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Creative Commons Australia

Asia Pacific Regional Internet Governance Forum
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Government (Crown) Copyright

- Vast amounts of government copyright materials
- Copyright applies to:
  - Informational works
  - Research outputs (reports, papers, databases)
  - Cultural materials

- **Public Sector Information (PSI)** in a broad sense includes material that is:
  - created within government by government employees;
  - produced externally by recipients of government funding; or
  - prepared by non-government parties and lodged with government under a statutory obligation or regulatory direction.
Public sector components

- Government
  - Federal
  - State
  - Local
- Education
  - Secondary
  - Tertiary
- Research
  - Publicly-funded research institutes
  - Government agencies e.g. CSIRO
Creating information flows

- Complexity of information pathways:
  - within government – among departments, agencies, different levels of government; between government and community:
    - from government to community; from community to government to community; from local to national to global

- Problem of “licence logjams”
  - Copyright has been relied on by governments to control access (to prevent flow of information or to preserve commercial rights)
  - Often, there is no licence, so access/use/reuse rights are unknown – high transaction cost of negotiating new licences
  - Where licences exist, terms are incomprehensible or inconsistent

- Promoting the flow of information requires appropriate policy frameworks and licensing practices
Open PSI policies

- Need for technical, policy and legal frameworks to support greater access to information/data held by government ("public sector information" or PSI)

- Since mid-2000s, numerous international organizations, inter-governmental bodies and governments have issued open government data policies
  - Set out key principles underpinning access to, and the release and reuse of data
  - Reiterate the value of government data and establish the default position that it should be openly accessible to the public under transparent and non-discriminatory conditions, which are conducive to innovative reuse of the data

- A key principle stated in open government data policies is that legal rights in government information must be exercised in a manner that is consistent with and supports the open accessibility and reusability of the data
  - Where PSI is protected by copyright, access should be provided under licensing terms which do not restrict its dissemination or reuse ("open licensing principle")
The “open licensing” principle

- Recognized in many policy statements
  - OECD (2008)
  - Obama Administration (2013)
  - G8 (2013)

- These policies do not specify that any particular licences are to be applied

- By contrast, the open licensing principle has been further developed in policies adopted by Australian governments in recent years, which specify that Government agencies are to apply the Creative Commons Attribution licence (CC BY) as the default licensing position when releasing government information and data.
The “open licensing” principle


- 13 Principles to be applied by OECD member countries
  - PSI is defined broadly, as meaning “information, including information products and services, generated, created, collected, processed, preserved, maintained, disseminated, or funded by or for the Government or public institution”
  - The Principles
    - establish a presumption of openness of PSI as the default rule
    - Encourage the adoption of open licensing to maximise use/reuse of PSI
    - Where copyright exists, it should be exercised to facilitate reuse, through simple, effective licensing arrangements
    - Encourage the development of automated online licensing systems to enable reuse of PSI
The “open licensing” principle

G8 – Open Data Charter (18 June 2013)

- 5 strategic Principles + best practices and collective actions to give effect to the Principles
- Principle 1 (Open Data by Default)
  - Establishes the default position that all government data will be published openly, unless there are legitimate reasons why it cannot be released
- Principle 5 (Releasing Data for Innovation)
  - Greater social and economic benefits flow if government data can be used by the widest range of people
  - Best practice guidelines commit G8 members to support release of government data by “using open licences or other relevant instruments ... So that no restrictions or charges are placed on the reuse of the information,...save for exceptional circumstances”
The “open licensing” principle

United States – Open Data Policy (9 May 2013)

- Executive Memorandum, Open Data Policy – Managing Information as an Asset

- Requires all US Federal Government departments/agencies to manage information “as an asset through its lifecycle to promote openness and interoperability”, to be made openly available under open licences, to facilitate lawful reuse and value-adding entrepreneurial activities, while also ensuring that citizens’ privacy, confidentiality and national security interests are safeguarded

- “Agencies must apply open licences to information, so that if data are made public there are no restrictions on copying, publishing, distributing, transmitting, adapting or otherwise using it for non-commercial or commercial purposes...”

- Does not specify use of a particular open content licence, but range of uses that must be permitted correspond to those granted under the Creative Commons Attribution (CC BY) licence
The “open licensing” principle

Australia – CC BY adopted as the default open content licence (2010)

- Australia has not yet formally adopted a comprehensive [national] information policy/strategy
- But, through revisions of Government intellectual property principles and copyright licensing policies and practices, CC BY has become established as the default licence applied by Australian Federal Government departments/agencies
  - Practice is increasingly supported by the various State Governments

  Venturous Australia: building strength in innovation, Cutler review of the National Innovation System (August 2008):
  - Recommendation 7.8: ‘Australian governments should adopt international standards of open publishing as far as possible. Material released for public information by Australian governments should be released under a Creative Commons licence.’

  Government 2.0 Taskforce, Engage: Getting on with Government 2.0 (December 2009): Recommendation 6: PSI ‘should be licensed under the Creative Commons BY standard as the default’.
Review of the National Innovation System (Cutler review) 2008

Information flow is a central part of the innovation agenda

The value of information/content is in its use/re-use
Venturous Australia (Cutler report, 2008)

• Australia should establish a **National Information Strategy** to optimise the flow of information in the Australian economy. The fundamental aim of a National Information Strategy should be to:

  • **maximise the flow of government generated information, research, and content** for the benefit of users (**including private sector resellers** of information).

• **A specific strategy for ensuring the scientific knowledge** produced in Australia **is placed in machine searchable repositories** be developed and implemented using public funding agencies and universities as drivers.

• **Information, research and content funded by Australian governments** – including national collections – **should be made freely available over the internet** as part of the global public commons, to the maximum extent possible.
Australian governments should adopt international standards of open publishing as far as possible. Material released for public information by Australian governments should be released under a **creative commons** licence.
Central recommendation: A declaration of open government by the Australian Government

Recommendation 6: Make public sector information open, accessible and reusable [chapter 5, p 58]
6.1 By default, Public Sector Information (PSI) should be:
   - free
   - based on open standards
   - easily discoverable
   - understandable
   - machine-readable
   - freely reusable and transformable.
6.2 PSI should be released as early as practicable and regularly updated to ensure its currency is maintained.
6.3 Consistent with the need for free and open reuse and adaptation, PSI released should be licensed under the Creative Commons BY standard as the default.

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Establishing CC BY as the default

- In responding to the Government 2.0 Taskforce report, the Australian Government accepted that PSI is a national resource that should be released on as permissive licensing terms as possible to maximise its economic and social value.
- Released *IP Principles* and a revised *IP Manual* – adopt and reiterate the Government 2.0 Taskforce’s recommendation on the use of the CC BY licence as the default licence for PSI.

11.(b) Consistent with the need for free and open re-use and adaptation, public sector information should be licensed by agencies under the Creative Commons BY standard as the default.

An agency’s starting position when determining how to license its public sector information should be to consider Creative Commons licences (http://creativecommons.org.au/) or other open content licences.

Agencies should license their public sector information under a Creative Commons licence or other open content licence following a process of due diligence and on a case-by-case basis.

Before releasing public sector information, for which the Commonwealth is not the sole copyright owner, under a Creative Commons BY standard or another open content licence, an agency may need to negotiate with any other copyright owners of the material.


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In 2012, the Australian Government released two documents which implement the Statement of IP Principles for Australian Government Agencies:

- **Guidelines** on Licensing Public Sector Information for Australian Government Agencies;

Both documents are available on the Attorney-General’s Department website under the CC BY 3.0 Australian licence.

Attorney General’s IP Manual makes it clear that **PSI should be released by default free of charge under a Creative Commons Attribution (CC BY) Australian licence by default.** (Chapter 9 - “Sharing and Granting Public Access to IP”)

Agencies are now required to make licensing decisions about whether to use Creative Commons licences (or other open content licences) when publicly releasing their PSI.

- Principle 1 (Open access to information – a default position):
  - information held by Australian Government agencies is a valuable national resource and where “there is no legal need to protect the information it should be open to public access”

- Principle 6 (Clear reuse rights):
  - releasing public sector information under open licensing terms enhances its economic and social value
  - the Creative Commons Attribution (CC BY) licence should be the default licensing condition when Australian Government agencies publish information online
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Geoscience Australia - Landsat 8 data

- Landsat 8 satellite launched in 2013 - GA is making the satellite images publicly available free of charge, **under a Creative Commons Attribution 3.0 Australia licence (CC BY)** to facilitate legal reuse of the images.
  - data is beamed from Landsat 8 on a daily basis to GA-operated ground stations in Alice Springs and Darwin; as soon as possible after receipt and processing, GA will make the satellite images publicly available free of charge.

Jeff Kingwell, Section Leader of GA’s National Earth Observation Group: **Our experience is that using the Creative Commons Attribution Licence – which is the default licence for GA information – makes the data more useful and easier to apply.** For example, to help the Indonesian government to monitor forest management, GA supplies Landsat data from a number of foreign data archives. Since we can apply the same licence conditions to each data source, the information is much more useful and easier to share and reuse.

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Example of a Landsat 7 image, CC BY 3.0 Au © Geoscience Australia
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The Bureau of Meteorology (the Bureau) is publishing water information to be used by the community.

To ensure wide use of water information—and to protect data suppliers' copyright—the Bureau recommends data providers use the Creative Commons Attribution Australia Licence (the 'Creative Commons Licence') to cover the data they provide under the Water Regulations 2008.

Where a data supplier has chosen to adopt the CC Attribution Licence, the Bureau has clearly associated that person and their data with the CC Attribution Licence Logo shown below:

The terms and conditions of the CC Attribution Licence can be found by clicking on the licence logo. The Licence requires that if you reuse the information you must give clear and prominent credit to the original author and any other parties that are required to be attributed. This website shows the manner in which you must attribute each data supplier. For example, the Queensland Department of Environment and Resource Management has requested that it be attributed as:

© State of Queensland (Department of Environment and Resource Management)

The website also provides the contact details of water data suppliers who have chosen not to adopt the CC Attribution Licence. You should contact them directly to enquire about the terms and conditions of reuse of their information.

Why Creative Commons?

The Creative Commons Licence gives the community permission in advance to use water information, without having to directly contact the supplier.
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Premier's message

Queensland is a great state with great opportunity. This government is committed to opening up more opportunities through the open data revolution.

More...

Latest news

Emergency services disaster data

Posted 14 December 2012

The summer storm and bushfire season is upon us and it is important we all take steps before, during and after any disaster to help protect our loved ones and our property.

More...

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Search for Queensland Government datasets

Queensland contains 78 datasets that you can browse, learn about and download.

About the open data revolution

The Queensland Government will release as much public data as possible, free to anyone who wishes to use it. This data has been gathered using public money and is the property of the people of Queensland and so, where suitable, we will release it.

As a Government we collect, generate and use a lot of data which can deliver real benefits to the Queensland community and economy if it is used in clever ways.

More...

Latest datasets

» Updated Queensland Government Air Wing flights by activity Jan 01, 2013

» Updated Queensland Government Air Wing flights by activity Jan 01, 2013

» Updated Queensland Government Air Wing flights by activity Jan 01, 2013

» Updated Queensland Government Air Wing flights by activity Jan 01, 2013
Statistical Review

Information on crime trends and patterns, and other policing issues and is useful for external researchers and community groups.

- 2010 - 2011
- 2009 - 2010
- 2008 - 2009
- 2007 - 2008
- 2006 - 2007
- 2005 - 2006
- 2004 - 2005
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ABC “80 Days that Changed our Lives”

- To celebrate ABC’s 80th anniversary, ABC released 22 files capturing historic moments on Wikimedia under CC BY-SA
- first collection of broadcast “packaged” footage released to Wikimedia Commons under a free license
AIMS: Australia's tropical marine research agency

Latest News

27 July 2011 - Census of Marine Life wins prestigious international prize
AIMS CEO, Dr Ian Pomer, is chairperson of the Scientific Steering Committee of CoML and will receive the award on behalf of the Census in Japan in October. View

13 July 2011 - National Sea Simulator
The $35 million National Sea Simulator will allow cutting edge research on tropical marine environments that was not previously possible. View

29 June 2011 - Darwin Harbour early focus for North Australian marine research
The tropical waters of northern Australia, including Darwin Harbour, will attract even greater research interest as the Northern Territory economy expands, according to the CEO of one of Australia’s... View
Roads in Rainforest: Science Behind the Guidelines

M. Goosem, E. K. Harding, G. Chester, N. Tucker and C. Harris

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April 2010
PIC Rights Badging Tool

Welcome to the Polar Information Commons (PIC) Rights Badging Tool. This tool allows you to use the Creative Commons tools to create a graphic badge. This badge asserts that digital content is available in the Polar Information Commons (PIC) with minimal restrictions and in adherence with community guidelines or norms of behavior for ethical data sharing.

Launch the application if you are a return user, or read below for a quick introduction to what it can do for you.

Launch Rights & Badging Tool

Polar Information Commons Rights and Badging API

The badging tool uses the PIC API to help you create badges for your data. See the Polar Information Commons Rights and Badging API guide for more information.

Open Sharing of Data

Open data is a central tenet of the International Council of Science, the Committee on Data for Science and Technology (CODATA), and the Polar Information Commons. Open data helps us understand and predict rapid polar change and helps ensure wise management of resources, improved decision support, and effective international cooperation on resource and geopolitical issues.

Use this tool to easily communicate to others that your data are available for reuse in diverse legal environments, and under what terms and conditions.
OAIC Survey (2012)

- Office of the Australian Information Commissioner (OAIC) has strategic functions relating to information management in the Australian Government and its agencies (see http://www.oaic.gov.au)
- The OAIC applies the Open PSI Principles in its role of monitoring compliance by Australian Government agencies with the publication objectives of the Freedom of Information Act 1982 (Cth) (FOI Act)
- In 2012, OAIC commissioned a survey of Australian Government agencies to understand their practices in managing and publishing PSI
- Survey conducted online between 30 April and 11 May 2012 (extended deadline to 17 May 2012)
- Provides some important data on the implementation of the Open PSI Principles
- The first examination of the use of CC licensing by Government agencies in giving effect to open government strategies
OAIC Survey Questions

Questions 58 to 61 of the OAIC survey related directly to Principle 6 (clear reuse rights):

- **Question 58:** Does your agency have a default position of releasing public sector information under the Creative Commons BY standard?

- **Question 59:** Does your agency have a default position of making public sector information available for re-use on open licensing terms?

- **Question 60:** Does your agency intend to adopt a default position of releasing public sector information under the Creative Commons BY standard or other open licensing terms that facilitate re-use in the next 12 months?

- **Question 61:** In the last 12 months, approximately how much of the public sector information that your agency has published been under open licensing terms (including under the Creative Commons BY standard) that facilitate reuse?
OAIC Survey findings

Challenge of implementing open licensing

- Of 191 agencies responding only 8.8% said that Principle 6 (clear reuse rights) was the most challenging to implement in practice.
- The most challenging aspects were:
  - transitioning to CC BY as the default position (53.3%)
  - determining an appropriate open licence (20%)
- Principle 6 ranked 4\textsuperscript{th} in difficulty of implementation among the PSI Principles.
- By contrast, 28.2% of respondents ranked Principle 1 (open access to information as a default position) as the most challenging PSI Principle to implement.
OAIC Survey findings

Relevance of agency size in implementing open licensing

- Experience of implementation of Principle 6 (clear reuse rights) differed among government agencies
  - No challenges or difficulties reported by large agencies (>20,000 employees) and large agencies (>1,000 employees)
  - Concerns expressed by small-to-medium agencies (250-1,000 employees; small agencies (100-250 employees) and micro agencies (<100 employees)
- The largest categories include agencies with large/valuable holdings of information/data
  - Long-standing, strong information management culture
  - Considerable experience in formulating policies and strategies to facilitate access and reuse
  - Australian Bureau of Statistics and Geoscience Australia have used CC BY as the default for online publication since 2007/2008
OAIC Survey findings

Current or intended adoption of open licensing for PSI

- 57.6% of agencies were already using the CC BY licence or another open content licence as the default or intended to do so within 12 months
- 28.3% were already using CC BY as the default licence
  - 4.7% were using some other licence – not clear what licence/s are being used by this group
- 24.6% indicated they intended to adopt CC BY or another open content licence as the default within the next 12 months
OAIC Survey findings

Amount of PSI published under open licensing terms

- 48% of agencies had released all, most or at least some of their PSI under open licensing terms
- In the last 12 months, 24.6% had published all or most of their PSI under open licensing terms that permitted reuse
  - 8.9% provided all their published PSI under open licensing terms; 15.7% published most of their PSI under these terms
- A further 23% of agencies published at least some of their PSI under open licensing terms
- Only 16.9% had not used open licensing at all
Current or intended adoption of open licensing for PSI

- 57.6% of agencies were already using the CC BY licence or another open content licence as the default or intended to do so within 12 months
- 28.3% were already using CC BY as the default licence
  - 4.7% were using some other licence – not clear what licence/s are being used by this group
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• A further 23% of agencies published at least some of their PSI under open licensing terms
• Only 16.9% had not used open licensing at all
Conclusions

- In Australia, CC licences have been both
  - an operational mechanism to enable PSI to be distributed and reused; and
  - a driver of information policy
- By using open licensing (CC), Australian government agencies have adopted a policy position that PSI that is made available for access will also be able to be used and reused
- The OAIC survey demonstrates high level of awareness of the role of open licensing to give effect to open government information policy objectives....
Conclusions

- The OAIC Survey shows that Australian Government agencies are embracing open access and a proactive disclosure culture
- Open licensing under CC (especially CC BY) is increasingly prevalent
- But, there is a need to further develop the policy framework and principles governing information access and reuse
Conclusions

- But, the OAIC Survey findings highlight the need for further work on the development of a [comprehensive, national] information policy or strategy – as was recommended in the National Innovation System review (*Venturous Australia*) in 2008

- Open licensing strategies (based on CC) can be used to advance open government objectives but should operate in the context of a well-developed policy framework
Conclusions

- The OAIC Survey also shows the need for:
  - practical guidance and tools to assist in the implementation of open government information policy and open licensing
  - Leadership, resources and training – more important for smaller agencies (which lack the knowledge and experience that has developed in the largest agencies)
CC & Government Guide

CC & Government Guide: Using Creative Commons 3.0 Australia Licences on Government Copyright Materials

Anne Fitzgerald, Neale Hooper & Cheryl Foong (2011)
<http://eprints.qut.edu.au/38364/>
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