



5 legal key points regarding public open data in France

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French legal framework of open data

- Law n° 78-753 dated July 17th, 1978 related to free access to administrative documents and use of public data
- Directive 2003/98/EC dated November 17th, 2003 related to the re-use of public sector information
- Ordinance n° 2005-650 dated June 6th, 2005 related to free access to administrative documents and use of public data
- Administrative memo dated April 18th, 2007 related to the management of immaterial assets of the state: founding of the “APIE”





1 - What is "public open data"?

- Public open data is data created or held by a governmental entity.
- Public open data vs. administrative documents.
- Public data is not open data when:
 - Created or held by an administrative entity with commercial and industrial purposes;
 - Containing personal information;
 - Confidential;
 - Likely to adversely impact third party rights.





2 - Public entities and open data

Administrative entities have the obligation to:

- Make their open data available to the public;
- Appoint a referral in charge of open data issues;
- Create an index of their available open data;
- Provide licenses to users of their public open data;
- Monitor the potential exclusive rights granted on their open data.





3 - Specific rights of public open data

Use of public open data is possible when:

- Data is unaltered, its meaning is trustworthy and the source and date of last update are mentioned;
- Conditions of use are fair, proportionate and non discriminatory;
- Conditions of any exclusive right are carefully monitored;
- Data protection law requirements are fulfilled.





4 - Open data vs. Other rights

- Data protection / Privacy
- Copyright
- Data bases *sui generis* rights
- How to build a license?
 - What about CC?
 - What about ODBL?





5 - Use and distribution of open data

All open data obey to (almost) the same rules:

- Price of open data
 - The use of open data can be subject to the payment of fees
 - Administrative criteria for fixing the price
- Specific regimes for specific public open data:
 - Research
 - Culture
 - Legal data (*Legifrance* license)
- Use of a license is recommended
 - APIE
 - IP License (LIP)
 - Data publica licenses (cutomizable license)





Thank you for your attention

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