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President of the Republic
Decision No 199 of 11 December 2012

ACT AMENDING THE PUBLIC INFORMATION ACT

Adopted 5 December 2012

The **Public Information Act** shall be amended as follows:

- 1) Section 2(1)(1) is amended to read as follows:
- "1) the conditions of, procedure for and methods of access to and re-use of public information and the bases for refusal to grant access to information;";
- 2) a Section 3¹ is added to the Act, worded as follows:

"Section 3¹. Re-use of public information

- (1) The re-use of information is the use by natural persons or legal entities of information for commercial or non-commercial purposes other than the initial purpose within the public task for which the information was obtained or produced. The exchange of information between holders of information in pursuit of their public tasks does not constitute re-use of information.
- (2) A holder of information shall not enter into exclusive arrangements for the re-use of information, unless this is necessary and justified in the public interest. The validity of the justification for an exclusive arrangement shall be reviewed at least every three years.";
- 3) Section 4(3) is amended to read as follows:
- "(3) When granting access to information, the privacy of the individual and the protection of copyright must be ensured.";
- 4) subsections 4¹ to 4³ are added to Section 4 and worded as follows:
- "(4¹) A holder of information must publish the conditions for accessing the information and the amount to be charged for access and, if a person making a request for information so requires, provide explanations concerning the cost-orientation of the charges.
- (4²) The conditions for access shall not be unnecessarily restrictive or detrimental to competition.

- (4³) If a holder of information uses the information as input for activities falling outside the scope of the performance of public tasks, the same charge and other conditions shall apply when supplying the holder with the information as apply to other applicants, thus ensuring equal treatment.";
- 5) a subsection 3 is added to Section 8 and worded as follows:
- "(3) Access to information also includes the right to re-use that information.";
- 6) Section $12(4^2)$ is repealed;
- 7) a subsection 4 is added to Section 25 and worded as follows:
- "(4) Any income received for supplying information for re-use must not exceed the cost of supplying that information for re-use, to which a reasonable depreciation cost may be added which is intended to ensure the sustainability of the service.";
- 8) an indent 31¹ is added to Section 28(1), worded as follows:
- "31¹) the purpose, scope and method of processing personal data, the communication of personal data to third parties, including other bodies, and the making of personal data available to the public, and the right of and procedure for a person to examine data concerning themselves;";
- 9) subsections 3 and 4 are added to Section 29, worded as follows:
- "(3) The information referred to in Section 28(1) of this Act must be disclosed in an upto-date version and in such a manner and format that it can be downloaded in electronically processable form. If transcription of the information into electronically processable form is impossible or would involve disproportionate effort, the holder of the information shall ensure that it can be downloaded in its original format or another format.
- (4) The information referred to in Section 28(1)(30) of this Act must be disclosed in electronically processable form and must be downloadable from the information gateway as a full set of data.";
- 10) a second sentence is added to Section 30(1), worded as follows:
- "A holder of information is not required to carry out further systematisation or analysis of information for the information to be disclosed for the purposes of re-use if this would involve disproportionate effort.";
- 11) Section 32¹(1) is amended to read as follows:
- "(1) The Estonian information gateway is a website allowing access to public information relating to the fields of activities of holders of information and the public services provided by them, and allowing access to a public electronic service and to re-usable information.":
- 12) Section 32¹(5) is amended to read as follows:
- "(5) The Government of the Republic may establish, by a regulation, the requirements and procedure for the administration of the Estonian information gateway, for ensuring

access to, developing and using the information therein and for adding databases to the Estonian information gateway.";

- 13) Section 35(1¹) is repealed;
- 14) Section 43⁸(2) is repealed;
- 15) a subsection 4 is added to Section 45 and worded as follows:
- "(4) The Data Protection Inspectorate may provide recommendatory guidelines for the application of this Act.";
- 16) Section 58^2 is added to the Act, worded as follows:

"Section 58². Application of provisions regulating the re-use of public information

- (1) Holders of information shall bring the information referred to in Section 28(1)(30) of this Act and contained in databases created following the entry into force of Section 58² of this Act into conformity with the requirement laid down in Section 29(4) of this Act.
- (2) Every person shall be ensured access free of charge to further unprocessed data contained in databases established following the entry into force of Section 58² of this Act.
- (3) By 1 January 2015 every person shall be ensured access free of charge to further unprocessed data contained in databases established prior to the entry into force of Section 58^2 of this Act.";
- 17) a legislative note is added to the Act, worded as follows:
- "Directive 2003/98/EC of the European Parliament and of the Council on the re-use of public sector information (OJ L 345, 31.12.2003, pp. 90–96)."

Ene Ergma

President of the Estonian Parliament