A Citizen's Perspective on Public Sector Information

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PREFACE

Within ten years of the World Wide Web, the Internet has become the most obvious symbol of the information and communication society. Although information management does not solely depend on computers (as several millennia of humankind prove), an ever-increasing amount of information of every kind is stored and processed these days and has become increasingly accessible following the rise of the Internet. Information products constitute an important market, and demand is rising continuously. People want to be able to access information quickly, easily and without having to argue why and for which purpose they need it. On the other hand, they want their personal data to be well protected.

VIBE!AT (the Austrian Association for Internet Users, a non-governmental organization) has been looking into civil informational rights from a citizen's[1] perspective over the years and derived three main features which we regard as necessary for public sector information (PSI) systems: openness, accessibility, and privacy/data protection.

Openness means that all PSI is publicly available unless explicitly classified non-public, not vice versa. Further, it means that the data can be accessed without hindrance and fear. Accessibility means that the information can be easily found, retrieved and used, and that it is affordable. Privacy and data protection, finally, guarantee that no private details become public and that you 'know who knows something about you'. This also includes the right of informational self-determination, that is, the right to control who stores and/or passes on your personal details. We will initially describe these three main features and subsequently illustrate them using the Austrian legal information system 'RIS' (RechtsInformationsSystem) as an example.

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[1] Being a 'citizen' in this context does not necessarily mean having Austrian (or European Union) citizenship; rather it puts 'citizen' in contrast to government and related authorities

WORKING DEFINITION OF PSI

Before we can proceed, it has to be clarified what exactly 'public sector information' refers to. The European Union's 'Green Paper on Public Sector Information in the Information Society' from 1998 (EU 1998) distinguishes three approaches: the functional approach (the public sector includes those bodies with state authority or public service tasks), the legalist/institutional approach (only bodies that are explicitly listed in the relevant laws have public sector character), and the financial approach (the public sector includes all bodies mainly financed by public funds). The Green Paper explicitly excludes publicly owned companies operating under market conditions and being subject to private and commercial laws such as public broadcasters (Wessely 2002).

In contrast, the British Library and Information Commission quotes speakers feeling that the emphasis should 'not be on 'public sector information' but on 'public information' — information provided through the state or its agencies of whatever kind that citizens need in order to pursue their daily lives' (LIC). Another notion is 'citizenship information', which is defined by Marcella and Baxter as 'information produced by or about national and local government, government departments and public sector organisations which may be of value to the citizen either as part of everyday life or in the participation by the citizen in government and policy formulation' (2002).

In this work, we pursue a mostly functional approach where PSI includes all data which is collected or generated in the process of governing and administrating by the state as well as regional and local authorities. We also conform to the definition instanced by the Library and Information Commission, but see the need to broaden it — its reference to 'daily lives' constituting an unnecessary limitation.

OPENNESS

Openness by default

We follow the principle that all PSI should be publicly available unless explicitly classified non-public, not vice versa. We agree with Herbert Burkert who noticed a profound change in the general attitude (in the attitude of citizens, not always in the attitude of authorities): 'Access to information has become default. Now the exception of official secrecy has to legitimate itself' (1999).

Some approaches make a distinction between 'state-run public information', where citizens only receive information the authorities deem necessary (and the citizens remain passive), on the one hand, and the active request of PSI by the citizens themselves, where they take the active part and the authorities are reactive, on the other hand (Angelov 2000). It is usually agreed that active 'information brokering' by the public sector, what we called state-run information above, must at least comprise the information necessary for the citizens' 'daily lives'. However, we believe that also public sector information that is not necessary in that sense must be open[2]. The personal situations and requirements of individual citizens may differ significantly, which makes it virtually impossible to define which information citizens actually need, and Herbert Burkert emphasises that it is the very nature of information requirements that they can be forecasted only in a limited way (1999).

More importantly, surveys show that a vast majority of citizens feel that open access to 'accurate and unbiased' information is 'important in exercising their rights as citizens' (Marcella and Baxter 2002) and that there is an imbalance concerning information between citizens and the public sector (Egger 1990). To that end, it is necessary to provide meta-information so that citizens can effectively exercise their right to access PSI. This meta-information ranges from something as simple as telephone numbers of contact persons within the respective authorities to descriptions of business processes (Burkert 1999).

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[2] and made available at least on request.

Exceptions

We also recognise certain exceptions[3] because there is no doubt that good reasons to withhold certain information from the public do exist. This information includes personal data, a 'space to think', commercial secrets, ongoing investigations, and national security. 'Justified exceptions include sensitive information about citizens, matters related to public order and security, and internal drafts at a preliminary stage', explains the European Ombudsman, Jacob Söderman, in one of his speeches (Söderman 2002a), and in the following we will consider a couple of such exceptions.

Personal data clearly deserve special protection (see section 'Privacy & Data Protection').

Space to think: Making as much information public as possible must not prevent people in public agencies from developing new ideas or bringing forth unusual thoughts. Therefore, a so-called space to think is needed. This means that discourse in an early stage might not be made public, although, as Statewatch criticises, this space to think is sometimes used in pretence to prevent the disclosure of documents (Statewatch 2001). For bodies governed by public law there are certainly a couple of examples of PSI that may be kept private. Just consider a researcher at a university who cannot publish every single step of his work, even though finally his results must become available to the interested public.

Commercial secrets: Whereas it seems clear that documents which reveal corporate secrets or entail competitive advantage like details submitted in tendering procedures, data from the exchange supervisory authority, or patent applications need not to be open to the public, there might be an overriding public interest to publish (at last parts of) this information. Examples here include emission data from the chemical industry and details from contracts between a public authority and a privately owned company.

National security: It cannot be disputed that there have to be exemptions, for example concerning the names and personal data of agents of the secret services, but great care has to be taken that this does not become a blanket waiver. As seen in the post 9/11 era, there is a tendency to overly extend this classification.

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[3] Compare the exemptions to the UK 'Code of Practice on Access to Government Information'.

Ongoing investigations: Investigations by law enforcement agencies might require restrictions to public access, though again this should not be seen as a blanket waiver. Also a court's work towards a verdict might fall into this category.

The need to classify certain information as non-public clearly changes over time. Hence it is crucial to review these decisions on a regular basis and to have them expire automatically after some years unless renewed. For developing general guidelines as well as giving concrete advice to the authorities on how to decide which information to withhold, a committee, assigned by an elected body and including various interest groups, could be installed. This body then should randomly test compliance with the guidelines it derives. It should — as kind of an ombudsman[4] — investigate complaints by citizens and have the power to overrule previous decisions by the authority in question. Another task of this committee is educating the general public about their rights and how to find the information they need. This active information policy might be performed in cooperation with librarians.

ACCESSIBILITY

Regardless of relevance and quality, any kind of data is useless if users cannot find what they are looking for or if they cannot access it due to physical handicaps, insufficient technical equipment, or barriers similar to these. Simple as this may sound, it has important consequences, and in general we still seem far from an ideal solution, which meets all the criteria we will discuss in the following.

One-Stop Solutions/Portals

So-called one-stop solutions or portals gain in importance as there is a 'highly fragmented public sector which does not reflect a customer's perspective, who expects or prefers to have all related concerns concerning a certain event or situation to be taken care of by one or a few, but not many service providers' (Kubicek 2000). Following Caldow, we define a one-stop solution as an approach 'designed to allow citizens to access services without having to know which department handles the service' (Caldow 2002) and as an approach based on relevant life events of citizens, not on responsibilities of authorities. By this

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[4] Compare the European Ombudsman Jacob Söderman.

notion we mean that all relevant information can be found and accessed from a single starting point. It is advisable for PSI providers to organize their information 'to reflect the way that users conceptualise the task at hand rather than the organizational structure' (Grönlund 2000). One-stop solutions do not necessarily provide (all) information themselves; rather they offer meta-information and indices from various points of view.

Most people will not be able to decide in advance where the information they are looking for comes from (the state, a regional authority…) and which agency is responsible. Hence they want to start from one address where they can browse and search a directory or the full set of information for whatever expression they can think of. This requires a good organisation and overview of the information available including keywords and full text search, combining something like a Yahoo! directory (Yahoo 2003) and a Google-type search (Google 2003) with relevance ranking.

Two examples of such portals in Austria are 'Amtshelfer' help.gv.at (2003), a guide covering Austrian authorities and topics from 'Adoption' to 'Zivilschutz' (civil defence), and 'Virtuelles @mt' (virtual office) of the Viennese municipality (Amtshelfer 2003). Both centre on the concrete situation of the user, not on the internal organisational structure. UK online is a similar approach, providing an "A-to-Z" of both central and local government.

A printed precursor of these electronic information sources was the "Ratgeber für Wiener" (guidebook for people from Vienna), a brochure published by the municipality which was published in several editions throughout the 1970s. It combined various keywords in alphabetical order, like "Freibad" (lido) or "Kinderbeihilfe" (family allowance), with short information and contacts.

All those examples are promising, but they still do not include the full range of information and accessibility tools.

Presentation

Another issue is the format PSI is provided in: Is it adequate for the public sector to deliver only raw data? Or should data be (post)processed to make it easily understandable? An expansion of administrative or governmental activities is not proposed; still some amount of effort will be always required upon publishing PSI.

An interesting Austrian example for a nice presentation of complex information is an information panel near the waste incineration plant Flötzersteig in Vienna that shows critical values of the most important pollutants in comparison with current measurements. Although environmental information is especially

important as it has an instantaneous impact on the citizens' quality of life and health, laypersons in general will have difficulties to comprehend and interpret the data. With this info panel, they can get an impression of the current situation at a glance. Besides, there are several similar objects in Vienna.

Stable References

In correlation to our proposition of a one-stop solution, we demand that references to information remain stable. In Austria, for example, every recently elected government restructured the responsibilities of state authorities, breaking up some ministries and creating new ones. These changes often lead to new designs and even addresses of the agencies' web sites[5], which constitutes a clear violation of basic usability principles. Even worse when the structure of the one-stop portal changes. This could lead to people not finding their matters as they are used to. Also they might bookmark some information; those addresses must remain available, if needed they might redirect to a new location.

Accessible User Interfaces

Usability is the concept of making things the way the user needs it. In our context, the first criterion is that users can actually use the web site. In practice, this is a serious problem as a study of the web presence of Austrian federal ministries by VIBE!AT has shown (VIBE!AT 2002).

   Many content providers only align with mainstream computing environments or at least tend to neglect the fact that people use a variety of web browsers and operating systems and have different security settings (and needs), but PSI web sites clearly need to work under all these configurations. Following Internet and web standards and avoiding proprietary extensions is critical to achieve this goal. It is especially important for people with disabilities, who depend on restricted working environments and additional information for data they cannot perceive directly.

   Usability also requires that one can use a web site without learning its organisation, specific user interface techniques or (data) query languages. Rather, users have to be guided on their way to the desired information in an intuitive and simple way. Data that is not directly presented in form of web pages (most preferably structured HTML) must be in common, standardised and portable data formats

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[5] Austrian ministries' websites that ceased to exist — without any pointer to the new URL — are for example http://www.bmags.gv.at/, http://www.bmuvie.gv.at/, and http://www.bmu.gv.at/.

(PDF for texts to read and print or forms, XML for reusable data). Proprietary formats which require special software are not acceptable, even more so if that software is not freely available, nor are data formats which change on a regular base. Among others, this clearly excludes documents in the format of Microsoft Word and similar text-processing utilities.

Non-prohibitive Pricing

Another factor for accessibility is pricing which must not prevent usage. Basically, public sector information is already paid for when generated. It belongs to the public and hence should be available free of charge. Small fees are acceptable to cover information processing and transaction costs[6], but as of this writing there is no widely available and effective system of micro-payment. This renders payment and anonymous access (which we consider critical) mutually exclusive.

Pricing is another example where bodies governed by public law may be treated differently than federal or state agencies. For example, a researcher at a public university may publish a book without making it available for free, although it is highly desirable to foster initiatives like the Open Archives Initiative (OAI), free-of-charge preprint servers like HEP and ARXIV, and similar efforts. Recent propositions by the German Green Party (Krempl 2002) — such as to commit researchers from public sector institutions to publish their scientific findings free-of-charge on the Web — are absolutely comprehensible, as these results are financed by the public sector, but often published in ever-increasingly expensive journals of commercial publishers and so have to be re-purchased by the public sector for its libraries and other information facilities[7].

The Role of Libraries

The quick and wide-spread adoption of the Internet by significant portions of the population in many parts of the world and successful prototypes such as the Austrian 'Amtshelfer' www.help.gv.at (2003) that we have seen before indicate that most probably the World Wide Web will establish itself as the main infrastructure for PSI. This raises the issue how to support those people who are currently not

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[6] Compare the pricing of the UK 'Code of Practice on Access to Government Information'.
[7] Admittedly, this would be problematic at the moment because researchers are often evaluated depending on their 'impact factor points' which they can often only gain by publishing in very expensive journals, as Stefan Gradmann observed in the German mailing list INETBIB, 15 November 2002.

able to use information technology like the WWW and probably will not be able to do so in the future. For those access points are needed, e.g., in public libraries and town halls, but there is also a need to assist users to get what they want; which may well boil down to them just interacting with a person who then performs the actual information search and retrieval for them.

Librarians as skilled information managers and libraries as information providing centres may play an important role in the context of public sector information. Respective principles are, among others, codified in the IFLA Internet Manifesto and the UK's Library Association's response to the Green Paper on Public Sector Information in the Information Society (LIC): 'Libraries and information services provide essential gateways to the Internet. For some they offer convenience, guidance, and assistance, while for others they are the only available access points. They provide a mechanism to overcome the barriers created by differences in resources, technology, and training' (IFLA). Specifically, public libraries will be able to help with the following tasks:

1. Providing meta-information about where (in a virtual or physical space) to find which information.
2. Providing Internet access to people who cannot afford a computer with Internet connection themselves. As the IFLA Internet Manifesto states, 'Libraries and information services have a responsibility to facilitate and promote public access to quality information and communication. Users should be assisted with the necessary skills and a suitable environment in which to use their chosen information sources and services freely and confidently' (IFLA).
3. Helping in the act of information retrieval (e.g., which search terms to use in legal information systems)
4. This goes up to the case described above, where a librarian performs the actual information search and retrieval process for those who are not able to do that by themselves.

PRIVACY & DATA PROTECTION

While Charles Raab will delve more deeply into the privacy subject in his chapter "Privacy issues as limits to access", we will just pitch on some points. Data protection has several aspects:

1. A mostly technical data security aspect, which is not part of our considerations.

2. A data avoidance aspect that is important in connection with public sector information.
3. A data accuracy aspect, which is relevant as the public sector collects and preserves personal data about citizens.
4. A privacy aspect that implicates careful balancing between openness and data protection.

Anonymous access (except on personal data)

One of the most important propositions is anonymous access to public sector information. For individuals, their right to access information may be undermined if they fear that the mere fact of requesting information could be used against them. This may sound paranoid, but the very possibility that information gathering can turn into personal profiles may well prevent some people from exercising their rights. Recent developments following 9/11 like new so-called anti-terror measures make this scenario sound all too realistic. But there are also much simpler examples like someone collecting information on drugs, drug abuse, drug prosecution and court cases on this issue; how can they be sure that there will not be investigations against them? Therefore, a completely anonymous access to public sector information is mandatory.

In the process of making more and more data available via the Internet, obviously many documents are not (yet) digitised. These have to be available by classical means, with our principles being followed as closely as possible. If for example, completely anonymous access is not feasible for practical reasons, everything should be done to avoid recording any information on the user, and all recorded information must be deleted as soon as it is not strictly needed any longer (from a technical point of view).

There is one exemption to this principle: accessing personal data. This again protects the user. Since personal data is non-public in general, it is important to be able to find out who did access it at which time and for what reason; this way also fraudulent access can be detected.

Personal data

A difficult question is which data the authorities unconditionally need for their jobs. Public sector information contains a lot of personal data, for example in the electoral register, the cadastral register, the registration office, the local tax office,

the criminal records and so on. Naturally, people worry about their privacy. This has led to exceptionally highly developed data protection standards in Europe[8] (EU 2002), and we are in the fortunate position to be able to apply these standards and benefit from the existing system and audits. In the course of time, our experience with publishing and withholding PSI will grow. We have to continuously draw conclusions from that experience and enhance the system to find the right balance between giving people the information they need and protecting their or others' privacy. The European Ombudsman Jacob Söderman recently spoke of a 'misuse of data protection rules in the European Union' and noted that it might be that 'they are being used to undermine the principle of openness in public activities' (Söderman 2002b).

We intend to increase awareness among citizens concerning their personal data stored by the public sector. This shift in attitude can be more easily reached if citizens know which personal data are collected, processed and stored and to which extent. One example: The official invitation to elections, as it is sent out by the respective authorities in Austria, could easily be combined with a request to inspect and, if applicable, to update or amend one's personal data. While it is, in principle, desirable to be able to access one's personal data also via a one-stop solution, we definitely do not want to suggest the creation of one huge, all-embracing database by the public sector.

The Public Sector should develop, publish and comply with privacy policies, comparable to the privacy policy of the municipality of Vienna, which consists of five principles (Vienna 2002b):

1. The municipality respects the citizens' information self-determination.
2. The municipality collects and processes data only in an extent that is necessary for the process of administration and stores data only as long as really indispensable.
3. The municipality makes every endeavour to ensure that the processed data are accurate.
4. The municipality makes every justifiable endeavour to ensure that personal data can only be seen by responsible officials and only during the corresponding administrative procedures.
5. Data usage must be comprehensible and controllable.

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[8] Compare the discussion at the conference 'privacy — a fundamental right with expiry date?' which took place in Vienna on the 11th of November, 2002.

The expression "comply with" is emphasised – purely rhetorical lip services definitely go into the wrong direction.

EXAMPLE 'RIS'

Our propositions are depicted with the example of the Austrian legal information system RIS ('RechtsInformationsSystem'), as laws and regulations are a prime example of information produced in the process of governing and are of extraordinary significance for citizens. Furthermore, we have chosen this example because the Austrian non-governmental organization VIBE!AT was involved in the fight to keep the RIS free-of-charge, and so we are able to focus on it from a citizens' point of view.

Introduction

The beginnings of electronic legal information in Austria go back as far as the early 1970s, when the Austrian Federal Chancellery carried out a project in cooperation with IBM to document legal information electronically. The Austrian legal information system RIS was established in 1983 (Aichholzer 1998), first of all as an internal legal information system for authorities. However, from the beginning, also providing legal information to the public was an important goal (Lachmayer 2002). While in the earlier years the RIS was based on mainframe computers and was offered to the public via commercial providers, it has been accessible free-of-charge and without registration via the Web since June 1997. The change from the IBM mainframe/terminal system STAIRS to Internet technology was not only an important technological issue, but also a significant step towards a better distribution of legal information.

The hit rate has been steadily rising: In January 1991, 126 users were recorded; in January 1993 there were 908 users. In the same period the log-on time increased from 225 to 2140 hours a month. Presently, there are about 1.5 million queries per month via the web interface (Lachmayer 2002), plus those requests coming in through the authorities' intranet.

Openness

There are substantial arguments in favour of providing legal information to the public openly (and preferably free-of-charge).

§2 of the Austrian Civil Code (ABGB) says that not knowing a legal provision, although it was orderly announced, is no excuse for having violated it — or simplified, that ignorance does not protect against punishment, as the saying goes. The emphasis in our context lies on the phrase 'orderly announced'. The change from printing laws and regulations in federal law gazettes to providing legal information electronically means just keeping pace with current developments. There are similar regulations in other countries and throughout history, as the example of the Prussian law confirms (Berkemann 1999). As Lachmayer and Lebl point out, the Internet is the first realistic option to meet, at least rudimentarily, the claim of the Civil Code (Lachmayer and Lebl 1997).

Hegel states that 'rulers who have given a national law to their peoples in the form of a well-arranged and clear-cut legal code or even a mere formless collection of laws have been the greatest benefactors of their peoples' (Hegel 1995). 'Benefactors' not only due to thus offering the possibility to keep oneself out of trouble, but also because publishing laws and regulations openly fosters the often postulated transparency of legislature and government. As the RIS also contains draft laws and government bills, it promotes and facilitates participation and co-determination. Another argument for providing the RIS at no charge is the fact that the RIS is anyway compiled for the authorities' intranet. There are no extraordinary expenses for offering the information system also via the Web.

Accessibility

One-stop solution / portal

The RIS contents have been steadily augmented over the years. Henceforward, it can be seen as kind of legal information portal, as it comprises (among other things):

1. Federal law
2. Provincial Law
3. Municipal Law (from November 2002 on; work in progress)
4. Final judgements of the Constitutional Court, the Administrative Court, the Supreme Courts, and Higher Regional Courts
5. A list with abbreviations of legal norms
6. Selected enactments of federal ministries
7. Decisions of other authorities (e.g., the Independent Federal Asylum Review Board and the Data Protection Commission)
8. Draft laws and government bills

It does not fulfil our above-mentioned claim to be 'an approach based on the circumstances of citizens, not on responsibilities of authorities', but in this special case, this is not the principal duty of the information system that mainly serves as a documentation of Austrian legislation.

The RIS can answer queries like 'what does that certain paragraph cited in my contract of employment say', but it cannot respond to questions like 'what are my rights and duties as an employee' or help in a specific case. Therefore, it is all the more important to supplement the RIS with 'one-stop solutions' like the 'Amtshelfer' (HELP) and with free legal advice as the association of lawyers and trade unions offer.

Technical Requirements

The RIS requires Netscape Communicator (version 4.0 or later), Microsoft Internet Explorer (also version 4.0 or later) or comparable browsers as well as a screen resolution of 1024x768 pixels. JavaScript is necessary for queries, though not for the display of single documents. The RIS cannot be searched with a text-based browser, as a recent test by the authors, using the browser Lynx, showed; but it is possible, albeit tedious, to display single documents and an 'index' to the Austrian law, which is based on a numerical classification of the areas of legislation. Using the Opera and Mozilla browsers worked just fine. Some documents are provided in PDF format, so one needs the free-of-charge software Acrobat Reader.

Help

A variety of help features has been implemented in order to enable persons that are not familiar with the handling of databases and the verbalisation of queries to make use of the RIS. Some examples:

1. Training: Between 1992 and 2001, there have been trainings every week in the Austrian Federal Chancellery. As of this writing, there is one 'RIS road show' per year and per province offered, alas only for employees of authorities.
2. Short help on fields in the query form: When moving the mouse pointer over the field names in query form, a short help on the respective field with comments on the field name and/or examples for a correct query is displayed.

One example: If you point at the field name 'date of signing', you receive the information that dates have to be entered in a 'yyyymmdd' format.

3. More detailed help on fields in the query form: When clicking on the field names, more information is displayed in an extra window, also containing examples. This comes in quite handy, as it gives clues users most probably would not have guessed without it. Just one example: If you are looking for paragraph 8a, you have to type '8 a' with a blank between the number and the letter; otherwise your search will not be successful (of course, usability would increase if the query forms were more tolerant to details of this kind).

4. Handbook: The handbook is the most extensive help feature, which seems to merge all other features in one document. It contains, e.g., an introduction with general information about the respective application (such as federal law or final judgements), a description of the documentation, and a description of the search interfaces with examples.

5. Comprehensive brochure: How to search the RIS is described in this brochure on the basis of screenshots, help texts and annotated pictures of query forms. It was printed in several editions and is now available as PDF file at the RIS web site. It is updated regularly according to technological progress and user feedback. The brochure is available in English and German.

6. '§ 0': The so-called Paragraph Zero is a supplementary paragraph that serves solely as meta-information and is not part of the actual legal provision. Here, users find an overview about amending laws, the date when the law became effective and was overruled, respectively, a table of contents as well as the short and the long title.

There is no doubt that the Federal Chancellery, which is responsible for the legal information system, makes great efforts to provide users with the help they need. We suggest additionally offering RIS trainings also to non-governmental organisations, librarians, and private individuals.

Pricing

Although many people think so (Richter 1997), having free-of-charge access to legal information cannot be taken for granted. In January 2001, the Austrian Federal Chancellery called for expert opinion on a new legal provision that would enable the chancellor to charge for access to the RIS after consultation of the federal minister of justice (Federal Chancellery 2001a). An amount of one Euro per document was mentioned (Lachmayer 2002). This intention encountered resistance (not only) from citizens and NGOs. Altogether, fifty-one statements

about this draft law were submitted. Only in one statement, the plan of installing fees for the RIS was explicitly approved of — it was the statement of the pressure group for the Austrian information industry (VIW 2001).

Table 1 Provenance and No. of Statements to Federal Chancellery 2001a

Provenance of Statements	Number of Statements
Ministries	6
Federal Governments	8
University Sector	3
Other authorities	4
Pressure Groups (Chamber of Commerce, Trade Unions et al.)	10
NGOs	8
Companies	1
Private Persons	11
Totalling	**51**

Source: Documentation of the Draft Law about the RIS (Federal Chancellery 2001b)

The Federation of Austrian non-profit organisations expressed fear that its members could not afford fees for legal texts; the Austrian aid and charity organisation 'Caritas' claimed considering that non-profit organisations could not charge their clients — them being mostly in emergency situations — for RIS fees (Federal Chancellery 2001b).

   Many others mentioned the arguments we dealt with in the introductory section. In addition to all these arguments referring to transparency and democracy, there is one quite pragmatic reason that argues against fees for the RIS: As VIBE!AT pointed out, there is no reliable, widespread form of 'micro-payment' or e-cash at the moment. Paying via credit-card prevents anonymous access; paying via bank collection or payment form is too sumptuous (VIBE 2001). Even the Austrian Federal Ministry of Finance, which certainly does not object to additional revenues, observed that the administration would probably be more expensive than the returns (Federal Chancellery 2001b).

   Meanwhile, some revenues are realised by selling space on the web site for banners. Currently they are fixed, but it is planned to offer banners related to the

queries, which would be more interesting to the advertising industry. Maybe, if users are exhausted from searching the RIS, they may tend to purchase the printed guidebook shown in the banners.

The complete RIS database can be downloaded for a fee covering the technological expenses — the commercial information provider RDB (RechtsDatenBank) has been paying about ten-thousand Euros a year to download the information (Lachmayer 2002).

Privacy & data protection

Judgements

Final judgements concerning private individuals included in the RIS are made anonymous. The Constitutional Court, for instance, makes judgements in the RIS anonymous with some exceptions: persons of 'common interest' (to name a current example, the former Austrian federal chancellor Viktor Klima), persons running for election in legal procedures concerning elections, and persons who have voluntarily appeared in media as far as the law-suits deal with broadcasting issues.

In contrast, judicial decisions published on the Constitutional Court's web site are normally not made anonymous. This is because only selected decisions, towards which the media's interest is directed, are published on the web site. Also compilations of decisions that appear in print are normally not made anonymous, except when it is in the interest of a concerned individual needing protection — this is decided as the case arises, for example in tax affairs and criminal procedures. (Hornyik 2002)

However, it is said that you can draw conclusions from the information remaining — a phenomenon comparable to press coverage. An example: If a newspaper article omits the name of a person, but still mentions the fact that the person is a 43 year old apothecary in a certain small town, chances are good that someone coming from this town will recognise who the article is all about. Avoiding this is certainly not trivial. Seemingly, the responsible authorities do their best.

Log Files

As far as the RIS queries are concerned, only the number is recorded at the moment, not the provenance. An analysis of the countries users connect from is seen as feasible, but is currently not being conducted; any logging beyond that is neither technologically nor 'politically' intended according to the Federal Chancellery (Lachmayer 2002).
We welcome this attitude because — as we mentioned above — the fear of being monitored when looking for legal information does not further widespread utilisation of these and comparable offers of information.

RIS — Conclusions

Concluding, the RIS is a very valuable offer, but there are still a few 'wishes' from a citizen's perspective: RIS trainings should be offered also outside authorities. The help features should be further expanded and adapted to users'' experiences. Additionally, legal information should also be offered in the minorities' languages, which in the case of Austria means Hungarian, Slovenian, and Croatian.

CONCLUSIONS

We have argued that public sector information (PSI) should be published as extensively as possible to make it widely available to the general public. By default, information (apart from personal data) should be published and withholding PSI should happen as a well-considered exception, not vice versa.

Publication of PSI is also related to the question of copyright. It is our strong belief that all the information published as PSI should be public domain. This shall include an appropriate presentation, structuring, indexing and whatever value added to serve the citizens best without causing extraneous cost. By being public domain we mean that everybody may use and re-use the data provided without having to ask for permission, being required only to name the source (compare Picciotto 1997).

The question of ownership of copyrights is another example where we have to differentiate between authorities and other bodies under public law. People working in the latter should keep their rights (consider again our example of the researcher in a university). Another important example are public broadcasters; it is essential that these can continue working as today, opening their archives to the general public as far as possible, but not letting anybody freely re-use all material.

As far as the information industry is concerned, we expect them to sell value-added products based on PSI. No regulation seems necessary to protect them from public authorities, that is, PSI providers may, and in fact should, to some extent, publish not only raw data, but also information products to serve its citizens. This does not mean that the state should engage in broad activities in the information market, but it should do whatever is required to serve the public. There will always be enough room for private enterprises and their innovations.

Pricing is a controversial issue here. In principle PSI should be free. Fees for commercial re-use may seem appealing, though we think that this is not needed for two reasons: firstly, it will cause bureaucratic overhead, and secondly it will be paid indirectly by taxes and employment-growth. If fees are used, they should not exceed publishing costs.

Only a few years ago the Internet was not in public awareness, and the situation is similar for public sector information today. This will change quickly, and the foundations are already set today. From our point of view, the initiatives of the European Union and those of its member states seem to be going in the right direction. As civil rights campaigners we often have found ourselves fighting against government proposals. As far as PSI is concerned, we are happy to observe that we apparently will not have to.

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