

Implementing Open Data Policies in Greece at a Time of Crisis: Legislative Review and Socio-technical Analysis

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Objective of this paper is to explore the evolution and implementation of Open Data policies in Greece over the past three years. It explores the current status of Greek Open Data policies and legislation, their origins and the degree of their implementation. It focuses specifically in the exploration of the links between domestic Open Data policies and EU as well as international developments. In addition it explores the degree to which Greek Open Data Policies have been influenced by Law 4046/2012, which implements the Memorandum of Understanding (MoU) on Specific Economic Policy Conditionality between the Greek Government and the IMF/EC/ECB Troika as this has been expressed in the 2012 E-Government and ICT Strategy for Greece. The paper concludes by assessing the levels of implementation and effectiveness of such policies as well as the degree to which it is possible to form Open Data policies based on local needs rather than the results of external influences.

The paper comprises of three parts:

The first part of the paper explores the policy context within which Open Data policies have appeared in the US and UK after 2006, particularly with the appearance of the data.gov and data.gov.uk. This context is enriched by a discussion of civil society initiatives such as those of the Open Knowledge Foundation and the Creative Commons. In addition it explores the trajectory of Geospatial open data policies such as those in the US in the context of the National Spatial Data Infrastructure (NSDI) and the EU INSPIRE Directive. Moreover, it explores the Public Sector Information Initiatives at the EU level as well as similar policy developments in Australia and New Zealand. It also looks closer at the development of the UK open data policies, the Open Data Licensing Framework and the Open Government Licence. Finally, it examines the more recent developments at the EU level, namely the Digital Agenda 2020, the POPSIS report, the proposal for the amendment of the PSI Directive as well as the European Interoperability Framework (EIF), the EU meta-data licensing framework and the EU open meta-data licence.

The second part explores the Greek policy and legislative framework. It seeks the origins of the Greek Open Data policies in the E-Government initiatives and specifically the Co-funded digital strategy programmes of 2007-2013 as well various efforts to introduce administrative reforms on the basis of New Public Management theories as early as in 2003. Though these initiatives do not make explicit reference to any open data policies, they contain key elements of subsequent eGovernment and hence open data policies. More recent policy documents such as the Digital Greece 2020 strategy and the eGov and ICT National Strategy make use of a number of the policy devices found in previous policy documents, but are clearly influenced by the Digital Agenda and the more recent pro-open data legislation at the EU level. Most importantly, they

are framed within the national obligations stemming from law 4046/2012, which is explicitly referenced in the National eGov and ICT strategy, though it is less than clear what the Greek proposal for an open data strategy in that context is.

Both the legal developments at the EU level and the domestic policy focus has been to introduce pro-open data legislation. This appears in a number of legislative initiatives with the earliest ones being the PSI Directive implementation (Law 3448/2006), which introduces a set of rules for the re-use of public information, the term being broad enough to encompass data as well. Law 3731/2008 also constitutes a key element of the open data policy since it introduces interoperability and standardisation clauses that also allow for legal interoperability and use of standard licences, though the ministerial decree that made this law functional was only issued in 2012. Law 3861/2010 introducing the Transparency (Diaygeia) project, perhaps the most important open data law, since it imposes the publication of all administrative decisions on the Internet as a condition for their validity. It was complemented by Law 4013/2012 making the publishing of all public contracts over the Internet obligatory as well. Law 3882/2010 implementing the INSPIRE Directive has also introduced a rather elaborate system for the acquisition and dissemination of open geospatial data and Law. The rather strong pro-open data provisions of Law 3882/2010 were further complemented by law 3979/2011 that allows electronic filing of Freedom of Information Requests (or Access to Information Requests), makes the procurement of Free/ Open Source Software (FOSS) mandatory for the public administration and finally provides a framework for the opening up of public data by public sector bodies. Law 3852/2010 also contains important open data provisions for the local and regional government and law 3966/2011 establishes the National Centre for Public Administration as the competent body for the operation of the labs.gov.gr initiative and the conducting of open consultations. In the same family of laws are also the provisions of Law 4048/2012 that deal with better government and make explicit reference to the need for open legislative data and how they should be linked to the Transparency project regarding the decisions of the public sector bodies.

The third part of this paper explores the degree to which such legislative measures have been implemented. While these are still early stages, the necessary ministerial decrees for the implementation particularly of Law 3979/2011 have not been issued as yet and hence the implementation of the relevant legislation is still rather weak. The National eGov and ICT strategy is also too much funding programs driven and constrained by the MoU with Troika and as a result lacks a proposal that takes into consideration the needs of the Greek economy, the local information and ICT industry and the possibility of using open data as a way to achieve sustainable development. EU programmes such as HOMER MED that aim at the use of open data for achieving development in the regional and local economies of the European south seems to be more in accord with the current needs of Greece compared to national programs that overlook the features of the Greek economy and the link between legal measures and actual strengths of the Greek economy, particularly, tourism, agriculture and specialised manufacturing. This last part of the paper argues that such an alternative approach is possible and suggests a series of specific legislative and policy measures as to how it can be achieved.