation by setting good practice.

The new government, taking office mid-October, has not indicated in their plans that PSI re-use is on their radar and so is unlikely to provide additional momentum. However, increasing the efficiency and effectiveness of government is part of the new government plans and this may present an opportunity to shape the debate in such a way that PSI re-use becomes valuable to government itself as a means to more efficient and effective government.

- 1 Notification of transposition measures Netherlands
http://ec.europa.eu/information_society/policy/psi/actions_ms/implementation/index_en.htm#netherlands
- 2 Wet Openbaarheid van Bestuur (WOB) http://wetten.overheid.nl/BWBR0005252/geldigheidsdatum_11-10-2010
- 3 Presentation by Ministry for the Interior's Kees Keuzenkamp to the EC PSI Group, June 2010, Luxembourg,
http://ec.europa.eu/information_society/policy/psi/facilitating_reuse/psigroup/index_en.htm
- 4 Maak publieke informatie publiek, GroenLinks, 21 May 2010 <http://groenlinks.us1.list-manage.com/track/click?u=792c4cf2e39c93fd66a7cb144&id=0200ff7f14&e=f0ce40cec1>
- 5 Copyright statement at rijksoverheid.nl <http://rijksoverheid.nl/copyright>
- 6 <http://www.ndw.nu/>
- 7 VNG-advies over leges voor Wob-verzoeken <http://www.vng.nl/smartsite.dws?id=96480&ch=DEF>
- 8 <http://www.gemgids.nl/>
- 9 <http://ambtenaar20.ning.com/>
- 10 <http://hackdeoverheid.nl/>
- 11 <http://datzouhandigzijn.nl/>
- 12 <http://www.overheid20.nl/workspaces/index/72>
- 13 <http://vervuilingsalarm.nl> and <http://schoolvinder.nl/>
- 14 <http://www.vrijedata.nl/images/PosterScreen.pdf>
- 15 <http://vrijedata.nl/>
- 16 Woberator <http://www.digitalepioniers.nl/projecten/Woberator/185>
- 17 HNS.dev <http://www.digitalepioniers.nl/projecten/HNS-development-environment-/159>
- 18 <http://ictu.nl/>
- 19 BurgerLink <http://burgerlink.nl/englishsite/englishsite.html>
- 20 Nederland Open in Verbinding NOiV <https://noiv.nl/service/english/>
- 21 OWMS <http://standaarden.overheid.nl/owms/>
- 22 Dublin Core Metadata Initiative <http://dublincore.org/>
- 23 Coalition Agreement, english translation
<http://www.kabinetsformatie2010.nl/dsc?c=getobject&s=obj&objectid=127511>