



FEDMA position paper on the Review of the Directive on the Re-Use of Public Sector Information (PSI Directive)

The Federation for European Direct and Interactive Marketing (FEDMA) welcomes the opportunity from the European Commission to contribute to the discussion on the Review of the Directive on the Re-Use of Public Sector Information (PSI Directive) in order to reach the most efficient and up-to-date legislation in the field. FEDMA would like to share its expertise and the position of direct marketing industry in Europe for the review.

FEDMA fully supports the objective of the European Commission outlined in the Communication on “Building a European Data Economy” to create “a policy framework that enables data to be used throughout the value chain for scientific, societal and industrial purposes”. We believe that the European Union can strongly benefit from the development of the EU data economy, which is estimated to increase its value to EUR 643 billion by 2020, representing 3.17% of the overall EU GDP, if right policy and legal framework conditions are put in place.

FEDMA stands for 22 national Direct Marketing Associations, directly representing more than 5 000 organisations, and has over 40 industry members, representing all parts of the value chain in the data-driven marketing industry. Through its many activities, FEDMA is dedicated to building the business of cross-border data-driven marketing, both through its vast network of contacts and businesses within and beyond Europe and by representation within the institutions of the European Union.

The data-driven marketing industry uses personal information and data to effectively match customers’ needs with relevant brand offers. The industry aims to create and maintain an individual and interactive relationship between organisations, institutions and their customers (both prospective and existing). The industry allows organisations to target customers with a personalised message, to generate sales both online and in store in a cost effective way to build long-lasting relationships with customers and raise brand awareness. It is an essential driving force of the EU economy and the EU Digital Single Market.

The Re-Use of Public Sector Information

FEDMA has been supporting the European Commission in its efforts to create an Internal Market for the re-use of public sector information since the first PSI Directive. FEDMA believes that fair and open access to public sector data is especially crucial with regard to the Digital Single Market strategy.



FEDMA supports further facilitation of the access to public sector information in the review of PSI Directive. In particular:

- FEDMA believes the circumstances under which exception to Art. 6.1. are currently allowed should be more narrowly defined after the review. It would give the industry more access to available data and foster market development. Information of public sector bodies has already been paid for by business and citizens in the form of taxation and should not be a source of profit.
- In order to foster the availability of pan-European marketing campaigns and creation of pan-European information products, data generated by public authorities and organizations providing public services should become available for every potentially interested user at a marginal price of dissemination.

Access by Public Sector Bodies to Data of Public Interest Coming From Private Sector Entities

FEDMA is concerned by the Commission’s approach to include the opportunity to access data coming from private sector in the consultation. FEDMA asks the Commission to provide more clarification regarding the objectives and scope of the questions on privately-held data, and the overall intention of the Commission.

FEDMA believes that private data should not have to be made public. As direct marketing is an industry, which to a significant extent, is dependent on data, we urge policy-makers to ensure that trade secrets, intellectual property and database rights of private entities are fully protected. Access to data of private entities should only take place on the basis of a lawful and commercial agreement, with a guarantee of legitimate commercial interests, security and confidentiality of data being safeguarded.

Furthermore, FEDMA stresses the importance of a contractual basis for exchange of data in the B2B sector. We also encourage the Commission to make an assessment of already existing rules such as GDPR and the Trade Secret Directive in regard to situations, in which data can be accessed and used.

In the eventuality of European Commission deciding nevertheless to go in this direction, we encourage policy-makers to narrow down and clearly define the scope of “public interest” data.