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PSI in Belgium: a slow journey towards open data?

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Abstract

This report gives an overview of the current state of play of the public sector information community in Belgium. The interest in the re-use of public sector information has traditionally been limited, both from the public sector and the potential re-users. However, some recent developments seem to indicate a growing attention for re-use and an increasing willingness on the political and administrative level to open up government data. After setting out the legal framework, the report looks into current government policy and political support for open data. Next, it describes some existing practices of public bodies providing public sector information for re-use and some private sector and civil society initiatives relating to public sector information. These practices and initiatives show that the Belgian environment for public sector information is slowly changing.

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Abstract

This report gives an overview of the current state of play of the public sector information community in Belgium. The interest in the re-use of public sector information has traditionally been limited, both from the public sector and the potential re-users. However, some recent developments seem to indicate a growing attention for re-use and an increasing willingness on the political and administrative level to open up government data. After setting out the legal framework, the report looks into current government policy and political support for open data. Next, it describes some existing practices of public bodies providing public sector information for re-use and some private sector and civil society initiatives relating to public sector information. These practices and initiatives show that the Belgian environment for public sector information is slowly changing.

1 Introduction

While many reports have been published on the state of play regarding public sector information (PSI) in the EU Member States and beyond, there has not been much news about the situation in Belgium. The federal structure of Belgium has led to a division of competence for the re-use of PSI among many different government officials and public bodies. This has complicated and hindered the development of the re-use environment in Belgium. While some public agencies have tried to set a good example, many of them are still reluctant to make their data available for re-use, or are unaware of the potential of their data for increasing economic growth, public participation and government accountability. However, some recent developments seem to indicate a growing attention for re-use and an increasing willingness at the political and administrative levels to open up government data.

This report tries to give an overview of the Belgian framework for re-use, including the legislation, policies and practices at the different administrative levels, and grassroots initiatives that have been occurring in the recent years.

2 Legal framework

The legal framework for the re-use of PSI in Belgium is quite complex due to the federal nature of the country. Next to the federal competence level, there are three regions (Brussels Capital, Flanders and Wallonia), which have territorial competences, and three communities (French-speaking, Flemish and German), which have cultural competences. Each of these political levels has its own legislative and executive powers. While some competences are exclusively federal (e.g. defence) or regional (e.g. agriculture), some competences are shared, i.e. each level is competent for its own territory. This is for instance the case regarding freedom of information, re-use of PSI and data sharing between public authorities.

All regions and the federal state have their own legislation on access to government

information and re-use of PSI. In addition to these regulations, account should also be taken of the legislation on the protection of personal data, intellectual property rights, and some specific regulations regarding particular types of government data (e.g. company register, cadastre).

2.1 Access to government information

Access to documents held by public bodies was recognised as a constitutional right in 1993. Article 32 of the Belgian Constitution gives every citizen the right to access any administrative document and to obtain a copy of it, except when prohibited by federal or regional law. The conditions and procedures for exercising this constitutional right were set out in several pieces of legislation:

- Federal law of 11 April 1994 relating to access to government information;
- Federal law of 5 August 2006 on public access to environmental information;
- Ordinance of the Council of the Brussels Region of 30 March 1995 on access government information;
- Ordinance of the Council of the Brussels Region of 18 March 2004 on access to environmental information;
- Flemish Decree of 26 March 2004 relating to access to government information;
- Decree of the Walloon Region of 30 March 1995 relating to access to government information.

While minor differences in the procedure and the formulation of the exceptions can be found between the different legislations, in general they give everyone the right to obtain access to documents held by public authorities, either by obtaining a copy of the document or by consulting it. If access to a particular document is refused, the applicant can make an appeal to a designated administrative appeal body, which can order the public authority to make the document available if it finds the refusal unjustified.

With the implementation of the PSI directive¹, provisions in the federal and Flemish legislation were deleted that prohibited the re-use or redistribution for any commercial purpose of documents obtained under the access regime. However, in the Flemish Region this provision had been interpreted in such a way that pure commercial redistribution was forbidden, but that the creation of value-added products was still allowed. Hence, with the deletion of this provision, the potential of re-use was limited rather than extended.

While the access legislation does not contain any other provisions on what the user can do with the documents obtained, the Flemish appeal body interprets the Flemish decree in such a way that the applicant can only study the content of the document, but not use this content any further. Such further use is considered as re-use governed by the PSI regulations. It is not clear in how far the other appeal bodies follow the same strategy.

¹ Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information, *OJ L* 245, 31 December 2003, 90.

2.2 Re-use of PSI

As for access to government information, both the federal state and each region have their own legislation transposing the PSI directive:

- Federal Law of 7 March 2007 and Executive Decisions of 29 October 2007, 29 April 2008 and 8 May 2009;
- Decree of the Walloon Region of 14 December 2006 and Executive Decisions of 3 June 2009;
- Decree of the Walloon Region of 14 December 2006 regarding the competences it exercises for the French Community
- Decree of the French Community of 25 January 2007 and Executive Decision of 15 July 2010;
- Decree of the German Community of 18 December 2006;
- Flemish Decree of 27 April 2007 and Executive Decisions of 19 July 2007 and 8 October 2007;
- Brussels Ordinance of 6 March 2008.

To a great extent, the provisions of all the regulations mentioned above are identical. All regulations leave the choice to allow re-use to the public bodies themselves. The only exception to this is made by the Flemish government for documents held by ministerial departments and some central government agencies. These documents should be available for re-use, under a model licence provided by the communications department of the Ministry of the Flemish government.

Two main differences should be noted. First, only the Flemish decree does not specifically address the re-use of documents holding personal data, following the point of view of the PSI directive that the protection of personal data remains regulated by the 1995 Privacy directive² and that the safeguards provided by its rules remain in place. All other regulations expressly limit the re-use of personal data, and state that this can be allowed only if the data are anonymized (and hence cannot be considered personal data anymore). This goes further than is required by the PSI directive, but according to the Belgian Privacy Commission, no form of re-use under the PSI directive could ever be compliant with the Privacy directive.³ However, this approach seems to be far-reaching and to only take into account commercial re-use, without considering any other possible types of re-use that might be legitimate under the rules of the Privacy directive.

The second difference relates to the level of charges that can be levied for the re-use of PSI. While both the Flemish Region and the French-speaking Community follow the provisions of the PSI directive with regard to the re-use of the documents held by their public bodies,

² Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, *Official Journal of the European Union L*, 281, 31-50.

³ Commissie voor de Bescherming van de Persoonlijke Levenssfeer, advies van 8 februari 2006 betreffende het voorontwerp van wet tot omzetting van richtlijn 2003/98 van het Europees Parlement en de Raad inzake het hergebruik van overheidsinformatie, www.privacycommission.be.

the federal government, the Brussels Region, and the German-speaking Community allow only the marginal cost of reproduction and dissemination to be recuperated, unless specific actions were needed from the public body to enable the re-use of the documents (i.e. anonymizing). In the latter case, the upper limit of the directive is maintained for possible charges.

These kinds of differences between regulations, even within one country, show the difficulty for re-users to create cross-border information services and products. If they want to combine datasets from different jurisdictions, they have to deal with many different requirements and conditions. This requires time and effort and prevents the re-user from quickly reacting to market needs and opportunities.

2.3 Other relevant legislation

2.3.1 INSPIRE transposition

All regions have adopted legislation transposing the INSPIRE directive⁴, while the federal law is on its way to completion. Public access is guaranteed to the network services that will be installed (discovery, view and download services), and geographic data and services can be shared between public authorities for performing their public tasks relating to the environment.

2.3.2 The processing of personal data

The protection of privacy with regard to the processing of personal data is a federal competence and has been regulated by the Act of 8 December 1992 with regard to the processing of personal data. In 1998, this act was adapted to the provisions of the 1995 Privacy directive. It defines the situations wherein, and the conditions under which, personal data can be processed and transferred. The use of personal data for scientific or research purposes is regulated by a separate Executive Decision of 2001.

2.3.3 Intellectual property rights

The federal Copyright Act dates from 1994 and has been amended on several occasions in order to implement the European directives relating to intellectual property rights. The Act exempts “official documents” of the government from copyright. This includes legal acts and regulations, parliamentary documents, court decisions and judgments, etc. Other works created by the government are eligible for copyright if they are sufficiently original. The sui generis right on databases was implemented by separate legislation in 1998.

The federal statute regulating the rights and obligations of public servants does not contain an automatic transfer of copyright from the public servant who has created a document (e.g. a policy statement or a research report) to the public body. Hence, if this is not specifically regulated by the public body in a contract or the general work conditions, the public servant will remain the rightholder of the document (which exempts the document

⁴ Directive 2007/2/EC of the European Parliament and the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE), *Official Journal of the European Union L*, 108, 1-14.

from the field of application of the PSI directive under article 2). For public servants of the regional authorities, this has been regulated in the official statutes, so that the public bodies are the rightholders of the exploitation rights of the documents created by their public servants.

3 Government policy for the re-use of PSI

The federal government assigned the *Dienst Administratieve Vereenvoudiging* (Federal Service for Administrative Simplification) with the implementation of the PSI directive. A Transparency Committee was established, with the tasks of making a register of useful documents and information from the public bodies and to make this register and additional information regarding re-use available to the public via a federal portal website.⁵ It is not clear whether this Transparency Committee has continued its activities after its last published meeting minutes of March 2009.⁶

However, in its February 2011 newsletter, the Federal Service for Administrative Simplification announced a timeline for the deployment of the Belgian portal site linking to datasets available for re-use.⁷ After a test phase and a pilot phase during February and March, a beta version of the portal was launched in May/June on <http://psi.belgium.be>.

The portal holds a selection of re-usable information from the federal public bodies, with a focus on data that are considered interesting for private sector exploitation and value-adding. The data are not made available free of charge or under a standard licence, but under the conditions imposed by each data provider. Data themes include international affairs, defence, economy, taxation, geography, health and welfare, justice, environment, meteorology, mobility, public administration, social security, and employment. Examples of datasets include addresses of Belgian embassies and consulates, company data⁸, government property for sale, orthophotographs, historical and topographic maps. Currently, 179 datasets are included.

Each dataset is assigned a category and keywords, and the following information is provided: what is available, who can use it, in which format and within which time frames, what general and/or specific conditions apply to the re-use, who to contact and which formalities and payments to fulfil. A link is provided to the website where the data can be found.

The federal portal currently does not have any plans of including data held by public bodies under the authority of the regions or communities. In addition, none of the regions or communities have planned any further initiatives on the level of the entire public sector. Hence, sub-national datasets will remain difficult to discover and re-use in the near future.

⁵ See <http://www.kafka.be/showpage.php?iPageID=4461&sLangCode=NL>.

⁶ See <http://www.kafka.be/doc/1242206632-2393.pdf>.

⁷ See http://kanselarij.belgium.be/nl/binaries/NewsletterPSI_20110224_nl_tcm171-118411.pdf (currently offline).

⁸ Cf. infra.

4 Political support

Recently, political support for the re-use of PSI and open data has been growing in Belgium. The Minister for Enterprise Vincent Van Quickenborne organised a 'Twunch' (Twitter lunch) in March 2011 on open gov 2.0, and has shown wide support for the open data initiatives currently being started up within the government. In response to a Parliamentary Question in December 2010, he stated the government's will to launch a new government policy on promoting open data. However, the fact that the government currently only has limited competences (as it is currently a demissionary government awaiting the institution of a new government), entails that no new policy initiatives can be undertaken at the moment.⁹ Also in this response, Van Quickenborne made a distinction between commercial use and non-commercial use. He stated that while the latter should be open and free of charge, public bodies should not be prevented from imposing conditions and charges on the former, in this way allowing the public bodies to recoup some of their costs.

Next, Federal Member of Parliament Peter Dedecker has launched his own website to gather support for open data and to stimulate the debate on open data at the Belgian political level. Potential re-users can suggest datasets that should be open, and the status of availability is followed up for each dataset.¹⁰

The topic of Open Data also appeared on the political agenda of the Flemish government in the second half of 2010. In December 2010, a round table discussion was organised by Flemish Minister for Public Administration Geert Bourgeois on 'open government and ICT', with participation from citizens, companies and civil society. This i-Vlaanderen¹¹ round table is part of the multi-year programme *Vlaanderen in Actie* (Flanders in Action), which intends to lead the Flemish Region to the top of the European Regions by 2020. To reach this goal, open data was considered essential by all parties at the roundtable.

Also in December 2010, the Flemish government and a host of European local government partner organisations launched the Citadel Statement¹² at an open government conference in Ghent, in order to help local government deliver on the key objectives of the Malmö Ministerial Declaration.¹³ The Statement emphasises the role of local government and encourages European and national decision makers to stimulate the improvement of local e-government. In the area of open data, a commitment should be shown to making public data open and accessible, in areas such as public service lists, standard information on businesses and citizens, transport timetables, environmental and geographic data.¹⁴

In summary, while the attention for the re-use of PSI at the political level was limited, the increasing interest in open data around the world has had an effect on the politicians and

⁹ See <http://www.lachambre.be/doc/CCRI/html/53/ic057x.html>.

¹⁰ See <http://www.peteropentdata.be/>.

¹¹ See http://www.i-vlaanderen.eu/index.php?option=com_content&view=article&id=20&Itemid=37

¹² see <http://egovstatement.wordpress.com/>.

¹³ See <http://www.epractice.eu/en/library/299149>.

¹⁴ See <http://egovstatement.wordpress.com/the-statement/>.

policymakers in Belgium. Support for open data is growing, but it is now up to the politicians, the policymakers and the administration to translate this political will in concrete initiatives on opening up data, such as psi.belgium.be.

In the next section, we will describe some current practices with regard to the re-use of PSI from public bodies at different levels. While some of these are not yet fully ready for open data, others are moving in the direction of making more data available under open conditions.

5 Examples of public sector body re-use practices

5.1 Company register

The Belgian Company Register (*Kruispuntbank voor Ondernemingen*) is a database maintained by the Federal Public Service Economy that includes the identification data of all enterprises in Belgium. These data can be accessed online by the public or can be bought in bulk for commercial re-use purposes. An Executive Decision was adopted in 2008 to enable this commercial re-use¹⁵, with the limitation that personal data cannot be re-used for direct marketing or redistribution purposes, and that the unique identification numbers of the National Registry and the Social Security System cannot be passed on for re-use at all.

In a Ministerial Decision of 2008, the annual fee for receiving continuous updates of the database was set at 100.000 euro. These high charges have led to a very limited success of this model for commercialisation, and the Federal Service Economy is currently rethinking its policy in order to move to a more open data policy.

5.2 Statistical data (ADSEI)

On the website of the department for statistics of the Federal Public Service Economy (the previous National Institute for Statistics), statistical data are made openly available on demography, employment, economy, traffic and transport, environment and energy.¹⁶ These data are available in XLS and PDF format. Copyright is claimed by the Federal Public Service, but no conditions are put on the re-use of the data.

Via the dynamic application be.STAT¹⁷ direct queries can be made in the data warehouse. Access to the dynamic application is gained via the [statbel](http://statbel.fgov.be) website, and the user can create his own tables, save them and export them in XLS, PDF, ODS, RTF or CSV format.

¹⁵ A separate Executive Decision was adopted by the federal government partly because this was needed in order to allow the re-use of the personal data that was included in the database (e.g. companies named after their shareholders). This had been excluded by the federal Act on the re-use of PSI, so it needed a separate legal basis.

¹⁶ See <http://statbel.fgov.be>.

¹⁷ See http://economie.fgov.be/nl/statistieken/webinterface/beSTAT_home/.

5.3 Geographic data

In Belgium, the main providers of geographic data include the National Geographic Institute¹⁸, the Cadastre¹⁹, the Meteorological Institute²⁰, the Flemish Agency for Geographic Information²¹, the Brussels Regional Informatics Centre²² and the Public Service of Wallonia's geomatics department²³. As in many countries, most of these providers of geographic data have had a policy in place for the re-use of their data for a number of years. However, most of them are not yet ready to follow the existing trend in the European Union towards open data, either due to reluctance to lose control over their data or because of their existing business models that have to rely on the "sale" of their data.

The National Geographic Institute (NGI) makes a number of online resources, such as administrative maps or transport networks, available free of charge for internal, personal or non-commercial use. The topographic vector and raster database, orthophotography, and the Digital Terrain Model are available for internal use, publication on paper, digital publication in a derived product, publication on the Internet, educational use and scientific use under standardised pricing schedules. Two types of licences exist: a licence for any internal use, for a lump sum fee; and an exploitation licence for value added resellers, who make value-added products on the basis of NGI products.

Cadastral and land registry data are currently not openly available, and the Administration for Patrimonial Documentation, which is responsible for the Cadastre, is currently working on a general policy for the re-use of its geographic data.

The National Meteorological Institute (KMI) is a member of ECOMET, the Economic Interest Grouping of the National Meteorological Services of the European Economic Area and follows ECOMET's re-use policy. In 2004, the Belgian company Meteoservices launched a complaint against KMI with the national competition authority, on the basis that the institute charged excessive prices for its data, applied price discrimination, and charged dumping prices on the secondary market of information products, cross-subsidizing these with services delivered under the public task. However, the case was never treated by the authority responsible for the investigation of the case, because it was not considered a priority.

The Flemish Agency for Geographic Information (AGIV) makes geographic data available from many different data holders in the Flemish Region. While most of the data on the website is available to third parties outside the public sector for personal use and non-commercial re-use, commercial use is in most cases not regulated by standard conditions and has to be specifically requested by contacting AGIV. Currently, the Agency is working on a re-use policy, together with the Ministry. This policy should allow commercial re-use

¹⁸ See www.ngi.be.

¹⁹ See <http://fiscus.fgov.be/interfakrednl/Taken/overzicht.htm>.

²⁰ See www.kmi.be.

²¹ See www.agiv.be.

²² See <http://www.cirb.irisnet.be/operationele-departementen/diensten/urbis>.

²³ See <http://cartographie.wallonie.be>.

under standardised conditions and with limited formalities. In how far the data will be available without restrictions or charges for any type of use is currently still unclear. For some specific geographic data sets, such as the large scale reference database, a separate re-use policy has been adopted.²⁴

Since 1 May 2009, access to the UrbIS data is free of charge for non-commercial use and the use is allowed within the limits of a licence, the terms of which are accepted by downloading the products. Data can be downloaded directly from the website.²⁵ Users have to register and log in with their electronic identity card. The user can use the data or products for internal purposes, print out the results and pass on these results to third parties. Attribution is required. Re-use for commercial purposes has to be requested separately.

In the Walloon Region, data and services can be accessed via the geoportal.²⁶ They can be viewed online, and they are available via online downloading or delivery on CD-ROM. There are four types of use: use in the course of a public task, use by contractors in the course of a publicly procured activity, educational use, and any other type of use (commercial or professional use). A standard licence is available for the first three categories.²⁷ For the other types of use, potential users have to contact the data holders because no general licensing framework has been developed yet.

5.4 Transport data

One of the types of open data often called for is transport data. In Belgium, the public transport companies have been reluctant to make their data available, but are slowly adopting a more flexible approach to making their data available to developers outside of the public sector.

One of the main providers of transport data is the Belgian National Railway Authority (NMBS). Until very recently, NMBS had a restrictive policy for making its data available for re-use. One of the most important examples of this is the dispute between NMBS and iRail. iRail is a non-profit organisation that created a mobile alternative for the NMBS website, providing a simple interface to look up train departure times in Belgium.²⁸ It used data available via the NMBS website. In June 2010, NMBS sent a formal letter to the founder of the iRail website, a student in computer sciences, asking for immediate cessation of iRail's activities. NMBS stated that its intellectual property rights were being violated. Much earlier, in 2008, the student had actually asked permission from the NMBS to develop his website and to offer the NMBS train data to iPhone users via this website. However, until

²⁴ See <http://www.agiv.be/gis/producten/?artid=1422>.

²⁵ See <http://www.irisbox.irisnet.be/>.

²⁶ See <http://cartographie.wallonie.be>.

²⁷ <http://cartographie.wallonie.be/NewPortailCarto/index.jsp?page=ProfDonnCDRomCadreServicePublic&node=34>)

²⁸ See <http://npo.irail.be/about.html>

the formal letter of 2010, NMBS had not replied to this.²⁹

As a first reaction, the iRail website was taken offline. However, a month later the website was relaunched, after encouragement from the Belgian Minister for Enterprise Vincent van Quickenborne. In a letter from its representing lawyer, iRail contested NMBS's intellectual property rights on the data, and added that NMBS itself had failed to comply with its obligations to provide information to its customers and to use new technologies to facilitate the provision of information to its customers. iRail therefore asked that NMBS would facilitate its mobile website by publishing the API of its database.³⁰ NMBS has now created its own application, it has dropped the complaint against iRail and has started a dialogue with the organisation. In the meantime, iPhone and Android apps are also available based on the iRail API.

While iRail has obtained a lot of media attention, they were not the only ones having trouble using transport data. There has also been an earlier dispute between NMBS and Wasabi, the makers of an iPhone app named Trein België (Train Belgium). In August 2009, NMBS and Infrabel (the public undertaking that manages the railroad infrastructure) sent a letter to Apple asking to remove the Trein België app from the App Store. This was done in September, without any consultation with the makers of the app, either from NMBS or Apple. As in the iRail case, the complaint was also based on NMBS's intellectual property rights. Wasabi tried to get the app back in the App Store, but it did not succeed.³¹ Two possible reasons could be indicated for the limited attention Trein België received from the media, politics and activists. On the one hand, open data had not yet received the attention it has gotten since the launch of data.gov.uk in 2010. On the other hand, Trein België was offered against payment under a commercial model in the App Store, while iRail was a non-profit initiative set up by a student, without any initial business model behind it.

Contrary to NMBS, the Brussels public transport authority responsible for trams and buses (MIVB/STIB) does make its data available for the development of new products or applications. Data that can be used include the stops and their geolocation, the lines and their georoute, and the details and theoretical timetables for each stop.³² The user needs to use the most recent updates of the data, to respect the graphic charter of STIB, and to use the STIB logo and slogan. However, no commercial use can be made of the data. One could question whether this last condition is not contrary to the PSI directive, as STIB already has an agreement with Google to include the data in Google Transit.³³

²⁹ See <http://www.nickdemey.be/2010/06/16/weer-een-gemiste-kans-van-nmbs-irail-be-moet-stoppen/>.

³⁰ See <http://blog.tuinslak.org/wp-content/uploads/2010/07/S35C-410070513190.pdf>.

³¹ See http://www.iphoneclub.nl/41111/het-verhaal-achter-de-verdwijning-van-trein-belgie/#utm_source=rss&utm_medium=rss&utm_campaign=het-verhaal-achter-de-verdwijning-van-trein-belgie.

³² <http://www.stib.be/data-sharing.html?l=en>.

³³ See http://www.stib.be/last-news.html?l=nl&news_rid=/STIB-MIVB/INTERNET/ACTUS/2010-02/WEB_Article_1266578091177.xml.

The Flemish bus company De Lijn will in the future start providing data on bus transport in Flanders to iRail. So far, only the iRail servers will have access to the raw data, but iRail will provide support to other developers who want obtain the data from the iRail API.³⁴ Currently, De Lijn is already teaming up with Google to provide the bus data on Google Maps.

5.5 Cultuurnet

Cultuurnet is a Flemish public body responsible for promoting cultural activities and events in Flanders. It has created UiTnetwork, a network of local authorities, provinces, media, and other partners who want to draw people to their activities. All events are collected in a central database that can be consulted via the portal www.uitinvlaanderen.be. Data can be included manually or via bulk XML-imports. Partners who want to re-use the data for publishing cultural agendas (e.g. local authorities, newspapers, broadcasters, ticketing agencies, multimedia application providers) can make an agreement with Cultuurnet to publish agendas composed from the database on paper or on their website. Currently, over 240 organisations use the database for disseminating event data online, on paper or via mobile applications.³⁵

5.6 City of Ghent

The City of Ghent is the first local authority in Belgium that has made a commitment to open data. On 30 April 2011, the mayor of Ghent announced that the city would start making its data available via www.gent.be/open. While the initiative has started with data that can be published quickly and easily, the long-term intention is to open up all data, except if there is a serious reason not to.³⁶ The first datasets launched on the website were the agenda of the *Gentse Feesten*, the annual ten-day city festival, and the locations of public toilets throughout the city.

In the meantime, the City of Ghent also organised the Apps for Ghent competition, together with the research network Institute for Broadband Technology (IBBT), and some private sector companies and organisations. Following the success of Apps for New York and Apps for Amsterdam, the competition invited developers to create new applications based on public data. Available data included 3D-data, roads and points of interest from the city of Ghent, the cultural database from Cultuurnet, and timetables and routes from the Flemish Bus Company De Lijn. During the afternoon of 14 May 2011, 13 apps were developed based on the available data. The event got extensive media coverage and increased the attention for open data from a more mainstream audience.

6 Companies and civil society initiatives

Attention from the private sector and civil society to re-use and open data has been limited

³⁴ See <http://blog.irail.be/>.

³⁵ See www.cultuurnet.be.

³⁶ See <http://resultapmaz.wordpress.com/2011/04/26/daniel-termont-en-resul-tapmaz-gent-en-open-data-%E2%80%99t-zal-wel-zijn/>.

in Belgium until recently. While a number of private sector have often complained about the lack of impulse for re-use in the Belgian landscape and the reluctant and market-distorting attitudes of some public bodies, very few have actually challenged these public bodies' re-use policy before an administrative appeal body or the competent court. In addition, the private companies seem not to have found each other in a professional association that defends the rights of re-users. The only exception to this is Agoria, the sector federation of the technological industry in Belgium. The Agoria geo-ICT working group has been trying for a number of years to convince the public sector of the importance of allowing re-use for the ICT and content industry, by organising round tables and workshops, and by preparing position papers and press releases on the topic.³⁷

As a separate evolution from the private sector's requests for more possibilities for re-use of PSI, interest in open government data has also been growing. Some initiatives and organisations have already been mentioned, such as iRail and Apps for Ghent, but a few others should also be mentioned.

- Openbelgium.be³⁸: because the promised Belgian portal for re-usable information took so long to develop (and was publicised very little), the private company Krimson-Drupal Architects started up the Openbelgium website, in collaboration with the Belgian open data community. The initiative has no connection to any government bodies. It provides links to raw data, webservices, and tools at the national, regional or local level that can be used as open data. Currently, around 40 sources are listed.
- The Data Tank³⁹: the company The Data Tank intends to be a large data source on published public data and to bring together data providers and data consumers. It does not want to limit the available data to data held by public bodies, but also encourages others to share their data. The databases can be accessed via the web GUI or by using the web service API through any widget or consumer application.
- OpenBiz.be⁴⁰: the developers of OpenBiz.be want to provide an alternative way to find public records of Belgian companies, next to the Company Register. The beta version of the service allows the user to see changes in shareholders' structure, directors, capital and bankruptcy, to check the status of legal mandates, and to check which directors can represent a particular company. OpenBiz wants to bring together information that is spread over several sources, and to offer an alternative for the commercial model of the Company Register, which only allows a public search based on limited criteria and has a business model in which paid access is only directed towards large companies with a large budget for information. The full service will be launched in the second half of 2011.

³⁷<http://www.agoria.be/s/p.exe/WService=WWW/webextra/prg/izContentWeb?ENewsID=65577&TopicID=5071&TopicList=5071&sessionid=1;>

http://www.evpsi.org/lapsifiles/NL_NewsLetter_PSI_2011.pdf.

³⁸ See www.openbelgium.be.

³⁹ See <http://thedataank.com/>.

⁴⁰ See <http://www.openbiz.be/>.

- Fonds Pascal Decroos⁴¹: this non-profit organisation aims to facilitate quality journalism, a.o. by providing funding for independent and starting journalists. The organisation is a proponent of open data and promotes its relevance for data driven journalism. In June 2011, it organised a Data Harvest meeting, gathering hackers, freedom of information activists and journalists to exchange experiences on working with open government data.⁴²

7 Media attention

Unlike in some other countries, particularly the United Kingdom, attention from the media to open government data and PSI re-use has been limited. Generally, only news channels specialised in technology matters or new media have picked up on news stories or government efforts relating to the making available of government data.⁴³ Most journalists do not seem to make the connection between open data and their own needs for obtaining data from public bodies outside of the traditional cooperation channels with the politicians or freedom of information requests.

This began to change a little with the iRail case⁴⁴ and mostly with the publicity that has been made around the Apps for Ghent competition. Both initiatives gathered interest from mainstream media, but both cases were treated mostly as one-off events and did not spur on any broader or deeper attention from the media.

8 Conclusion and way forward

The Belgian environment for the re-use of PSI has only recently started to develop and has not reached maturity yet, due to a number of factors. First, re-use and open data have not been a government priority on any of the competence levels, and the transposition of the PSI directive was not followed by an implementation policy guiding the public bodies in their efforts to make PSI available for re-use. Even though some of the larger public data providers have a re-use policy in place, this is not the case for many other public bodies. At the same time, the private sector companies traditionally focusing on commercial re-use of PSI and the developers calling for open government data have not yet found each other, and are challenging the public sector from two different angles rather than joining forces. In addition, involvement of civil society activists is still quite small and the media is not yet interested in open data as a long-term topic of attention.

However, recent developments show an increasing attention of public bodies to open data and some new promising initiatives, such as the Belgian PSI portal, the Citadel Statement for local government and the open data initiative of the City of Ghent. This is also aided by increasing (though still limited) political support. Moreover, links are being made between the information industry and the open government data community. Combining the

⁴¹ See <http://www.fondspascaldecroos.org/>.

⁴² See <http://www.fondspascaldecroos.org/inhoud/video/data-harvest-meeting-2011>.

⁴³ E.g. Data News (www.datanews.be) and ZDNet (www.zdnet.be).

⁴⁴ For an overview of the press coverage on this case, see <http://npo.irail.be/press.html>.

discourse of the two groups with an increase in political interest and endorsement of existing and future good practices should stimulate the Belgian PSI environment. However, this cannot be done without more dialogue and information exchange, so that everybody (and not just the “usual suspects”) knows about e.g. the existence of the PSI portal, the discussion on the business model of the company register, or the new applications developed based on local government data.

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