

Royal Decree 1495/2011, of 24th October 2011, whereby the Law 37/2007, of November 16, on the re-use of public sector information, is developed for the public state sector.

OFFICIAL STATE GAZETTE

No. 269 Tuesday, November 8, 2011 Section 1 Page 116296

I. GENERAL PROVISIONS MINISTRY OF THE PRESIDENCY

Royal Decree 1495/2011, of 24th October 2011, whereby the Law 37/2007, of November 16, on the re-use of public sector information, is developed for the public state sector.

Law 37/2007, of November 16, on the re-use of public sector information, incorporating Directive 2003/98/CE of the European Parliament and of the Council of November 17, 2003, on the re-use of public sector information, into Spanish law, establishes the general legal framework for the re-use of said information.

The aforementioned Law acknowledges the importance and value of the information produced in the public sector, given the interest it has for businesses and, therefore, for economic growth and job creation. Likewise, the Law points out the importance of this kind of information for citizens as an element of democratic participation and openness.

Law 37/2007 introduces no changes in the access to administrative documents as stipulated in Spanish law. Instead, it adds value to the right to access information, establishing the basic regulations on the use of public sector information by third parties for commercial and other purposes in a free competition environment and regulating the basic conditions that must be met at a second level of information management. In this regard, Law 37/2007 lays the foundations to promote the re-use of public sector information, guaranteeing that it is made under clear, transparent and non-discriminatory terms.

Furthermore, encouraging the re-use of public sector information is one of the political goals contained in the Malmö Ministerial Declaration signed in November 2009, outlining a forward-looking EU e-government vision to be achieved by 2015 and is developed in the European E-Government Action Plan 2011-2015. The goal was strengthened in the Granada Ministerial Declaration of April 2010 and the New Digital Agenda for Europe of May 2010, regulating the EU's information society through 2015.

This document is a translation of the Royal Decree 1495/2011, of 24th October 2011, published in the Spanish Official Gazette. It is a non official translation and therefore it has no legal validity. The original version can be found at

<http://boe.es/boe/dias/2011/11/08/pdfs/BOE-A-2011-17560.pdf>

Royal Decree 1495/2011, of 24th October 2011, whereby the Law 37/2007, of November 16, on the re-use of public sector information, is developed for the public state sector.

This Royal Decree is framed within the Strategy 2011-2015 of Plan Avanza 2, envisaging a series of regulatory measures that include the regulatory development of Law 37/2007, with the aim of detailing the provisions for the state sector of said Law, promoting and facilitating the availability of public sector information to the maximum.

Chapter I, Article 1 of this Royal Decree defines its purpose and scope, retaining the objective field of application of Law 37/2007 and narrowing down the subjective application to the state sector.

Chapter II contains the legal framework of the re-use of public sector information in the state sector. Article 2 lays down the general principle that in the area of the state sector the re-use of the documents produced or held by such administrations is generally authorised, without prejudice to the regulations applicable to the right to access documents established in Article 37 of Law 30/1992, of November 26, on the Legal System applicable to Public Administration and the Common Administrative Procedure and other regulations on the right to access information, or certain public registration regulations with specific character.

Article 3 regulates certain responsibilities and functions of the different ministerial departments, organisations or agencies in the state sector as regards re-use matters.

Article 4 is a development of the provisions in Article 4, Paragraph 5, of Law 37/2007. It stipulates that public sector entities must inform in their e-offices of the re-usable documents in their authorship or keep. The publication of information on re-usable documents at e-offices envisaged in Article 4 does not imply that said re-usable documents must be available to the public at the e-offices. Instead, they can be made available on other websites or other electronic means.

Article 5 envisages the maintenance of a Public Sector Information Catalogue, at least, at the Spanish General Administration and its subsidiaries or affiliates, which will allow for a single access point to public information resources which are re-usable, ensuring that it is kept up to date and consistent with the information published by the various government and public sector bodies.

Article 6 establishes a series of coordination mechanisms in the state sector, especially with regard to the availability of re-usable information by electronic means.

Chapter III develops the system of rules for the re-use of re-usable documents established in Law 37/2007 of November 16, promoting maximum uniformity, clarity and

This document is a translation of the Royal Decree 1495/2011, of 24th October 2011, published in the Spanish Official Gazette. It is a non official translation and therefore it has no legal validity. The original version can be found at

<http://boe.es/boe/dias/2011/11/08/pdfs/BOE-A-2011-17560.pdf>

Royal Decree 1495/2011, of 24th October 2011, whereby the Law 37/2007, of November 16, on the re-use of public sector information, is developed for the public state sector.

simplicity of the system of conditions for re-use, thereby contributing to better harnessing of re-use potential and boosting competition and innovation.

In Article 7 there are the general conditions for the re-use of information, which must be met in all cases. They are a development of the optional contents provided for in Article 8 of Law 37/2007. Said conditions include the prohibition to distort or falsify the information being re-used.

Article 8, Paragraph 1 establishes that, in the field of subjective application of this Royal Decree, the general method to make re-usable documents available will be the availability for re-use under no special conditions, so that only the general conditions will be applicable. Thus, the Royal Decree establishes as a general rule the most beneficial method to re-use, which must be followed in the majority of cases. However, for those cases in which the general method proves to be unsuitable, additional special conditions can be established. In such cases, other methods can be used to make the information available, as stipulated in Law 37/2007, under the terms of Article 8, Paragraphs 2 to 4 of the Royal Decree. Likewise, the method to make information available upon request described in Article 10 of Law 37/2007 shall only be used when the nature of the documents to be re-used requires so, e.g. when there are no pre-existing digital versions available or in other exceptional, duly justified cases.

Chapter IV regulates the system applicable to re-usable documents subject to intellectual property rights or containing personal data.

In accordance with Article 3.3 of Law 37/2007, Article 9 states that the re-use of documents subject to intellectual or industrial property rights of third parties may only be approved if the Administration or relevant public sector agencies have the requisite transfer of exploitation rights by their owners.

Article 10 is a development of the provision in Article 3.3.e of Law 37/2007 that the exercise of intellectual property rights by government and public sector agencies over the documents they own shall be such that it favours re-use, envisaging that the availability of said documents for re-use shall imply the non-exclusive transfer of the relevant intellectual property rights.

Finally, Article 11, regarding documents containing personal data, states that their re-use shall be authorised after they have been subjected to a data dissociation procedure, in compliance with the provisions in personal data protection laws.

This document is a translation of the Royal Decree 1495/2011, of 24th October 2011, published in the Spanish Official Gazette. It is a non official translation and therefore it has no legal validity. The original version can be found at

<http://boe.es/boe/dias/2011/11/08/pdfs/BOE-A-2011-17560.pdf>

Royal Decree 1495/2011, of 24th October 2011, whereby the Law 37/2007, of November 16, on the re-use of public sector information, is developed for the public state sector.

In accordance with Article 14.11 of Organic Law 3/2007, of March 22, for effective gender equality, the use of masculine gender in the Spanish version of this text should be understood as a generic formula including both female and male referents.

This Royal Decree is passed by virtue of the authorisation in the Second Final Provision in Law 37/2007, of November 16, after having been informed by the High Council for E-Government and the Advisory Board on Telecommunications and Information Society and subject to public consultation.

By virtue of this, at the initiative of the Minister of Industry, Tourism and Trade and the Vice President of the Government for Territorial Policy and Minister of Territorial Policy and Public Administration, with the agreement of the Council of State and after deliberation from the Council of Ministers at the meeting on October 21, 2011,

I HEREBY PROVIDE

CHAPTER I

General provisions

Article 1: Purpose and scope of application

1. This Royal Decree contains the implementation provisions of Law 37/2007, of November 16, on the re-use of public sector information, for the remit of the state sector, regarding the legal system regulating said re-use, the obligations of the state sector, the methods to re-use re-usable documents and the provisions applicable to re-usable documents subject to intellectual property rights or containing personal data.

2. For the purposes of this Decree, the following agencies, bodies and entities are understood to be part of the state sector:

- a) the General Administration;
- b) the Social Security agencies and common services;
- c) the independent bodies and state agencies belonging to the General Administration.
- d) the public law bodies belonging or associated to the General Administration meeting the requirements in Article 2.d of Law 37/2007;

This document is a translation of the Royal Decree 1495/2011, of 24th October 2011, published in the Spanish Official Gazette. It is a non official translation and therefore it has no legal validity. The original version can be found at

<http://boe.es/boe/dias/2011/11/08/pdfs/BOE-A-2011-17560.pdf>

Royal Decree 1495/2011, of 24th October 2011, whereby the Law 37/2007, of November 16, on the re-use of public sector information, is developed for the public state sector.

- e) the public law agencies not mentioned in paragraphs c and d above that are functionally independent or whose special independence is recognised by law, that have external regulatory or control functions over a sector or activity;
- f) the public sector foundations as defined in Article 44 of Law 50/2002, of December 26, on foundations;
- g) the state sector agency, body or entity associations having legal status;
- h) the associations set up by the agencies, bodies or entities mentioned in the paragraphs above.

3. This Royal Decree shall apply to the documents created or kept in the public sector whose re-use is authorised by Law 37/2007 and this regulation and which are not included in the exceptions mentioned in Article 3 of said Law.

4. The provisions in this Royal Decree shall not limit the broader provisions on the access to or re-use of information that are established in sector-specific regulations.

5. For the purposes of this Decree, a “re-using agent” is any individual or legal entity that re-uses public sector information for business and other purposes, without their use being a public administrative activity.

CHAPTER II

Legal and administrative system for the re-use of public sector information

Article 2: General authorisation for the re-use of public sector documents and their availability by electronic means

1. The bodies of the General Administration and the other agencies or entities referred to in Article 1.2 shall authorise the re-use of the documents in their authorship or keep falling within the scope of application of this Royal Decree, without prejudice to the regulations applicable to the right to access documents in Article 37 of Law 30/1992, of November 26, on the Legal System applicable to Public Administration and the Common Administrative Procedure and other regulations on the right to access information or the specific relevant publicity. Authorisation shall only be denied and must be duly justified in the event of one or more of the circumstances mentioned in Article 3, Paragraph 3 of Law 37/2007.

This document is a translation of the Royal Decree 1495/2011, of 24th October 2011, published in the Spanish Official Gazette. It is a non official translation and therefore it has no legal validity. The original version can be found at

<http://boe.es/boe/dias/2011/11/08/pdfs/BOE-A-2011-17560.pdf>

Royal Decree 1495/2011, of 24th October 2011, whereby the Law 37/2007, of November 16, on the re-use of public sector information, is developed for the public state sector.

2. The re-usable documents with pre-existing digital versions available shall be made available to the public in structured, usable ways, preferably raw and in automated accessible and processable formats in compliance with the open standards provided in Royal Decree 4/2010, of January 8, regulating the National Interoperability Scheme for E-Government. Moreover, re-usable documents and the electronic means making them available shall be accessible to disabled users, in accordance with Law 51/2003, of December 2, on equal opportunities, non-discrimination and universal accessibility for disabled citizens and the applicable secondary regulations.

3. The information made available shall be updated for adequate access and use on a basis similar to that of internal update, and its availability, completeness and integrity shall be promoted in accordance with the applicable regulatory framework.

4. Re-usable e-documents may contain metadata indicating the latest update and a reference to the applicable re-use terms in accordance with the provisions in Articles 7 and 8, under the terms established in compliance with Royal Decree 4/2010, of January 8, regulating the National Interoperability Scheme for E-Government.

5. Re-usable documents in non-electronic documents shall be made available to the public upon request, under the terms established in Article 8.4.

Article 3: Coordination for information re-use in public sector agencies, bodies and entities

1. There shall be a coordinating body for the information re-use activities in each of the bodies of the General Administration and the other agencies or entities referred to in Article 1.2.

For ministerial departments, coordination will be performed by the head of the department's undersecretary's office. In related or reporting agencies, this task will be performed by their heads, without affecting the competencies established by sector-specific regulations or the responsibilities of the bodies that must authorise the re-use of information in each case.

Coordination involves the following tasks:

a) Coordinating information re-use activities with department or body policies concerning publications, administrative information and e-government, and coordinating the sending of information on re-use activities within their competence to the Office of

This document is a translation of the Royal Decree 1495/2011, of 24th October 2011, published in the Spanish Official Gazette. It is a non official translation and therefore it has no legal validity. The original version can be found at

<http://boe.es/boe/dias/2011/11/08/pdfs/BOE-A-2011-17560.pdf>

Royal Decree 1495/2011, of 24th October 2011, whereby the Law 37/2007, of November 16, on the re-use of public sector information, is developed for the public state sector.

the State Secretary for Public Service of the Ministry of Territorial Policy and Public Administration, which will in turn send it to the High Council for E-Government.

b) Providing information on the acting bodies within their competence for the submission, processing and resolution of re-use requests in compliance with Article 10 of Law 37/2007, and coordinating the provision of information on re-usable documents envisaged in Article 4.

c) Processing, whenever relevant, suggestions and complaints about the re-use of information, in accordance with Royal Decree 951/2005, of July 29, laying down the general framework for quality improvement in the General Administration.

The bodies of the General Administration and the other agencies or entities referred to in Article 1.2 shall provide the relevant information services at ministerial departments or said agencies or entities with the contact details of the persons in charge of authorising the re-use of documents in their authorship or keep, so that the latter can in turn provide said contact details to be public by electronic means.

2. The bodies of the General Administration and the other agencies or entities referred to in Article 1.2 shall not be held liable for the use of the information made by re-using agents.

3. The sanctioning authority, subject to the provisions in Article 11 of Law 37/2007, shall be exercised by the heads of ministerial departments in case of very serious offences and by the bodies owning the relevant public information, with at least a General Directorate category, in the event of serious or minor offences. For the other agencies or entities referred to in Article 1.2, this competency shall be exercised by their head.

Article 4: Information on the documents that can be re-used

The bodies of the General Administration and the other agencies or entities referred to in Article 1.2 shall inform in structured, usable ways, preferably in a section in their e-offices under “sede.gob.es/datosabiertos”, of the documents that can be re-used, the formats they are available in, and the terms of re-use, indicating the latest update and giving accurate additional information whenever available for their adequate automated processing and understanding, and facilitating the identification, search and retrieval of the documents available for re-use to the best of their ability by way of lists, databases or re-usable information indices.

This document is a translation of the Royal Decree 1495/2011, of 24th October 2011, published in the Spanish Official Gazette. It is a non official translation and therefore it has no legal validity. The original version can be found at

<http://boe.es/boe/dias/2011/11/08/pdfs/BOE-A-2011-17560.pdf>

Royal Decree 1495/2011, of 24th October 2011, whereby the Law 37/2007, of November 16, on the re-use of public sector information, is developed for the public state sector.

Likewise, e-offices shall contain information on the method or methods they apply to make re-usable documents available, in accordance with Articles 7 and 8.

The aforementioned information on re-usable documents must be accessible and processable by automated means.

2. In case public fees are applied to the re-use of documents, the list of applicable fees shall be published, preferably in e-offices, alongside their calculation basis, in accordance with Article 7 of Law 37/2007.

Article 5: Re-usable public information catalogue

1. The Office of the State Secretary for Public Service of the Ministry of Territorial Policy and Public Administration and the Office of the State Secretary for Telecommunications and Information Society of the Ministry of Industry, Tourism and Trade shall maintain a catalogue of re-usable public information in the General Administration and the other agencies or entities referred to in Article 1.2, making it possible to access all the existing re-usable public information resources from a single place.

2. The catalogue shall be accessible, at least from the general point of access provided in Article 8 of Law 11/2007, of June 22, on citizens' e-access to public services, and can be linked to and interoperable with similar initiatives from the General Administration or other government agencies under the terms the parties agree upon, within the framework provided in this Royal Decree.

3. The bodies of the General Administration and the other agencies or entities referred to in Article 1.2 shall work with the ministerial departments mentioned in Paragraph 1 in the creation and maintenance of the catalogue. Furthermore, they shall be in charge of the regular update of the information on re-usable documents contained in the catalogue, ensuring consistency between the catalogue and the information provided, in compliance with Article 4, Paragraph 1 of this Royal Decree.

Article 6: Public sector information re-use coordination in the General Administration

1. Without affecting the competencies of other bodies, the High Council for E-Government shall coordinate the technical aspects required for the application of the provisions in this Decree, concerning the re-use of information by electronic means.

This document is a translation of the Royal Decree 1495/2011, of 24th October 2011, published in the Spanish Official Gazette. It is a non official translation and therefore it has no legal validity. The original version can be found at

<http://boe.es/boe/dias/2011/11/08/pdfs/BOE-A-2011-17560.pdf>

Royal Decree 1495/2011, of 24th October 2011, whereby the Law 37/2007, of November 16, on the re-use of public sector information, is developed for the public state sector.

The High Council for E-Government shall also make and publish a report of the re-use of public sector information by electronic means activities during the third quarter, taking into account the information provided in accordance with Article 3, Paragraph 1.a.

2. The Office of the State Secretary for Public Service of the Ministry of Territorial Policy and Public Administration and the Office of the State Secretary for Telecommunications and Information Society of the Ministry of Industry, Tourism and Trade shall promote the re-use of public sector information by carrying out activities, giving advice and support, raising awareness, and offering training and research on information re-use, including the use of social media for the creation of virtual government, citizen or business communities interested in this field.

3. Without affecting the competencies of other bodies, the High Council for E-Government shall regularly assess the technical aspects of public services in connection with the re-use of public sector information. In so doing, it shall be entitled to address the bodies of the General Administration and the other agencies or entities referred to in Article 1.2 to gather information or reach solutions in the event of public information whose re-use is subject to technical restrictions.

CHAPTER III

Re-usable document re-use methods

Article 7: *General terms for re-usable document availability*

The following general terms shall apply to all re-usable document availability methods:

- a) The information must not be distorted.
- b) The original source of re-usable documents must be cited.
- c) The date of the latest update of re-usable documents must be indicated when it appears in the original document.
- d) It must not be mentioned or suggested that the public sector agencies, bodies or entities are involved in, sponsor or support the re-use of information being made.
- e) Metadata indicating the latest update and the applicable terms of re-use included in re-usable documents made available by public agencies or bodies must not be deleted or altered.

This document is a translation of the Royal Decree 1495/2011, of 24th October 2011, published in the Spanish Official Gazette. It is a non official translation and therefore it has no legal validity. The original version can be found at

<http://boe.es/boe/dias/2011/11/08/pdfs/BOE-A-2011-17560.pdf>

Royal Decree 1495/2011, of 24th October 2011, whereby the Law 37/2007, of November 16, on the re-use of public sector information, is developed for the public state sector.

These general terms shall be published in a legal notice and be permanently, easily and directly accessible by electronic means, preferably in a section in General Administration agencies, bodies or entities' e-offices under "sede.gob.es/datosabiertos," and they shall be binding for all re-using agents who use the documents governed by them.

The legal notice shall contain the text in the Annex to this Royal Decree.

Article 8: Methods to make re-usable documents available

1. The general method to make re-usable documents available in this Royal Decree shall be availability for re-use under no special conditions, as stipulated in Article 4, Paragraph 2.4 of Law 37/2007. Only the general terms provided in Article 7 shall be applicable.

2. In spite of the aforementioned, the bodies of the General Administration and the other agencies or entities referred to in Article 1.2 can, when duly justified, choose to apply the methods in Article 4, Paragraphs 2.b and 2.c of Law 37/2007 to the re-use of some of the documents they own, under the terms established in the paragraphs below.

To this end, the specific method to make re-usable documents available, the documents subject to this method and the special terms applicable within the framework provided in Law 37/2007 and the provisions of this Royal Decree shall be determined beforehand by ministerial order or by order from the head of the corresponding body, unless legal regulations confer this competency to a different body. The special terms must abide by the criteria in Article 4, Paragraph 3 of said law and include the minimum contents envisaged in Article 9 of said law.

3. The method to make re-usable information available in compliance with Article 4, Paragraph 2.b of Law 37/2007 shall be subject to the special terms established in licence templates available in digital format and processable by electronic means. To this end, the bodies of the General Administration and the other agencies or entities referred to in Article 1.2 can use the so-called "free" existing licences, if they comply with the provisions in this Royal Decree and other relevant regulations, or establish their own licence templates.

This document is a translation of the Royal Decree 1495/2011, of 24th October 2011, published in the Spanish Official Gazette. It is a non official translation and therefore it has no legal validity. The original version can be found at

<http://boe.es/boe/dias/2011/11/08/pdfs/BOE-A-2011-17560.pdf>

Royal Decree 1495/2011, of 24th October 2011, whereby the Law 37/2007, of November 16, on the re-use of public sector information, is developed for the public state sector.

In any case, the special terms established in licence templates for each type of re-usable public information shall be permanently, easily and directly accessible by electronic means, preferably at the e-offices of the corresponding bodies of the General Administration or other agencies or entities referred to in Article 1.2, so that they can be downloaded, stored and reproduced by re-using agents, and they shall be binding for all re-using agents who use the documents governed by them.

In addition, the bodies of the General Administration and the other agencies or entities referred to in Article 1.2 shall give information to the public by electronic means on the licence templates used by them in time and the special terms applicable at any given moment, including information on validity terms and possible changes in the special terms applicable to the re-use of each type of re-usable public information.

Interested re-using agents shall be able to ask administrative bodies, agencies or entities for a certification of the contents of the special terms applicable to a given type of public information at a given time. The certification shall be issued by electronic means within fifteen (15) days.

4. The method to make information available upon request in compliance with Article 4, Paragraph 2.c of Law 37/2007 shall be used on a general basis when the nature of the re-usable documents requires a procedure upon request in accordance with Article 10 of Law 37/2007; e.g. when there are no pre-existing digital versions available or in other exceptional cases, duly justified by ministerial order or by order from the head of the corresponding body or agency. The special procedure shall be processed electronically whenever possible, under the terms in Law 11/2007, of June 22, on citizens' e-access to public services and its development regulations, and access to it shall appear with the information on re-usable documents described in Article 4.

CHAPTER IV

System applicable to re-usable documents subject to intellectual property rights or containing personal data

Article 9: Documents and information subject to third parties' intellectual or property rights

The re-use of documents kept by the bodies of the General Administration and the other agencies or entities referred to in Article 1.2 governed by third parties'

This document is a translation of the Royal Decree 1495/2011, of 24th October 2011, published in the Spanish Official Gazette. It is a non official translation and therefore it has no legal validity. The original version can be found at

<http://boe.es/boe/dias/2011/11/08/pdfs/BOE-A-2011-17560.pdf>

Royal Decree 1495/2011, of 24th October 2011, whereby the Law 37/2007, of November 16, on the re-use of public sector information, is developed for the public state sector.

intellectual or industrial property rights can only be authorised if the body, agency or entity in question has the mandatory transfer from right holders when the specific case of re-use requires so and under the terms required.

Article 10: Exercise of intellectual property rights held by administrative bodies, agencies or entities in the public sector.

1. In accordance with Article 3.3.e of Law 37/2007, the bodies of the General Administration and the other agencies or entities referred to in Article 1.2 must exercise their intellectual property rights over documents favouring their re-use.

2. To this end, the availability of said documents for re-use in compliance with the provisions in Article 8.1 shall imply the free, non-exclusive transfer of the relevant intellectual property rights to perform the authorised re-use activities under any method and format, worldwide and with the maximum duration allowed by law.

However, exceptions to the aforementioned aspects other than the non-exclusivity of the transfer of rights can be made by establishing special conditions in compliance with the provisions in Article 8, Paragraphs 2 to 4 when the methods to make information available in them are used, within the limits established by Law 37/2007, especially in Articles 4.3 and 6.

Article 11: Re-use of documents containing personal data

1. The access to documents containing personal data or private information shall be reserved to the persons such data or information are about, who shall also be able to exercise the right to change, cancel or oppose their personal data in accordance with the personal data protection laws and Article 37.2 of Law 30/1992, of November 26.

2. However, when technical and economic means make it possible, data dissociation procedures shall be applied under the terms derived from the provisions in Article 3.f of Organic Law 15/1999, of December 13, on personal data protection, and Article 5.1.e of Royal Decree 1720/2007, of December 21, approving said law's enforcement regulations, so that the information can be re-used by other persons.

First Additional provision: Absence of budgetary impact

The application of the provisions in this Royal Decree involves no increase in public spending or decrease in public income. Therefore, ministerial departments,

This document is a translation of the Royal Decree 1495/2011, of 24th October 2011, published in the Spanish Official Gazette. It is a non official translation and therefore it has no legal validity. The original version can be found at

<http://boe.es/boe/dias/2011/11/08/pdfs/BOE-A-2011-17560.pdf>

Royal Decree 1495/2011, of 24th October 2011, whereby the Law 37/2007, of November 16, on the re-use of public sector information, is developed for the public state sector.

bodies and entities affected by them must take the measures derived from their enforcement while sticking to ordinary budget availability. In no case shall they raise the question for additional financing.

Second Additional provision: *Public sector adjustments to the provisions in this Royal Decree*

The bodies of the General Administration and the other agencies or entities referred to in Article 1.2 shall make adjustments in compliance with the provisions in this Royal Decree. Adjustments shall be completed within a year of the enforcement of this Royal Decree.

In this time, they shall pass their own package of measures to boost the re-use of public sector information by electronic means within their competences, including the commitment to publish by electronic means, in structured, usable ways, in rough copies, and in automated accessible and processable formats in compliance with open standards, at least four (4) sets of high-impact, high-value documents within six (6) months of the adjustment deadline in the paragraph above.

First Final provision: *Amendment of Royal Decree 4/2010, of January 8, regulating the National Interoperability Scheme for E-Government*

Royal Decree 4/2010, of January 8, regulating the National Interoperability Scheme for E-Government, shall be amended as follows:

1. A new paragraph (l) shall be added to Additional Provision 1, Paragraph 1 of Royal Decree 4/2010, of January 8, regulating the National Interoperability Scheme for E-Government. The new paragraph (l) shall contain the following text:

“(l) Re-use of information resources: It will be about the common regulations on the localisation, description and unique identification of the information resources made available for re-use by the public by electronic means.”

2. A new additional provision is added, containing the following text:

“Additional provision 5: Technical regulations on the re-use of information resources.

The regulations on the re-use of information resources shall be adopted by June 1, 2012 at the latest.”

This document is a translation of the Royal Decree 1495/2011, of 24th October 2011, published in the Spanish Official Gazette. It is a non official translation and therefore it has no legal validity. The original version can be found at

<http://boe.es/boe/dias/2011/11/08/pdfs/BOE-A-2011-17560.pdf>

Royal Decree 1495/2011, of 24th October 2011, whereby the Law 37/2007, of November 16, on the re-use of public sector information, is developed for the public state sector.

Second Final provision: *Authorisation for regulatory enforcement*

The Ministers of Industry, Tourism and Trade, and of Territorial Policy and Public Administration shall pass joint or separate provisions, depending on their fields and competences, for the enforcement and application of this Royal Decree.

Third Final provision: *Authorisation for the amendment of the Annex*

Authorisation is hereby given to change the contents of the Annex to this Royal Decree for updating purposes, by ministerial decree from the Minister of the Presidency at the suggestion of the Ministers of Industry, Tourism and Trade, and Territorial Policy and Public Administration.

Fourth Final provision: *Coming into force*

This Royal Decree is coming into force on the day following its publication in the *Official State Gazette*.

In Madrid, on October 24, 2011

JUAN CARLOS REX

Minister of the Presidency
RAMÓN JÁUREGUI ATONDO

This document is a translation of the Royal Decree 1495/2011, of 24th October 2011, published in the Spanish Official Gazette. It is a non official translation and therefore it has no legal validity. The original version can be found at

<http://boe.es/boe/dias/2011/11/08/pdfs/BOE-A-2011-17560.pdf>

Royal Decree 1495/2011, of 24th October 2011, whereby the Law 37/2007, of November 16, on the re-use of public sector information, is developed for the public state sector.

ANNEX

Legal notice for the general method to make re-usable documents available regulated in Article 8, Paragraph 1

1. In accordance with the provisions in Article 7 of this Royal Decree, the text below shall be included in the legal notice to be published by electronic means, preferable under “sede.gob.es/datosabiertos” at the e-offices of the corresponding administrative agencies, bodies or entities.

«Obligatory nature of general terms

These general terms, permanently available under “www.datos.gob.es/avisolegal”, shall be binding for all re-using agents who use the documents governed by them.

Authorisation for information re-use and non-exclusive transfer of intellectual property rights

These general terms make it possible to re-use the documents governed by them for commercial and other purposes. “Re-use” is the use of documents owned by the bodies of the General Administration and the other agencies or entities referred to in Article 1.2 of Royal Decree 1495/2011, of October 24, on the enforcement of Law 37/2007, of November 16, on the re-use of public sector information by individuals or legal entities for business and other purposes, without their use being a public administrative activity. Authorised re-use of information may include, e.g., copying, disseminating, modifying, adapting, extracting, reorganising, or combining information.

The concept of “document” is the one described in Article 3, Paragraph 3 of Law 37/2007, of November 16, on the re-use of public sector information. Therefore, it comprises any kind of information in conventional or digital media and their graphic, sound or video expressions, including separate or “raw” data.

This authorisation implies the free and non-exclusive transfer of intellectual property rights of said documents, if applicable, authorising the reproduction, distribution, public communication and transformation activities required to re-use the

This document is a translation of the Royal Decree 1495/2011, of 24th October 2011, published in the Spanish Official Gazette. It is a non official translation and therefore it has no legal validity. The original version can be found at

<http://boe.es/boe/dias/2011/11/08/pdfs/BOE-A-2011-17560.pdf>

Royal Decree 1495/2011, of 24th October 2011, whereby the Law 37/2007, of November 16, on the re-use of public sector information, is developed for the public state sector.

information in question under any method and format, worldwide and with the maximum duration allowed by law.

General terms of re-use

The general terms below apply to the re-use of the documents governed by them:

1. The meaning of the information must not be distorted.
2. The original source of re-usable documents must be cited. It can be cited with a text like this: "Data source: [administrative agency, body or entity in the public sector]".
3. The latest update of re-usable documents must be indicated when it appears in the original document.
4. It must not be mentioned or suggested that the [administrative agency, body or entity in the public sector] owning the re-usable information is involved in, sponsors or supports the re-use of information being made.
5. Metadata indicating the latest update and the applicable terms of re-use included in re-usable documents made available must not be deleted or altered.

Liability disclaimer

The use of data shall be made by users or re-using agents at their own responsibility. Therefore, they shall be held responsible for third parties' claims about damages caused by said use.

The [administrative agency, body or entity in the public sector] shall not be held responsible for the use of information made by re-using agents or for the damages or losses directly or indirectly caused by the use of re-usable information.

The [administrative agency, body or entity in the public sector] cannot guarantee the continued availability of the re-usable documents in their current forms or with their current contents. Neither shall it be held responsible for the errors or omissions in them.

Responsibilities of re-using agents

This document is a translation of the Royal Decree 1495/2011, of 24th October 2011, published in the Spanish Official Gazette. It is a non official translation and therefore it has no legal validity. The original version can be found at

<http://boe.es/boe/dias/2011/11/08/pdfs/BOE-A-2011-17560.pdf>

Royal Decree 1495/2011, of 24th October 2011, whereby the Law 37/2007, of November 16, on the re-use of public sector information, is developed for the public state sector.

Re-using agents shall abide by the applicable regulations concerning the re-use of public sector information, including the sanctioning mechanisms provided in Article 11 of Law 37/2007, of November 16, on the re-use of public sector information.»

2. In order to inform Internet search engines and automated search systems, the relevant re-usable public sector information localisation mechanisms shall be incorporated into the encoding of the aforementioned location. To this end, the command below, which is linked to the general terms of re-use, can be used. Other technical options are also possible.

`Legal notice`

or the command

`Legal notice.
cve: BOEA- 201 1- 17560`

This document is a translation of the Royal Decree 1495/2011, of 24th October 2011, published in the Spanish Official Gazette. It is a non official translation and therefore it has no legal validity. The original version can be found at

<http://boe.es/boe/dias/2011/11/08/pdfs/BOE-A-2011-17560.pdf>