CHAPTER 546

RE-USE OF PUBLIC SECTOR INFORMATION ACT

To provide for the re-use of public sector information and for matters ancillary or consequential thereto.

13th October, 2015

ACT XXIX of 2015, as amended by Act XI of 2020, XXXV of 2021 and VI of 2025.

Short title and scope. *Amended by: XI.2020.2; XXXV.2021.2; VI.2025.2.*

1. (1) The short title of this Act is the Re-Use of Public Sector Information Act.

(2) The purpose of this Act is to implement the provisions of Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information (recast) and its subsequent implementing acts as well as any other related Directives and Regulations.

(3) This Act shall also apply to facilitate information sharing for public administration purposes in line with any law.

Interpretation. *Amended by: XI.2020.3; XXXV.2021.3; VI.2025.3.*

2. In this Act, unless the context otherwise requires:

"anonymisation" means the process of changing documents into anonymous documents which do not relate to an identified or identifiable natural person, or the process of rendering personal data anonymous in such a manner that the data subject is not or no longer identifiable;

"application program interface" or "API" means a set of automated functions and protocols that enable machine-to-machine communications for the exchange and consumption of data in a dynamic environment. Such APIs shall follow a registration process prior to be authorised and included in the national data portal;

"Directive (EU) 2019/1024" means Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information (recast);

"document" covers any content whatever its medium (written on paper or stored in electronic form or as a sound, visual or audiovisual recording), including any part of such content;

"dynamic data" means documents in a digital form, subject to frequent or real-time updates, in particular because of their volatility or rapid obsolescence; data generated by sensors are typically considered to be dynamic data;

"high-value datasets" means documents the re-use of which is associated with important benefits for society, the environment and the economy, in particular because of their suitability for the creation of value-added services, applications and new, high-quality and decent jobs, and of the number of potential beneficiaries of the value-added services and applications based on those datasets;

"formal open standard" means a standard which has been laid down in written form, detailing specifications for the requirements

on how to ensure software interoperability;

"machine-readable format" means a file format structured so that software applications can easily identify, recognize and extract specific data, including individual statements of fact, and their internal structure;

"Minister" means the Minister responsible for public sector information;

"open format" means a file format that is platform-independent and made available to the public without any restriction that impedes the re-use of documents;

"personal data" shall have the same meaning assigned to it by the provisions of the Data Protection Act; Cap. 586.

"public administration" shall have the same meaning assigned to it by article 2(1) of the Public Administration Act; Cap. 595.

"public sector body" means the public administration, Local Councils, and public sector entities;

"public sector entity" means a body:

(*a*) established for the specific purpose of meeting needs in the general interest not having an industrial or commercial character; and

(*b*) having legal personality; and

(*c*) financed for the most part by the public administration or by Local Councils or by other public sector entities or subject to the management supervision by the public administration, by Local Councils or by other public sector entities, or having an administrative, managerial or supervisory board, more than half of whose members are appointed by the public administration, by Local Councils or by other public sector entities;

"public undertaking" means any undertaking:

(*a*) active in the areas defined in Directive 2014/25/EU;

(*b*) acting as public service operator pursuant to Article 2 of Regulation (EC) No. 1370/2007;

(*c*) acting as air carriers fulfilling public service obligations pursuant to Article 16 of Regulation (EC) No. 1008/2008; or

(*d*) acting as Community shipowners fulfilling public service obligations pursuant to Article 4 of Regulation (EEC) No. 3577/92 over which the public sector bodies may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it. A dominant influence on the part of the public sector bodies shall be presumed in any of the following cases in which those bodies, directly or indirectly:

(i) hold the majority of the undertaking's subscribed capital;

(ii) control the majority of the votes attaching to shares issued by the undertaking;

(iii) can appoint more than half of the undertaking's administrative, management or supervisory body;

"reasonable return on investment" means a percentage of the overall charge, in addition to that needed to recover the eligible costs, not exceeding five percentage (5%) points above the fixed interest rate of the European Central Bank (ECB);

"research data" means documents in a digital form, other than scientific publications, which are collected or produced in the course of scientific research activities and are used as evidence in the research process, or are commonly accepted in the research community as necessary to validate research findings and results;

"re-use of documents" means the use by a person, public sector body, or legal entity of a document held by:

(*a*) the public sector body or another public sector body, as the case may be, for commercial or non-commercial purposes, other than the initial purpose within that public sector body's public task for which the document was produced, except for the exchange of documents between public sector bodies purely in pursuit of their public tasks; or

(*b*) public undertakings, for commercial or non-commercial purposes, other than for the initial purpose of providing services in the general interest for which the documents were produced, except for the exchange of documents between public undertakings and public sector bodies purely in pursuit of the public tasks of public sector bodies;

"standard licence" means a set of predefined re-use conditions in a digital format, preferably compatible with standardised public licenses available online.

"third party" means any natural or legal person other than a public sector body or a public undertaking that holds the data;

"tribunal" means the Information and Data Protection Appeals Tribunal established under article 24 of the Data Protection Act; Cap. 586.

"university" means any publicly funded entity that provides post-secondary-school higher education leading to academic degrees.

3. The following documents are specifically excluded from the provisions of this Act: Excluded documents. *Amended by: XI.2020.4; XXXV.2021.4.*

(*a*) documents the supply of which is an activity falling outside the scope of the public task of the public sector bodies concerned, provided that the scope of the public

tasks is transparent and subject to review;

(*b*) documents for which third parties hold intellectual property rights;

(*c*) documents which are excluded from access by virtue of the rules of access of the public administration, including on the grounds of:

(i) the protection of national security, defence or public security, and

(ii) statistical confidentiality, or

(iii) commercial confidentiality such as business, professional or company secrets;

(*d*) documents access to which is restricted by virtue of the rules of access of the public administration, including cases whereby citizens or companies have to prove a particular interest to obtain access to documents;

(*e*) parts of documents containing only logos, crests and insignia;

(*f*) documents access to which is excluded or restricted by virtue of the rules of access on the grounds of protection of personal data, and parts of documents accessible by virtue of those rules of access which contain personal data the re-use of which has been defined by law as being incompatible with the Data Protection Act with regard to the processing of personal data;

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(*g*) documents held by public service broadcasters and their subsidiaries, and by other bodies or their subsidiaries for the fulfilment of a public service broadcasting remit;

(*h*) documents held by educational establishments of secondary level and below, research establishments, research performing organisations and research funding organisations, including organisations established for the transfer of research results, as well as research units within public sector bodies, schools and universities, except university libraries, and, in the case of all other educational establishments, documents other than those referred to in paragraph (b); and

(*i*) documents held by cultural establishments, other than libraries, museums and archives;

(*j*) documents held by public undertakings:

(i) produced outside the scope of the provision of services in the general interest as defined by law or other binding rules;

(ii) related to activities directly exposed to competition, under regulation 24 of the Public Procurement of Entities operating in the Water, Energy, Transport and Postal Services Sector

S.L. 601. 05.

Regulations, and therefore not subject to procurement rules:

(*k*) documents access to which is excluded or restricted on grounds of sensitive critical infrastructure protection related information as defined in article 2 of the Critical Infrastructures and European Critical Infrastructures (Identification, Designation and Protection) Order; S.L. 460. 24.

Provided that the provisions of this article shall not apply to the re-use of documents, by a public sector body, of a document held by another public sector body.

4. This Act builds on and is without prejudice to rules for access to documents held by the public administration in accordance with the provisions of the Freedom of Information Act. Applicability of the Freedom of Information Act. Cap. 496.

5. A public sector body shall allow the re-use of public sector information in full compliance with the principles relating to the protection of personal data in accordance with the provisions of the Data Protection Act. Applicability of the Data Protection Act. Cap. 586.

6. The obligations imposed by this Act shall apply only insofar as they are compatible with the provisions of international agreements on the protection of intellectual property rights, in particular the Berne Convention and the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement. In case of conflict, the provisions of the Trademarks Act, Patents and Designs Act, Copyright Act, Intellectual Property Rights (Cross-Border Measures) Act and the Enforcement of Intellectual Property Rights (Regulation) Act shall prevail: Applicability of other legislation. *Amended by: XXXV.2021.5.* Cap. 597. Cap. 417. Cap. 415. Cap. 414. Cap. 488.

Provided that the right for the maker of a database provided for in article 25 of the Copyright Act shall not be exercised by public sector bodies in order to prevent the re-use of documents or to restrict re-use beyond the limits set by this Act. Cap. 415.

7. Subject to article 8, public sector bodies shall ensure that documents to which this Act applies in accordance with article 3 shall be re-usable for commercial or non-commercial purposes in accordance with the conditions set out in this Act. Re-use of public sector information.

7A. In the case of documents held by public undertakings, such public undertakings shall ensure that where the re-use of such documents is allowed, the said documents shall be re-usable for commercial or non-commercial purposes in accordance with the conditions established in this Act. Documents held by public undertakings. *Added by: VI.2025.4.*

8. For documents in which libraries, including university libraries, museums and archives hold intellectual property rights, public sector bodies shall ensure that, where the re-use of such documents is allowed, these documents shall be re-usable for commercial or non-commercial purposes in accordance with the conditions set out in this Act. Documents in which intellectual property rights are held.

Research data. *Added by: XXXV.2021.6. Amended by: VI.2025.5.*

8A. (1) Without prejudice to paragraph (b) of article 3, research data shall be re-usable for commercial or non-commercial purposes in accordance with articles 13 to 23 (both articles included), insofar as they are publicly funded and researchers, research performing organisations or research funding organisations have already made them publicly available through an institutional or subject-based repository. In that context, legitimate commercial interests, knowledge transfer activities and pre-existing intellectual property rights shall be taken into account.

(2) Publicly funded research data shall be made openly available, following the principle of open by default and the FAIR principles.

(3) Concerns relating to intellectual property rights, personal data protection and confidentiality, security and legitimate commercial interests, shall be taken into account in accordance with the principle of "as open as possible, as closed as necessary". Open access policies shall be addressed to research performing organisations and research funding organisations.

Processing of requests. *Amended by: XXXV.2021.7.*

9. (1) Public sector bodies shall, through electronic means where possible and appropriate, process requests for re-use and shall make the document available for re-use to the applicant or, if a licence is needed, finalise the licence offer to the applicant within the time-frames laid down for the processing of requests for access to documents.

(2) Where no time limits or other rules regulating the timely provision of documents have been established, public sector bodies shall process the request and shall deliver the documents for re-use to the applicant or, if a licence is needed, finalise the licence offer to the applicant as soon as possible, and in any event within twenty (20) working days of receipt. That time frame may be extended by a further twenty (20) working days in the case of extensive or complex requests. In such cases, the applicant shall be notified as soon as possible, and in any event within three weeks of the initial request, that more time is needed to process the request and the reasons why:

Provided that any licence involved shall be in accordance with the provisions of article 17.

Requirements for requests for re-use. *Amended by: XXXV.2021.8.*

10. (1) An applicant's request to a public sector body shall -

(*a*) be delivered in writing, including by post or electronically to an office of the public sector body;

(*b*) provide such information concerning the document as is reasonably necessary to enable a responsible officer of the public sector body to identify it; and

(*c*) specify a postal address at which notices under this Act may, if necessary, be sent to the applicant.

(2) No applicant shall be required to justify or give any reasons for a request under this Act, and any beliefs of the public sector

body as to what are the applicant's reasons for seeking access and re-use of a document shall not affect that request.

(3) Where a person -

(*a*) wishes to make a request to a public sector body; or

(*b*) has made to a public sector body a request that does not comply with sub-article (1),

it is the duty of the public sector body to take reasonable steps to assist the person to make the request in a manner that complies with sub-article (1), and it shall do so at no charge.

(4) The following entities shall not be required to comply with the requirements of this article:

(*a*) public undertakings;

(*b*) educational establishments, research performing organisations and research funding organisations.

Applicability of certain articles of the Freedom of Information Act. Cap. 496.

11. Article 8, article 10 and article 11 of the Freedom of Information Act shall apply, *mutatis mutandis*, to the requests for re-use made in accordance with article 10(1) of this Act.

Non-acceptance of request for re-use.

12. (1) When a request for re-use is not accepted, the applicant is to be informed in writing of the reason for such refusal. The notification of refusal is to contain a reference to the means of redress available to the applicant.

(2) When a request for re-use is refused because a third party owns relevant intellectual property rights in the document, the notification of refusal shall indicate, where known, a reference to the natural or legal person who is the right holder, or alternatively to the licensor from which the public sector body has obtained the document. Libraries, including university libraries, museums and archives shall not be required to include such a reference.

Available formats. *Amended by: XXXV.2021.9; VI.2025.6.*

13. (1) Without prejudice to the Schedule, public sector bodies and public undertakings shall make their documents available in any pre-existing format or language and, where possible and appropriate, by electronic means, in formats that are open, machine-readable, accessible, findable and re-usable, together with their metadata. Both the format and the metadata shall, where possible, comply with formal open standards.

(1a) Public sector bodies and public undertakings are encouraged to, where possible, produce and make available documents openly as established in this Act in accordance with the principle of open by design and by default as referred to in Directive (EU) 2019/1024.

(2) Public sector bodies shall not be obliged to:

(*a*) create or adapt a document; or

(*b*) provide an extract from a document in order to comply with sub-article (1) where this would involve disproportionate effort, going beyond a simple operation.

(3) Sub-article (1) shall apply to existing documents held by public undertakings which are available for re-use.

(4) The high-value datasets, as listed in accordance with the Schedule, shall be made available for re-use in machine-readable format, via suitable APIs and, where relevant, as a bulk download.

Dynamic data. Added by: *XXXV.2021.10.*

13A. (1) Public sector bodies shall make dynamic data available for re-use immediately after collection, via suitable APIs and, where relevant, as a bulk download.

(2) Where making dynamic data available for re-use immediately after collection, as referred to in sub-article (1), would exceed the financial and technical capacities of the public sector body, thereby imposing a disproportionate effort, those dynamic data shall be made available for re-use within a time frame or with temporary technical restrictions that do not unduly impair the exploitation of their economic and social potential.

(3) The provisions of this article shall apply to existing documents held by public undertakings which are available for re-use.

Production or storage of documents.

14. Public sector bodies shall not be required to continue to produce or store a certain type of document for the purposes of re-use by a private or public sector organisation.

Charges. *Amended by: XXXV.2021.11; VI.2025.7.*

15. (1) The re-use of documents shall be free of charge:

Provided that the recovery of marginal costs incurred for the reproduction, provision and dissemination of documents as well as for anonymisation of personal data and measures taken to protect commercially confidential information may be allowed.

(2) The proviso to sub-article (1) shall not apply to the following:

(*a*) public sector bodies that are required to generate revenue to cover a substantial part of their costs relating to the performance of their public tasks and a list of such bodies shall be published online;

(*b*) public undertakings;

(*c*) libraries, including university libraries, museums and archives.

(3) In the cases referred to in sub-article (2)(a) and (b), the public sector bodies concerned shall calculate the total charges according to objective, transparent and verifiable criteria as set out in the rules issued under this Act.

The total income of those bodies from supplying and allowing re-use of documents over the appropriate accounting period shall not exceed the cost of collection, production, reproduction and dissemination and data storage, together with a reasonable return on investment, and, where applicable, the anonymisation of personal data and measures taken to protect commercially confidential information.

Charges shall be calculated in line with the accounting principles applicable.

(4) Where charges are made by the public sector bodies referred to in sub-article (2)(c), the total income from supplying and allowing re-use of documents over the appropriate accounting period shall not exceed the cost of collection, production, reproduction, dissemination, data storage, preservation and rights clearance, and where applicable the anonymisation of personal data and measures taken to protect commercially confidential information, together with a reasonable return on investment. Charges shall be calculated in line with the accounting principles applicable.

(5) Where a public sector body decides to charge an applicant a fee, it shall advise him accordingly and inform him that he has the right to appeal to the Administrative Review Tribunal as provided under article 24(3) if he feels that the fee is excessive:

Provided that if the fee is a standard fee established by rules under this Act, the Tribunal may only inquire into whether the rules have been correctly applied.

(6) A public sector body may waive any fees payable in respect of a particular application if, in the opinion of the authority -

(*a*) the fee payable is so small as to be not worth collecting; or

(*b*) payment of the fee would cause financial hardship to the applicant, bearing in mind the applicant's means and circumstances.

(7) Where a public sector body fails to meet the time limit set by article 11, it shall not charge any fee for the re-use of a document.

(8) The re-use of the following shall be free of charge for the user:

(*a*) subject to the Schedule, the high-value datasets, as listed in accordance with item 1 of that Schedule;

(*b*) research data referred to in article 8A.

Transparency.

16. (1) A public sector body shall ensure that the following information is made available to the public, where possible and appropriate by electronic means:

(*a*) where standard charges are applied, any applicable conditions for re-use and the actual amount of those charges, including the calculation basis for such charges;

(*b*) in case of any charges for re-use other than standard charges, the factors that are taken into account in the calculation of those charges;

(*c*) a list of main documents available for re-use, including any licence terms involved; and

(*d*) details of the means of redress available to the applicants for re-use of documents relating to any

decision or practice affecting them.

(2) In case of any charges for re-use other than standard charges referred to in sub-article (1)(*b*), the public sector body shall, upon request, indicate the way in which such charges have been calculated in relation to the specific re-use request.

Licences. *Amended by: XXXV.2021.12.*

17. (1) The re-use of documents shall not be subject to conditions, unless such conditions are objective, proportionate, non-discriminatory and justified on grounds of a public interest objective.

When re-use is subject to conditions, those conditions shall not unnecessarily restrict possibilities for re-use and shall not be used to restrict competition.

Where it is deemed appropriate by the public sector body that conditions on re-use are imposed, such conditions shall be imposed through a licence. These conditions shall not be discriminatory for comparable categories of re-use, nor shall they be such as to unnecessarily restrict the way in which a document can be re-used including restrictions in competition and such conditions shall be objective, proportionate and justified on grounds of a public interest objective.

(2) Any licence imposing conditions shall be fair and transparent.

(3) If a public sector body which holds a document wishes to re-use the document for its commercial activities which fall outside the scope of its public task, the same conditions shall apply to that re-use as would apply to re-use by any other applicant.

(4) Public sector bodies shall use such standard licences as the Minister responsible for public sector information may direct. Such standard licences may be adapted to meet particular licence applications and shall be made available in digital format and can be processed electronically.

Practical arrangements. *Amended by: XXXV.2021.13. Substituted by: VI.2025.8.*

18. (1) The Minister shall:

(*a*) make practical arrangements facilitating the search for documents available for re-use, such as asset lists of main documents with relevant metadata, accessible online where possible and appropriate and in machine-readable format, and portal sites that are linked to the asset lists;

(*b*) where possible, facilitate the cross-linguistic search for documents; and

(*c*) continue efforts to simplify access to datasets, by providing a single point of access and making available suitable datasets held by public sector bodies with regard to documents to which this Act applies, in formats that are accessible, readily findable and re-usable by electronic means.

(2) Public sector bodies are encouraged to make practical arrangements to facilitate the preservation of documents available for re-use.

Prohibition of exclusive arrangements. *Amended by: XXXV.2021.14; VI.2025.9.*

19. (1) The re-use of documents shall be open to all potential actors in the market, even if one or more market players already exploit added-value products based on these documents. Subject to sub-article (2), contracts or other arrangements between the public sector bodies or public undertakings holding the documents and third parties shall not grant exclusive rights.

(2) However, where an exclusive right is necessary for the provision of a service in the public interest, the validity of the reason for granting such an exclusive right shall be subject to regular review, and shall, in any event, be reviewed every three years. The exclusive arrangements established after the 16 July 2019 shall be transparent and made publicly available online. This sub-article shall not apply to digitisation of cultural resources.

(3) Notwithstanding the provisions of sub-article (1), where an exclusive right relates to digitisation of cultural resources, the period of exclusivity shall in general not exceed ten years. In case where that period exceeds ten years, its duration shall be subject to review during the eleventh year and, if applicable, every seven years thereafter.

(4) Legal or practical arrangements that, without expressly granting an exclusive right, aim at, or could reasonably be expected to lead to, a restricted availability for the re-use of documents by entities other than the third party participating in the arrangement, shall be made publicly available online at least two (2) months before their coming into effect.

(5) The effect of such legal or practical arrangements on the availability of data for re-use shall be subject to regular reviews and shall, in any event, be reviewed every three (3) years. The final terms of such arrangements shall be transparent and made publicly available online.

Arrangements to be transparent and made public.

20. The arrangements granting exclusive rights referred to in article 19(3) shall be transparent and made public.

Copy of the digitised cultural resources.

21. In the case of an exclusive right referred to in article 19(3), the public sector body concerned shall be provided free of charge with a copy of the digitised cultural resources as part of those arrangements. That copy shall be available for re-use at the end of the period of exclusivity.

Termination of exclusive arrangement.

22. Any exclusive arrangement existing on the 1 July 2005 that does not qualify for the exception under article 19(2) shall be terminated at the date on which it comes to an end in accordance with its terms, or on the 31 December 2008, whichever is the earlier.

Exclusive arrangements existing on 17 July 2013. *Substituted by: XXXV.2021.15.*

23. (a) Without prejudice to article 22, exclusive arrangements existing on 17 July 2013 that do not qualify for the exceptions under sub-articles (2) and (3) of article 19 and that were entered into by public sector bodies, shall be terminated at the end of the contract and in any event not later than 18 July 2043.

(b) Exclusive arrangements existing on 16 July 2019 that do not qualify for the exceptions under sub-articles (2) and (3) of article 19, and that were entered into by public undertakings, shall be terminated at the end of the contract and in any event not later than on 17 July 2049.

Application for decision by the regulatory authority.. *Substituted by: XI.2020.5.*

24. (1) Any applicant may apply to the regulatory authority for a decision where it is claimed that:

(*a*) a request for re-use of public sector information made by the applicant to a public sector body has been refused or has not been dealt with in accordance with the requirements of this Act; or

(*b*) a public sector body is not in compliance with the requirements set out in this Act.

(2) (*a*) The application shall be in writing and the applicant shall provide all necessary documentation and evidence in support of his claims.

(*b*) Complaints or requests for investigation and review addressed to the regulatory authority in terms of this Act shall be lodged by the applicant within a maximum of sixty (60) days from the date of receipt of the final communication from the public sector body concerned.

(3) On receiving an application for a decision under this article, the regulatory authority shall take a decision unless it appears that -

(*a*) there has been undue delay in making the application; or

(*b*) the application is frivolous or vexatious; or

(*c*) the application has been withdrawn or abandoned.

(4) Where the regulatory authority has received an application under this article, it shall serve notice of its decision to the applicant and the public sector body.

(5) The decision shall contain particulars of the right of appeal as provided in article 24B.

(6) Where a decision requires steps to be taken by the public sector body within a specified period, the time specified in the decision shall not expire before the end of the period within which an appeal can be brought against the decision and, if such an appeal is brought, no step which is affected by the appeal need be taken pending the determination or withdrawal of the appeal.

Enforcement notices. *Added by: IX.2020.6.*

24A. (1) If the regulatory authority is satisfied that a public sector body has failed to comply with any of its obligations under this Act, the regulatory authority may serve the public sector body with an enforcement notice requiring it to take, within such a time as may be specified in the notice, such steps as may be so specified for complying with those obligations.

(2) An enforcement notice shall contain a statement of the requirement or requirements of this Act with which the public sector body has, in the regulatory authority's opinion, failed to comply, and its reasons for reaching that conclusion.

(3) The regulatory authority may cancel an enforcement notice by written notice to the public sector body on which it was served.

Appeals against decisions and enforcement notices served by the regulatory authority. *Added by: IX.2020.6.*

24B. (1) Where a decision or enforcement notice has been served, the applicant or the public sector body may appeal to the tribunal against the decision or the notice, as the case may be, within twenty (20) working days.

(2) In determining an appeal the tribunal may:

(*a*) dismiss the appeal and confirm the decision or the enforcement notice, as the case may be, in their entirety;

(*b*) substitute the decision or the enforcement notice, as the case may be;

(*c*) modify or vary the decision or the enforcement notice, as the case may be; or

(*d*) annul the decision or the enforcement notice, as the case may be.

(3) Where the tribunal substitutes a decision or enforcement notice as aforesaid, the regulatory authority shall take action to secure compliance as if that decision or enforcement notice had been issued by the regulatory authority.

(4) In hearing appeals under this article the tribunal shall remain subject to the provisions of article 27(2), (4) and (5) and article 28(2) of the Data Protection Act.

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Appeal to the Court of Appeal. *Added by: IX.2020.6*

24C. (1) Decisions of the tribunal under this Act shall be subject to appeal to the Court of Appeal as provided for by article 29 of the Data Protection Act.

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(2) In the application of this article, references, in the said article 29 of the Data Protection Act, to "the Commissioner" shall be construed and read as references to "the regulatory authority" referred to in article 24 of this Act.

Regulations. *Amended by: XI.2020.7.*

25. The Minister may make regulations for any or all of the following purposes:

(*a*) to prescribe application forms, manual or electronic and other documents required for the purposes of this Act, or authorising any person to prescribe or approve

such forms or documents:

Provided that forms cannot place requirements on applicants additional to those set out by this Act, and that an application meeting all such requirements shall still be considered if it is made otherwise than using the prescribed form;

(*b*) to establish a regulatory authority responsible for the monitoring of the implementation of the provisions of this Act;

(*c*) to establish an entity responsible for the implementation of the provisions of this Act;

(*d*) to prescribe reasonable charges or scales of reasonable charges for the purposes of this Act;

(*e*) to facilitate the sharing and re-use of information between public sector bodies, through new organisational structures and registers, in order to enable the implementation of the 'Once-Only Principle';

(*f*) to provide for such matters as are contemplated by or necessary for giving full effect to this Act and for its due administration.

National policies and, or relevant actions. *Added by: VI.2025.10.*

26. The Minister shall have the power to issue directives or rules in order to adopt national policies and, or relevant actions with the scope of:

(*a*) encouraging public sector bodies to facilitate the preservation of documents available for re-use;

(*b*) encouraging where possible, public sector bodies and public undertakings to produce and make available documents openly established in this Act in accordance with the principle of open by design and by default as referred to in Directive (EU) 2019/1024;

(*c*) making publicly funded research data openly available, following the principle of open by default and the FAIR principles.

Added by: XXXV.2021.16.

SCHEDULE

1. The provisions of this Act shall apply to the following thematic categories of high-value datasets:

(*a*) geospatial;

(*b*) earth observation and environment;

(*c*) meteorological;

(*d*) statistics;

(*e*) companies and company ownership;

(*f*) mobility.

2. The specific high-value datasets belonging to the categories in item 1, as may be adopted in terms of Directive (EU) 2019/1024 EU, shall be:

(*a*) available free of charge, subject to the provisions of item 3;

(*b*) machine readable;

(*c*) provided via APIs; and

(*d*) provided as a bulk download, where relevant.

3. The requirement for high-value datasets to be available free of charge shall not apply to:

(*a*) libraries, including university libraries, museums and archives;

(*b*) public sector bodies that are required to generate revenue to cover a substantial part of their costs relating to the performance of their public tasks and complying with the requirement to make datasets free of charge would lead to a substantial impact on the budget of the bodies involved. Provided that this exemption shall be limited to a period of not more than two (2) years following the entry into force of the relevant implementing act adopted in terms of Directive (EU) 2019/1024 EU.