

Legal barriers to eGovernment

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Legal barriers to eGovernment

✓ Issues/fields :

- Public administration Transparency
- Re-use of public sector information
- Data protection/privacy
- Public procurement – e-procurement

➔ potential legal barriers; best practices, real cases



Public administration Transparency issues



- ✓ **Access to public documents/information**
- ✓ **National access (?)**
- ✓ **Pricing**
- ✓ **Competition**
- ✓ **Copyright**
- ✓ **Privacy/data protection**
- ✓ **Exceptions to right of access (most common)**
 - **interest of state - secrecy**
 - **Interest of third parties**
 - **Protect decision making process**
 - **Avoid unreasonable workload**
 - **...**

Public administration Transparency legal framework

✓ European level

- No harmonisation (needed?) excepting:
 - Environmental matters (Aarhus Convention, Dir. 90/313 and 2003/4)
 - Re-use of public sector information (dir. 2003/98)
 - Public procurement (dir. 2004/17 and 2004/18)

✓ In the Member States

- Different scenarii :
 - national regulations vs local regulations
 - general definitions of the exemptions vs extensive examples
 - ...



Public administration Transparency



- ✓ **Need for European harmonisation ?**
 - **Subsidiarity...**
- ✓ **Organisational measures...**
- ✓ **Example of re-use directive (very little harmonisation)**



Public administration Transparency



- ✓ **Other barriers?**
- ✓ **Real cases?**
- ✓ **Your Member State legal landscape?**

Re-use of public sector information legal framework

✓ European rules

- European Directive 2003/98

✓ Barriers

- Based on Member States' access regimes
- Choice : allow or not
- Exceptions
- Pricing – profit making prices for the public services?
Competition rules



Re-use of public sector information



- ✓ **Other barriers?**
- ✓ **Real cases?**
- ✓ **Your Member State legal landscape? (implementation directive 1st of July 2005)**