

**ePSIplus: Towards the 2008 review of the PSI Directive on PSI Use**  
**ECP-2005-PSI-038081/ePSIPlus**



# **Public Sector Information**

## **Extracts from the IADBC Annual eGovernment Country Reports**

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**Introduction**

The following extracts that relate to the *Re-use of Public Sector Information Directive* have been copied from the *eGovernment in the European Countries – 6th Edition* that were published on the 29<sup>th</sup> September 2006

The reports have been compiled by the eGovernment Observatory Editorial Team of European Dynamics for the IDABC eGovernment Observatory.

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The complete country report for each Country maybe downloaded from:

<http://ec.europa.eu/idabc/en/document/5094/254>

## **European Union Member States**

### **Austria**

#### **Re-use of public sector information legislation**

Re-use of Information Act (19 January 2005) Hereby Directive 2003/98/EC on reusing public sector information, which was adopted by the Council of Ministers on 5 July 2005, was transposed into national law at federal level. Additionally, legislation also needs to be passed in all 9 *Länder*. Therefore, the complete transposition of the PSI Directive will take place through 10 different laws (1 federal and 9 from the *Länder*). The federal law has been adopted as well as laws at regional level in 3 *Länder* (Vienna, Upper Austria and Carinthia).

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### **Belgium**

#### **Re-use of public sector information legislation**

There is currently no specific legislation on the re-use of public sector information (PSI) in Belgium. It is expected that the transposition of Directive 2003/98/EC on the re-use of PSI will be made by means of a federal law, regional and community decrees, as well as additional specific regulations. The [transposition of the EC directive](#) is foreseen to occur in the near future. The Belgian government has indeed approved a draft transposition law on 30 June 2006. This draft is due to be examined by the Parliament by the end of the year 2006. The other Regions (Wallonia and Brussels-Capital) and Communities (French and German-speaking) are also on their way to adopt their own legal texts.

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### **Cyprus**

#### **Re-use of Public Sector Information legislation (PSI)**

##### **Status of transposition of PSI-directive:**

Draft legislation was submitted to the Parliament in April 2006 and is foreseen to be adopted in September 2006.

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### **Czech Republic**

#### **Re-use of Public Sector Information (PSI)**

##### **Act on Free Access to Information No. 106/1999 Coll. (11 May 1999)**

An amendment to the Act on Free Access to Information was adopted by the Government on 12 May 2005 with a view to transposing EU Directive 2003/98/EC on the re-use of public sector information. Among other things this amendment sets out the obligation for public administrations to provide online access to information in open data formats (e.g. XML). The amendment is due to come into force on 1 January 2006.

##### **Status of transposition of PSI-directive:**

The Czech Republic has notified full transposition.

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**Denmark**

**Re-use of Public Sector Information (PSI)**

**Act on Public Sector Information (24 June 2005)**

The Act on Public Sector Information (PSI) of 24 June 2005 implements the EU Directive 2003/98/EC of 17 November 2003 on the re-use of public sector information.

**Status of transposition of PSI-directive:**

Has notified full transposition.

Existing legislation:

[Lov om offentlighed i forvaltningen, Lov nr. 572, 19.12.1985](#)

[The Danish Access to Public Administration Act, nr. 572, 19.12.1985](#)

Forvaltningsloven, Lov nr. 571, 19.12.1985

[The Danish Public Administration Act, nr. 571, 19.12.1985](#)

New legislative instruments:

[Lov om videreanvendelse af den offentlige sektors informationer, Lov nr. 596, 24.06.2005.](#)

[Act on the re-use of public sector information, nr. 596, 24.06.2005](#)

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**Estonia**

**Re-use of public sector information**

The Estonian **Public Information Act** (in force since 1 January 2001, see above) act covers the provisions of the EU Directive 2003/98/EC of 17 November 2003 on the re-use of public sector information (PSI). Estonia has thus notified full transposition of the PSI-directive.

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**Finland**

**Re-use of Public Sector Information (PSI)**

Finland has notified full transposition of the EU Directive on the re-use of public sector information (PSI) into national law.

**Status of transposition of PSI-directive:**

Finland has notified full transposition

**Existing legislation:**

[SjŠlvstyrelselag fŠr □land](#), 16.08.1991

[Laki viranomaisten toiminnan julkisuudesta](#), 31.05.1999

[Act on the Openness of Government Activities](#), nr. 621, 31.05.1999

[Valtion maksuperustelaki](#), 21.02.1992

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## **France**

### **Re-use of public sector information**

#### **Law on Access to Administrative Documents (1978)**

The Law on Access to Administrative Documents of 17 July 1978 was amended by a [Government Ordinance of 6 June 2005](#), implementing the provisions of the EU Directive on the re-use of public sector information (2003/98/EC).

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## **Germany**

### **Re-use of Public Sector Information (PSI)**

Work is underway to implement the EU Directive on the re-use of public sector information (2003/98/EC) into German law. A draft Re-use of Information-Act has been prepared by a working group composed of representatives of the ministries involved and is currently before Parliament. Enactment is expected to take place by the end of 2005.

#### **Status of transposition of PSI-directive:**

Transposition through one single federal law (IWG/Informationsweiterverwendungsgesetz; Re-use of Information-Act).

Work on Bill ongoing.

Publication of Bill for discussion with interested/affected parties in November 2005.

Thereafter it will be sent to Parliament for 1st reading.

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## **Greece**

### **Re-use of public sector information**

A working group was set up in Greece to prepare the transposition of EU Directive 2003/98/EC of 17 November 2003 on the re-use of public sector information. This resulted in Law 3448/2006 (June 2006) which implements the Directive and addresses the conditions and requirements concerning sharing and reuse of public sector information by citizens and businesses. The Law targets prohibitions on exclusive rights, while providing safeguards for privacy, national security and intellectual rights.

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## **Hungary**

### **Re-use of public sector information**

#### **[Act on the freedom of information by electronic means \(2005\)](#)**

Article 7 of the Act on the freedom of information by electronic means (which defines the Central Electronic List of Public Information and the Single Public Information Retrieval System) and its Annex (General Publication Scheme) serves the purpose of complying with Directive 2003/98/EC of 17 November 2003 on the re-use of public sector information (PSI).

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## **Ireland**

### **Re-use of Public Sector Information legislation (PSI)**

#### **[European Communities \(Re-Use of Public Sector Information\) Regulations 2005](#)**

This statutory instrument (secondary legislation, S.I. No. 279 of 2005) transposes the EU Directive 2003/98/EC of 17 November 2003 on the re-use of public sector information (PSI) into Irish Law. It came into effect on 1 July 2005.

#### **Status of transposition of PSI-directive:**

Has notified full transposition.

New legislative instruments:

Secondary legislation. ([Statutory Instrument, nr. 279, 01.07.2005](#), incorporating Regulations).

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## **Italy**

### **Re-use of public sector information**

#### **[Legislative decree \(2006\)](#)**

This legislative decree dated 24 January 2006 transposed the EU Directive on the re-use of public sector information (Directive 2003/98/EC).

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## **Latvia**

### **Re-use of Public Sector Information (PSI)**

Legislation implementing Directive [2003/98/EC](#) of 17 November 2003 on the re-use of public sector information is expected to be adopted in 2005.

#### **Status of transposition of PSI-directive:**

Latvia has notified full transposition.

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## **Lithuania**

### **Re-use of Public Sector Information (PSI)**

Legislation implementing Directive [2003/98/EC](#) of 17 November 2003 on the re-use of public sector information (PSI) has been prepared by a working group comprising representatives of ministries and other concerned institutions. The provisions of the [Law on State Registers](#) concerning dissemination of the data of state registers comply with the provisions of the PSI Directive. On the contrary the [Law on the Right to Obtain Information from State and Local Government Institutions](#) needs amendment, and in February 2005, the working group agreed on the draft of a revised version, incorporating the requirements of the PSI directive. The procedure of coordination and submission to Government for approval is ongoing. The revised Law will then be submitted to Parliament for ratification.

### **Status of transposition of PSI-directive:**

Lithuania has notified full transposition.

### **Existing legislation:**

The PSI directive has been transposed by the Law on Obtaining Information from Central and Local Government Institutions (Nr. X-383 of 10 November 2005). The law concerns the right of private companies and citizens to obtain information from central and local government and the re-use of it. The law defines the rights and modalities to use the information resources of public sector and also determines the obligation of central and local government to provide this kind of information to all concerned. The law is based on the PSI directive.

The initiative on establishing and implementing an information asset register is being considered.

[The law on state registers Nr. IX-2371, nr.124, 15.07.2004](#) defines the modalities of establishing, creating, managing, and liquidating state registers and the distribution of data from the registers. The provisions of the law on state registers concerning dissemination of data from state registers comply with the provisions of the PSI directive.

The list of state registers managed as specific registers “Registru saršas” cover most data from every register. The list of state registers is available via internet [www.registrai.lt](http://www.registrai.lt)

[Valstybs registru istatymo pakeitimo istatymas Nr. IX-2371, nr. 124, 15.07.2004](#)

- [Republic of Lithuania Law amending the Law on State Registers](#))

### **New legislative instruments:**

[Lietuvos Respublikos teisės gauti informaciją iš valstybs ir savivalybiu istaigu istatymo pakeitimo istatymas Nr. X-383, nr. 139, 10.11.2005](#)

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## **Luxembourg**

### **Re-use of public sector information**

Transposition of the EU Directive 2003/98/EC of 17 November 2003 on the re-use of public sector information (PSI) is expected to take place by secondary legislation (*règlement grand-ducal*). A draft regulation is currently being prepared.

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**Malta**

**Re-use of Public Sector Information (PSI)**

**Status of transposition of PSI-directive:**

Implementation process ongoing.

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**Netherlands**

**Re-use of Public Sector Information (PSI)**

Work is in progress to implement the EU Directive [2003/98/EC](#) of 17 November 2003 on the re-use of Public Sector Information (PSI) into national law. The draft implementing legislation was approved by the Cabinet in July 2005 and was sent to Parliament for ratification.

**Status of transposition of PSI-directive:**

The Netherlands have notified full transposition.

**Existing legislation:**

Act to promote open government;  
Various acts with specific provisions on government information.

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**Poland**

**Re-use of Public Sector Information (PSI)**

Poland has notified full transposition of EU Directive 2003/98/EC of 17 November 2003 on the re-use of public sector information (PSI) into national law.

**Status of transposition of PSI-directive:**

Poland has notified full transposition.

**Existing legislation:**

[Ustawa z dnia 14 czerwca 1960 r. Kodeks postępowania administracyjnego, nr. 98/1071, 14.06.1960](#)

[Code of Administrative procedure, nr. 98/1071, 14.06.1960](#)

[Ustawa z dnia 6 września 2001r. o dostępie do informacji publicznej, nr. 112/1198, 06.09.2001](#)

[Access to public information, nr. 112/1198, 06.09.2001](#)

[Konstytucja Rzeczypospolitej Polskiej, nr. 78/483, 02.04.1997](#)

[The Constitution of the Republic of Poland, nr. 78/483, 02.04.1997](#)

[Ustawa z dnia 2 lipca 2004 r. o swobodzie działalności gospodarczej, nr. 173/1807, 02.07.2004](#)

[Freedom of Economic Activity, nr. 173/1807, 02.07.2004](#)

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## **Portugal**

### **Re-use of Public Sector Information (PSI)**

Transposition of European Directive [2003/98/EC](#) of 17 November 2003 on the re-use of public sector information is currently under preparation in Portugal. It is expected that implementation will take the form of altering already existing access legislation (namely [Law n. 65/93](#) on access to public documents).

### **Status of transposition of PSI-directive:**

Working group: Ministry of Justice, Ministry of Economy and Ministry of Finances.  
A bill should be proposed for adoption by the Parliament by the end of the year 2005 to implement the PSI Directive.

It is expected that implementation will take the form of amending the already existing access legislation (namely [Law n.º 65/93](#)).

### **Existing legislation:**

Article 268.º n.º 2 of the Portuguese Constitution that establishes the fundamental right of access to administrative archives and registries, except for information related to state security, criminal investigation and personal privacy.

Law that regulates the right of access to public documents ([Law n.º 65/93](#), of 26.08, republished by [Law nº 94/99](#), of 16.07).

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## **Slovakia**

### **Re-use of Public Sector Information legislation (PSI)**

Slovakia has notified full transposition of Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information (PSI Directive).

### **Status of transposition of PSI-directive:**

Has notified full transposition

### **Existing legislation:**

[Zákon č. 71/1967 Zb. o správnom konaní \(správny poriadok\), 29.06.1967](#)

[Úplné snenie sákona č. 71/1967 Zb. o správnom konaní \(správny poriadok\), ako vyplýva zo zmien a doplnení vykonaných zákonom č. 215, 16.03.2004](#)

[Zákon č. 211/2000 Z. z. o slobodnom prístupe k informáciám a o zmene a doplnení niektorých zákonov \(zákon o slobode informácií, 17.05.2000](#)

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## **Slovenia**

### **Re-use of Public Sector Information legislation (PSI)**

Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information (PSI) was implemented into the Slovenian legal system through the [Act amending the Act on the Access to Information of Public Character](#), which was passed in July 2005. The Act contains provisions on PSI licensing, transparency on contracts, penal provisions, and consolidation of general and specific principles on access. The Decree amending the Decree on Re-use of Information of Public Character, adopted on 27 August 2005, defines the conditions for providing information of public character to applicants and over the Internet, charging for such provision, re-using the information of public character (including price and other conditions of such use), as well as reporting about assurance of the access to the information of public character.

### **Status of transposition of PSI-directive:**

Has notified full transposition. The law on access to Information of Public Character from 2003 has been amended to include provisions on re-use of public sector information:

- Licensing,
- Transparency on contracts,
- Penal provisions, and
- Consolidation of general and special principles on access.

### **Existing legislation:**

[Zakon o dostopu do informacij javnega značaja, nr. 24/2003, 07.03.2003](#)

Act on the [Access to Public Information of Public Character](#)

[Zakon o spremembah in dopolnitvah Zakona o dostopu do informacij javnega značaja, nr. 61/2005, 30.06.2005](#)

Act amending Act on the Access to Public Information of Public Character

[Zakon o informacijskem pooblaščenju, nr. 113/2005, 16.12.2005](#)

Information Commissioner Act

[Zakon o spremembah in dopolnitvah Zakona o dostopu do informacij javnega značaja, nr. 28/2006, 17.03.2006](#)

Act amending Act on the Access to Public Information of Public Character

[Uredba o posredovanju in ponovni uporabi informacij javnega značaja, nr. 76/2005, 12.08.2005](#)

Decree on communication and re-useNo new legislation will be adopted.  
of information of public character

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**Spain**

**Re-use of Public Sector Information (PSI)**

Work is still underway to implement the EU Directive [2003/98/EC](#), published in the Official Journal ([L345/90](#)) on 31 December 2003, on the re-use of public sector information into Spanish law. Member States had until 1 July 2005 to implement the Directive into national law. By 15 December 2005, 12 countries had notified complete transposition, and one country a partial transposition.

**Status of transposition of PSI-directive:**

Taking into account the Spanish territorial structure with important responsibilities placed on the Comunidades Autonomas (regions), a basic law will be adopted for application at all territorial levels of the State:

- Working group established by representatives of the ministries involved.
- Draft law under preparation, to be submitted to the Council of Ministers, for consultation to relevant bodies, and then to the Parliament.

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**Sweden**

**Re-use of Public Sector Information legislation (PSI)**

**Status of transposition of PSI-directive:**

Sweden has notified full transposition of EU Directive on the re-use of public sector information through legislation amendment. No new legislation has been adopted.

Existing legislation:

- Tryckfrihetsförfordningen (Freedom of the Press Order)
- Secretesslagen (Secrecy Act)
- Lagen om överlämnande av allmänna handlingar till andra organ än myndigheter för förvaring (Act (1994:1383) on the depositing of public documents with bodies other than the authorities for safekeeping)
- Förförvaltningslagen (Administrative Procedures Act (1986:223) )
- Avgiftsförfordningen (Fees and Charges Order)
- Verksförfordningen (Government Agencies and Institutes Order (1995:1322))
- Regeringsformen (Constitution Act)
- prop. 1989/90; 138, bet. 1989/90:fiU38, rskr.1989:289 and prop. 1997/98:136, bet. 1997/98:KU31, rskr. 1997/98:294

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**UK**

**Re-use of Public Sector Information legislation (PSI)**

**Re-use of Public Sector Information Regulations 2005**

The Re-use of Public Sector Information Regulations 2005, which came into force on 1 July 2005, implements in UK law the EU Directive 2003/98/EC of 17 November 2003 on re-use of public sector information (PSI Directive). In May 2005 the UK Government established an [Office of Public Sector Information \(OPSI\)](#), with responsibility for the coordination of policy standards on the re-use of public sector information. Attached to the Cabinet Office, the new body has an extended remit to advise on and regulate the operation of the re-use of public sector information, and will set standards and provide a practical framework to increase transparency and remove obstacles to re-use. According to the government, the OPSI will lead the UK public sector to provide consistent and transparent processes for potential re-users to gain access to public sector information.

**Status of transposition of PSI-directive:**

Has notified full transposition.

New legislative instruments:

Regulations (Statutory Instrument 2005 n° 1515) made under the European Communities Act.

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## **European Economic Area**

### **Iceland**

#### **Re-use of public sector information**

Conditions on the re-use of public sector information are partly covered by the [Access to Information Act](#) (No. 50/1996). The Act defines public access to information and the restrictions on the right to information. In relation to the European Directive on the re-use of Public Sector Information ([PSI Directive](#)) the Act includes almost all items with the exception of access and re-use of information through electronic means such as data bases. A working group is currently dealing with the issue. Other legislative needs include specific acts of some 4-6 institutions (such as Statistics Iceland, the Icelandic Meteorological Office, the National Land Survey of Iceland), which must be changed so as to ensure public access to their data basis through electronic means under certain defined exceptions.

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### **Liechtenstein**

#### **Re-use of public sector information**

In 1998 a new Law of Information was introduced in Parliament and published in the National Law Gazette as the [Law on Information](#) (July 1999) and the [Regulation on Information](#) (November 1999). The main objective is to promote an open information policy for the public administration.

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### **Norway**

#### **August 2004**

The inter-ministerial working group appointed in June 2003 with the mandate to adopt recommendations regarding the implementation of the European Directive on the re-use of Public Sector Information ([PSI Directive](#)) in Norwegian law, submits its report to government bodies and affected organisations for consultation. The recommendations of the working group and any suggestions resulting from the consultation will be considered in relation to the next revision of the Freedom of Information Act.

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#### **Re-use of public sector information**

Much of the collaboration among agencies in Norway is based on the joint exchange of information contained on individual **data registers**. Some large agencies have developed large central registers and have used them as a basis for the delivery of service to citizens and business (e.g. the Population Register developed and owned by the Tax Inspectorate). A prerequisite and a target in Norway for eGovernment, however, has been the existence of a comprehensive central data registers system to allow increased and better use of data contained in these registers. This need has forced the government to assign inter-ministerial and inter-agency working groups with responsibilities to find common solutions in the area of **re-use, standardisation and pricing of public data**.

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An important infrastructure offering significant amounts of public sector information is the cooperation around geographic data called **Digital Norway**. Established in 2005, it is the administration and technical support site for the [www.geonorge.no](http://www.geonorge.no) geo-portal, the focal point for content overview of available data and services supported by the infrastructure. Data is disseminated as web map services and is available on standard formats. Municipalities and regional organisations are important providers and users, along with businesses which can create value through geo-data services. As mentioned in the **eNorway 2009** plan, the Government wants all public bodies with responsibility for geo-data, or which are major users, to collaborate in the establishment, operation and maintenance of this common national spatial data infrastructure (NSDI).

In relation to the European Directive on re-use of Public Sector Information (**PSI Directive**), an inter-ministerial working group was appointed in June 2003 with the mandate to adopt recommendations regarding implementation in Norwegian law. The working group submitted its report on 30 August 2004. The report has been forwarded to government bodies and affected organisations for consultation. The deadline for submitting comments was 1 December 2004. The recommendations of the working group and any suggestions resulting from the consultative round will be considered in relation to the current revision of the **Freedom of Information Act**. The directive will in all likelihood primarily be implemented in the new Freedom of Information Act, but will also necessitate changes in other legislative acts regulating access to public information on specific areas (such as the Act Relating to Environmental Information, 9 May 2003 no. 31, the Planning and Building Act, 14 June 1985 no. 77, The Personal Health Data Filing System Act, 18 May 2001 no. 24, the Regulation Relating to Public Archives, 11 December 1998 no. 1193 and others).

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## **NATIONAL eGOVERNMENT**

### **Policy/Strategy**

At the political level, high level co-ordination is ensured by the **State Secretaries' Committee** on ICT, supported by an eContact group composed of senior eGovernment officials in central ministries. In addition, there are various bodies which co-ordinate development and implementation of eGovernment initiatives. In particular, the **Co-ordinating Body for eGovernment**, under the **Norwegian Ministry of Government Administration and Reform**, is responsible for initiatives in certain areas (e.g. common technical requirements, PKI and re-use of public data).

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## **Acceding Countries**

### **Bulgaria**

#### **Re-use of public sector information**

This is covered by the provisions of the Access to Public Information Act (2001, 2003).

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### **Romania**

#### **Re-use of public sector information**

This is partly covered by the law on the Protection of Persons concerning the Processing of Personal Data and the Free Circulation of Such Data (2001).

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### **Turkey**

#### **Re-use of public sector information**

This issue is partly covered by the Freedom of Information legislation mentioned before. The [e-Transformation Turkey 2005 Action Plan](#) includes facilitating reuse of public sector information as one of its targets. A document, identifying eGovernment metadata standards enabling access to information kept in public agencies is to be prepared and become available on the web. Moreover, data elements and data structures used in providing public services and necessary mechanisms for sharing this data are to be formed.

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**Candidate Countries**

**Croatia**

**Re-use of public sector information**

There is no specific legislation yet. Re-use of electronic content is addressed by the **Electronic Document Act (OG 150/2005)**, enacted in December 2005. In there, legal procedures relating to the development, trade, use and storage of the information content of an electronic document are defined. Also, the [Croatian Information and Documentation Referral Agency \(HIDRA\)](#) assures the availability of public official data, information and documents and promotes their use.

(Copied from page 9)