

Commission consultation on re-use of public sector data

30 November 2010

1. About EFAMRO and ESOMAR

This paper is submitted on behalf of EFAMRO¹, the European Federation of Associations of Market Research Organisations and ESOMAR², the World Association of Research Professionals.

Founded in 1992, EFAMRO represents the interests of market, social and opinion research in Europe. Its members are national trade associations for research businesses.

Founded in 1948, ESOMAR gathers together nearly 5000 individual members worldwide on both the provider and client side as well as in public bodies and academic institutions.

2. Introduction

EFAMRO and ESOMAR welcome the opportunity offered by the European Commission to respond to its consultation on the re-use of public sector data.

We have consulted with key stakeholders in the market, social and opinion research sector in Europe in the preparation of this response. We confirm that the contents of this paper are not confidential and can be attributed to EFAMRO and ESOMAR.

3. Response

Do you think that PSI re-use has reached its full potential in Europe?

- ***Disagree***

EFAMRO and ESOMAR do not believe that PSI re-use has yet reached its full potential, and further measures to help re-use should be supported. PSI is underused by most market and social researchers apart from specialist bureaus but this situation is not due to legislation. The dynamic way in which research reporting techniques have evolved in recent years has meant that PSI data does not always

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easily fit into the final report to the client. Refining the level of local data availability would promote more reuse.

Community-wide products and services using PSI are not limited to national borders. Do you think that divergent national rules can make it more complicated to grasp economic opportunities and to develop cross-border products and services?

- ***Agree***

Inconsistent levels of detail of available information pose problems for researchers doing multi-country studies. For example, primary databases such as the Census are out of date or only available at too high a level of geography in some countries. EFAMRO and ESOMAR believe that further harmonisation is needed. The European Commission has a responsibility to provide business with the tools it needs to produce growth and therefore wealth, both for businesses and for the Europe-wide economy. By making public sector information more widely available European businesses should be able to maximise the opportunities available to ensure a healthy and flourishing European economy.

In your opinion, should the PSI Directive be amended?

- ***yes***

Should "soft law" measures be taken possibly in addition to a modification of the Directive, such as Commission guidance or recommendations, regarding the application / interpretation of the PSI Directive?

- ***no***

There are many more data that could be helpful to market and social research organisations but this may require some substantial amendments to the PSI Directive, given the tendency of some states to resist change from the EU.

EFAMRO and ESOMAR note that there has been substantial resistance from some Member States to the implementation of the current directive. The focus of the Commission should be on the harmonised application of the directive in all Member States.

Do you think that all public sector information which is already publicly accessible should also be re-usable? (optional)

- ***agree***

In your opinion, what would be the advantages / disadvantages of this?

EFAMRO and ESOMAR believe that that making all public sector information which is already publicly accessible re-usable will in the long term reduce the administrative burden on public authorities and private organisations, and increase the flow of information to encourage the growth of

a knowledge based economy. It will also have the benefit of not over burdening citizens by repeatedly asking them for the same information. Public authorities should be prevented from making extensive exceptions to this rule.

In your opinion, public sector information should be made available for re-use....

at charges based on full cost recovery, together with a reasonable return on investment? [note: this is the status quo in the Directive]

○ ***disagree***

at charges based on full cost recovery?

○ ***disagree***

at charges based on partial cost recovery?

○ ***disagree***

at marginal costs for reproducing and disseminating the documents?

○ ***agree***

at marginal costs as the basic rule with certain limited exceptions?

○ ***agree***

for free as regards both commercial and non-commercial re-use?

○ ***agree***

for free as regards non-commercial re-use?

○ ***agree***

Because the sources vary widely, it may be difficult to achieve a single solution but PSI re-use on marginal dissemination costs (or free) would seem very desirable. Research in itself does not seek to change or influence opinions or behaviour but it does influence government and business decision-making, resulting in more informed decisions being made. Unlike direct marketing, advertising or other commercial communications, it does not seek to promote the aims or ideals of those who conduct or commission it. While research is used by marketers (from both the public and private sector) to test their products or messages, it is not a commercial communication. EFAMRO and ESOMAR believe that free access should be available for activities such as research.

What would be the benefits of charging based on marginal costs? What could be the disadvantages?

The benefits of marginal costing to both data owner and user are obvious in terms of minimising overheads and supplying at reasonable costs. The focus of the European Commission should be to provide fair and transparent funding mechanisms which are to the benefit of all European stakeholders, of whatever size, as opposed to only those that can afford to pay higher costs.

What could be the exceptions to a default rule of marginal costs?

Use of official statistics, such as Census information is the cornerstone of geodemographic classifications, which are essential tools for sampling and analysing market and social research data. Research is an essential activity for businesses, governments and citizens throughout Europe to identify and grow the European economy and as such free of charge access to such core information should continue. In the UK, core Census outputs required for geodemographic classifications and other purposes were available free of charge from the 2001 Census, and this looks set to continue for 2011.

Do current licensing regimes of Member States or of individual public sector bodies still create problems for re-use (e.g. by imposing unfair conditions or by unduly restricting the possibilities for re-use)?

- ***yes***

There has been some recent improvement (for example, by Ordnance Survey in the UK), but EFAMRO and ESOMAR believe that there are still many cases requiring improved licensing conditions. For example, some PSI access is governed by different rules for the private sector on the one hand and government or academics on the other. For example, market researchers in the UK have known of cases of monopolistic access to certain health data for re-processing and on sale to the NHS. Given that large scale research and use of PSI depends on the expertise of private sector organisations, and that many European economies are depending on the private sector to stimulate future economic growth, this differentiation is unreasonable.

Should the Commission promote practical measures such as national portals (like the www.data.gov.uk or the www.data.gov in the US) with a strong political drive towards opening up the wealth of public sector data?

- ***Yes***

EFAMRO and ESOMAR welcome the promotion of practical measures, such as national portals, as these measures provide for a more efficient re-use of public sector data and reduce the burden of data collection on citizens.

What are the remaining barriers to re-use (availability of information, charging, licensing conditions, etc.)?

The view of EFAMRO and ESOMAR is that PSI provision has improved substantially as regards formats and accessibility for example more web-based information although websites (such as the UK's Office of National Statistics) should still be further improved.

EFAMRO and ESOMAR feel that there is scope for improvement in charging and licensing regimes. Unacceptable use of Intellectual Property Rights, for example, the restrictive assertion of copyright on public information, without the availability of appropriate licensing, should be avoided.

Would you have any other comments or input that you wish to give regarding the review of the PSI Directive?

Researchers are concerned that recent cuts in public expenditure may have a detrimental effect on the favourable trends, for example data with high collection costs, such as Census data, may not be either as comprehensive or available in accessible and usable formats in the future due to spending cuts.

Generally, what is inhibiting greater and better use of such data for resource planning and allocation or more substantive research and modelling is the variable and often poor quality of fundamental data about domestic populations or populations such as enterprises or establishments. An example of a good quality source of public sector information is the Statistical Yearbook of the German Federal Statistics Office, which provides information on a wide range all of areas for the general population and for companies, which can be used for sampling/defining quotas and for verifying research findings.

EFAMRO and ESOMAR believe that significant European research studies such as those conducted by Eurostat have a key role to play in providing and promoting better and more consistent data from across the single market to support the EC's economic policy and growth strategy. EFAMRO and ESOMAR would welcome discussing with the Commission ways in which such research studies could be developed to contribute more to economic growth in Europe.



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