

**ePSIplus: Towards the 2008 review of the PSI Directive on PSI Use**  
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**Public Sector Information**  
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**Country Reports**  
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**Contents**

<i>Introduction</i>	4
<i>European Union Member States</i>	5
Austria	5
Belgium	5
Bulgaria	6
Cyprus	6
Czech Republic	6
Denmark	6
Estonia	7
Finland	7
France	7
Germany	7
Greece	8
Hungary	8
Ireland	8
Italy	8
Latvia	9
Lithuania	9
Luxembourg	9
Malta	10
The Netherlands	10
Poland	10
Portugal	11
Romania	11
Slovakia	11
Slovenia	11
Spain	12
Sweden	12
UK	12
<i>European Economic Area</i>	13
Iceland	13
Liechtenstein	13
Norway	13

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<i>Acceding Countries</i> _____	<i>14</i>
Turkey _____	<i>14</i>
<i>Candidate Countries</i> _____	<i>14</i>
Croatia _____	<i>14</i>

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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* six month updates that were published on the 3<sup>rd</sup> March 2008.

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

IADBC: *Interoperable Delivery of European eGovernment Services to public Administrations, Businesses and Citizens.*

The complete country report for each Country maybe downloaded from:

<http://www.epractice.eu/document/3090>

Ref:	Country	December 2006	June 2007	September 2007	March 2008
1	Austria	V6 Sept 06	V7 Jan 07	V8 June 07	V9 Jan 08
2	Belgium	V6 Sept 06	V7 Jan 07		V8.1 Feb 08
3	Bulgaria	V6 Sept 06	V2 Mar 07		V3 Sept 07
4	Cyprus	V6 Sept 06	V7 Feb 07		V8 Sept 07
5	Czech Republic	V6 Sept 06	V7 Mar 07		V8 Oct 07
6	Denmark	V6.1 Dec 06	V7 Apr 07		V8 Oct 07
7	Estonia	V6 Sept 06	V7 Apr 07		V8 Oct 07
8	Finland	V6 Sept 06	V7 Apr 07	V7.1 Aug 07	V8 Nov 07
9	France	V6 Sept 06	V7.1 May 07	V8 July 07	V9 Jan 08
10	Germany	V6 Sept 06	V7 Dec 06	V8 June 07	V9 Jan 08
11	Greece	V7 Dec 06	NA	V8 May 07	V9 Dec 07
12	Hungary	V6 Sept 06	V7.1 May 07		V8 Sept 07
13	Ireland	V6.1 Dec 06	V7 Jan 07	V8 June 07	
14	Italy	V6 Sept 06	V7 Feb 07	V8.1 Aug 07	
15	Latvia	V6 Sept 06	V7 Mar 07	V7.1 Sept 07	V8.1 Feb 08
16	Lithuania	V7 Dec 06	V7 Nov 07	V8.1 July 07	V9.0 Dec 07
17	Luxembourg	V6 Sept 06	V7 Feb 07		V8 Oct 08
18	Malta	V6 Sept 06	V7 Apr 07		V8.1 Jan 08
19	Netherlands	V6 Sept 06	V7 Jan 07	V8 June 07	V9 Jan 08
20	Poland	V6.1 Dec 06	V7 Jan 07	V8 June 07	
21	Portugal	V6 Sept 06	V7 Mar 07	V8 Aug 07	
22	Romania	V6 Sept 06	V2 Apr 07		V3 Oct 07
23	Slovakia	V7 Dec 06	V7 Dec 06	V8 May 07	V9 Dec 07
24	Slovenia	V7 Dec 06	V7.1 May 07	V8 May 07	V9 Dec 07
25	Spain	V6.1 Dec 06	V7 Feb 07	V8 July 07	
26	Sweden	V7 Dec 06	V7 Nov 06	V8 May 07	V9 Jan 08
27	UK	V6 Sept 06	V7 Feb 07	V8 July 07	
	<b>EFTA</b>				
28	Iceland	V6 Dec 06	V2 Jan 07	V3 June 07	V4 Jan 08
29	Liechtenstein	V7 Dec 06	V2 Nov 06	V3 May 07	V4 Dec 07
30	Norway	V6 Sept 06	V2 Feb 07		V3 Sept 07
	<b>Accession</b>				
31	Turkey	V6 Sept 06	V2 Apr 07	V2.1 Sept 07	V3 Nov 07
	<b>Candidate</b>				
32	Croatia	V6 Sept 06	V2 Feb 07	V3 July 07	

## **European Union Member States**

### **Austria**

January 2008. Version 9.0  
(Copied from page 13 & 14)

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

The Directive 2003/98/EC on reusing public sector information, which was adopted by the Council of Ministers on 5 July 2005, has been transposed into national law at federal level through the Re-use of Information Act (Informationsweiterverwendungsgesetz; IWG), which was published on 18 November 2005 on the Federal Law Gazette. In order to achieve the complete transposition of the PSI Directive, pertinent legislation in all of the nine Austrian Länder. On 7 September 2007 Austria notified the last pending implementation (State Law of Salzburg), thereby completing transposition of the PSI Directive.

#### **Federal**

Bundesgesetz über die Weiterverwendung von Informationen öffentlicher Stellen (Informationsweiterverwendungsgesetz) nr. 135, 18.11.2005

#### **Länder**

Kärntner Informations- und Statistikgesetz nr.70, 17.10.2005

Wiener Landesgesetz über die Weiterverwendung von Informationen öffentlicher Stellen - Wiener Informationsweiterverwendungsgesetz, nr. 52, 20.09.2005

52nd Act: Re-use of public sector information – Vienna Re-use of Information Act (WIWG), nr. 52, 20.09.2005

Landesgesetz, mit dem das Oö. Auskunftspflicht - und Datenschutzgesetz geändert wird

Gesetz vom 14. Dezember 2006 über die Auskunftspflicht, die Weiterverwendung von Informationen öffentlicher Stellen sowie die Statistik des Landes Burgenland (Burgenländisches Auskunftspflicht-, Informationsweiterverwendungs- und Statistikgesetz - Bgld. AISG)

Gesetz vom 22. November 2006 über die Weiterverwendung von Informationen öffentlicher Stellen (Tiroler Informationsweiterverwendungsgesetz – TIWG)

Vorarlberg - Gesetz über die Weiterverwendung von Dokumenten öffentlicher Stellen (Dokumenten-Weiterverwendungsgesetz – DokWG)

Niederösterreich

Salzburg

### **Belgium**

February 2008. Version 8.1  
(Copied from page 17)

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 shortly. Flanders, Brussels region and two Communities (French and German-speaking) are also on their way to adopt their own legal texts. The Walloon Region has transposed the PSI directive with a decree dated 14 December 2006.

**Bulgaria**

September 2007. Version 3.0  
(copied from page 10)

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

**Cyprus**

September 2007. Version 8.0  
(Copied from page 10)

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

Law N. 132(I)/2006

The Cypriot transposition of European Directive 2003/98/EC is Law N. 132(I)/2006 that was passed by the House of Representatives on 12 October 2006 and published in the Cyprus Official Gazette on 20 October 2006. The European Commission was notified on 20 October 2006 that the transposition had been completed.

**Czech Republic**

October 2007. Version 8.0

**Freedom of Information Legislation.....Act on Free Access to Information**

(Copied from page 14)

The Act on Free Access to Information was last amended in May 2005 in order to transpose the European directive on the re-use of public sector information.

**Act on Free Access to Information**

(Copied from page 15)

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 (PSI-directive). 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 came into force on 1 January 2006. The Czech Republic has therefore notified full transposition of the PSI-directive.

**Denmark**

October 2007. Version 8.0  
(Copied from page 14)

**Re-use of Public Sector Information (PSI)...Act on the re-use of public sector information**

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. Denmark has notified full transposition of the PSI directive. The EN version of the Act is available.

## **Estonia**

October 2007. Version 8.0

### **1. Promotion of ICT uptake by enterprises:**

(Copied from page 11)

\* Widening the opportunities for the re-use of public sector information by the private and third sector;

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

(Copied from page 15)

The Estonian Public Information Act (in force since 1 January 2001, see above (Freedom of Information legislation. Public Information Act (2000)) 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.

## **Finland**

November 2007. Version 8.0

### **Examples of proposed measures:**

(Copied from page 11)

- Reform of the grounds for determining fees related to the release of information within public administration; This work will notably take into account the regulations of the EU directive (2003/98/EC) on the re-use of public sector information;

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

(Copied from page 15)

Existing laws of Finland met the requirements of the Directive 2003/98/EC on the re-use of public sector information (PSI) prior to its adoption. Among those laws is the Act on the Openness of Government Activities mentioned above.

## **France**

January 2008. Version 9.0

(Copied from page 20)

### **Law on Access to Administrative Documents**

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).

## **Germany**

January 2008. Version 9.0

(Copied from page 13)

### **Law on re-use of Public Sector Information (Informationswiederverwendungsgesetz, IWG; 2006)**

The law on the re-use of Public Sector Information came into force on 19.12.2006 transposing the pertinent EU Directive 2003/98/EC. The huge public sector information volume accumulated across Europe constitutes an enormous economical potential with an estimated market value of € 68 Billion. The law regulates the information re-usage of this information beyond the public-administrative scope, e.g. for shaping of new information-products and related services. The law specifies that re-usage of public sector information has to be non discriminative, contemporary, and not exclusive.

## **Greece**

December 2007. Version 9.0  
(Copied from page 14)

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

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** (15.05.2006) 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.

## **Hungary**

September 2007. Version 8.0  
(Copied from page 11)

### **Act on the freedom of information by electronic means**

Article 7 of the Act on the freedom of information by electronic means (adopted in 2005, 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).

Government decree 305/2005. (XII. 25.) on specific provisions relating to the electronic publication of public sector information (PSI), the single PSI search service, on inventory and data integration.

## **Ireland**

June 2007. Version 8.  
(Copied from page 19)

### **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.

## **Italy**

August 2007. Version 8.1  
(Copied from page 19)

### **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).

**Latvia**

February 2008. Version 8.1

**eGovernment Legislation.....**

(Copied from page 12)

The law was first amended in 2003 to give the State Data Inspectorate oversight authority, starting in January 2004. It was lastly modified in 2005 and in 2006 to transpose the Directive on the re-use of Public Sector Information into national law. The amendments further clarified and strengthened the right of access by fixing the restriction duration to one year (subject to renewals). The law also states that public authorities shall also create information registers to be made available online at the relevant body website. Lastly, requesters are now allowed to obtain information in the format of their choice.

**Law on Freedom of Information**

(Copied from page 16)

Transposition of the re-use of public sector information directive (2003/98/EC of 17 November 2003) was operated with the adoption of amendments to the Law on Freedom of Information as approved in December 2005 and entered into force on 1 February 2006. This act was lastly amended on 5 October 2006.

**Lithuania**

December 2007. Version 9.0

(Copied from page 11 & 12)

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

**Law on Obtaining Information from Central and Local Government Institutions**

The 2000 ‘Law on the Right to Obtain Information from State and Local Government Institutions’ needed amendment in order to comply with the PSI directive (2003/98/EC). The PSI directive was transposed by the ‘Law on Obtaining Information from Central and Local Government Institutions’ (Nr. X-383 of 10 November 2005). This law regulates the right of private companies and citizens to obtain information from central and local government and the re-use of it. It defines the modalities for the use of the public sector’s information resources and determines the obligation of central and local government to provide this kind of information to all concerned. Lithuania has thus notified full transposition of the PSI directive.

**Law on State Registers**

Lastly amended on 15 July 2004, the law on State Registers defines the modalities of establishing, creating, managing, and liquidating state registers as well as the distribution and dissemination of data from such registers. This Law complies with the provisions of the PSI Directive. A list of state registers managed as specific registers “Registru saršas” covers most data from every register. This list is available via the Internet: [www.registrai.lt](http://www.registrai.lt). The initiative on establishing and implementing an information asset register is being considered.

**Luxembourg**

October 2007. Version 8.0

(Copied from page 9)

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

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 bill is currently pending before Parliament.

**Malta**

January 2008. Version 8.1  
(Copied from page 15)

*Status of transposition of PSI-directive:*

Implementation process ongoing.

**The Netherlands**

January 2008. Version 9.0  
(Copied from page 11)

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

The existing legislation has been amended through the respective law in order to implement the Public Sector Information (PSI) directive. The Netherlands has notified full transposition.

**Poland**

June 2007. Version 8.0  
(Copied from page 10)

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](#)

## **Portugal**

August 2007. Version 8.0  
(Copied from page 14)

### **Bill No 49/X**

**Article 268.º n.º 2 of the Portuguese Constitution** establishes the fundamental right access to administrative archives and registries, for information related to state security, criminal investigation and personal privacy. A further regulates the right of access to public documents (**Law no. 65/93**, of 26 August, republished by **no. 94/99**, of 16 July). The transposition *European Directive 2003/98/EC* of 17 November on the re-use of public sector information is currently under preparation in Portugal. It is expected implementation will take the form of altering existing access legislation. The first work of evaluating the directive was made by the Department of (Ministério da Justiça), resulting in a **draft law, Bill No 49/X**. The bill has been approved Council of Ministers and is currently being debated the Parliament. Approval is expected in 2007.

## **Romania**

October 2007. Version 3.0  
(Copied from page 11)

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

#### **Romanian PSI Law 109**

Romania has notified the full transposition of the Directive on the re-use of public sector information (2003/98/EC). The transposition is realised by law no. 109/2007, published in the Official Journal of Romania (Monitorul Oficial) on the 5th May 2007 in edition number 300.

## **Slovakia**

December 2007. Version 9.0  
(Copied from page 12)

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).

## **Slovenia**

December 2007. Version 9.0  
(Copied from page 15)

### **Re-use of Public Sector Information Legislation (PSI) - Access to Public Information Act**

The Directive 2003/98/EC of 17 November 2003 on the re-use of public sector information (PSI) was implemented into the Slovenian legal system with an amendment to the Act on Access to Public Information which was passed in July 2005. The resulting Act contains provisions on PSI licensing, transparency on contracts and penal provisions, and consolidates general and specific principles on access.

Furthermore, a Decree on the Provision and reuse of public information passed in 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.

Slovenia has thus notified full transposition of the PSI directive.

## **Spain**

July 2007. Version 8.0  
(Copied from pages 31)

Work is still underway to implement the EU Directive 2003/98/EC, on the re-use of Public Sector Information into Spanish law. Taking into account the Spanish territorial structure with important responsibilities placed on the Comunidades Autónomas (regions), a basic transposition law will be adopted for application at all territorial levels of the State.

Following the set-up of a working group established by representatives of ministries involved, a **draft law** was published in the Official Bulletin of 25 May 2007. The draft still needs to be submitted to the Parliament, and the law is expected to be adopted in the course of autumn 2007 at the earliest.

## **Sweden**

January 2008. Version 9.0  
(Copied from page 12)

Sweden has notified full transposition of the EU Directive on the re-use of public sector information (2003/98/CE) by means of legislation amendment to several acts, including: Freedom of the Press Order, Secrecy Act, Administrative Procedures Act, Government Agencies and Institutes Order, etc. No new legislation has been adopted.

## **UK**

July 2007. Version 8.0

### **June 2007**

(Copied from page 3)

- The Power of Information Review: An independent review by Ed Mayo and Tom Steinberg was published. Commissioned by the then Minister for the Cabinet Office in order to assess how the Government can harness the phenomenon of internet advice sharing sites and empower people with information that could help improve their lives. The Review looks at how non-personal public sector information can be re-used and reinvigorated outside of government to generate public and economic value.

The Government's response to the publication of the independent Review was presented to parliament by the Chancellor of the Duchy of Lancaster in June.

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

(Copied from page 28)

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.

## **European Economic Area**

### **Iceland**

January 2008. Version 4.0  
(Copied from page 10)

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 is through electronic means under certain defined exceptions.

*Source Europa: PSI Implementation Status*

### **Liechtenstein**

December 2007. Version 4.0  
(Copied from page 9)

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.

The **Joint Committee Decision for incorporation of European Directive on the re-use of public sector information (2003/98/EC) into the EEA Agreement** entered into force on 1 September 2006. Liechtenstein has not yet implemented the Directive, but the preparations for doing so are underway. It has been initially foreseen that the necessary legislation would come into force by 1 January 2007.

### **Norway**

September 2007. Version 3.0  
(Copied from page 11 & 12)

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 interministerial and inter-agency working groups with responsibilities to find common solutions in the area of re-use, standardisation and pricing of public data.

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

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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 interministerial 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).

(Source: Europa: PSI Implementation Status).

### **Acceding Countries**

#### **Turkey**

November 2007. Version 3.0  
(Copied from page 13)

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. There is a further attempt in this regard in the Information Society Strategy Action Plan relating Determination of Principles for the Exchange and Reuse of Digital Information in the Public Sector.

### **Candidate Countries**

#### **Croatia**

July 2007. Version 3.0  
(Copied from page 10)

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. Moreover, the Croatian Information and Documentation Referral Agency (HIDRA) assures the availability of public official data, information and documents and promotes their use.