

I assent.

(L.S.)

MYRIAM SPITERI DEBONO
President

11th March, 2025

ACT No. VI of 2025

*AN ACT to amend the Re-Use of Public Sector Information Act,
Cap. 546.*

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

1. (1) The short title of this Act is the Re-Use of Public Sector Information (Amendment) Act, 2025 and this Act shall be read and construed as one with the Re-Use of Public Sector Information Act, hereinafter referred to as the "principal Act".

Short title and
scope.
Cap. 546.

(2) The scope of this Act is to continue transposing 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) as well as to carry out other necessary amendments.

2. In sub-article (2) of article 1 of the principal Act, immediately after the words "and the re-use of public sector information (recast)", there shall be added the words "and its subsequent implementing acts as well as any other related Directives and Regulations".

Amendment of
article 1 of the
principal Act.

3. Article 2 of the principal Act shall be amended as follows:

Amendment of
article 2 of the
principal Act.

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(a) immediately after the definition "application program interface" there shall be added the following new definition:

""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);";

(b) immediately after the definition "public undertaking" there shall be added the following new definition:

""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);";

(c) immediately after the definition "standard licence" there shall be added the following new definition:

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

Addition of new article to the principal Act.

4. Immediately after article 7 of the principal Act there shall be added the following new article:

"Documents held by public undertakings.

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."

Amendment of article 8A of the principal Act.

5. Sub-article (2) of article 8A of the principal Act shall be substituted by the following new sub-article:

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

Amendment of article 13 of the principal Act.

6. Immediately after sub-article (1) of article 13 of the principal Act there shall be added the following new sub-article as follows:

"(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."

7. Paragraph (a) of sub-article (2) of article 15 of the principal Act shall be substituted by the following new paragraph: Amendment of article 15 of the principal Act.

"(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;"

8. Article 18 of the principal Act shall be substituted by the following new article: Substitution of article 18 of the principal Act.

"Practical arrangements.

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."

9. In sub-article (2) of article 19 of the principal Act the words "be transparent and made public" shall be substituted by the words "be transparent and made publicly available online". Amendment of article 19 of the principal Act.

10. Immediately after article 25 of the principal Act there shall be added the following new article: Addition of new article to the principal Act.

"National policies and, or relevant actions.

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."

Passed by the House of Representatives at Sitting No. 319 of the 6th March, 2025.

ANĠLU FARRUGIA
Speaker

ELEANOR SCERRI
Clerk of the House of Representatives

