

Submission by Wikimedia Community Ireland to the public consultation on open data policy

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Summary

Wikimedia Community Ireland (WCI) is the affiliate organisation of the Wikimedia Foundation in Ireland. The Wikimedia Foundation is an American non-profit and charitable organization headquartered in San Francisco, California.

The Foundation is best known for operating the free encyclopedia, Wikipedia, as well as numerous other open-knowledge-based initiatives and is a recognised leader in open knowledge internationally. The Foundation employs 200 people, has revenues of US\$52.8 million and cash equivalents of US\$27.9 million.

WCI is very pleased at the Government's decision to invite views on an open data policy for Ireland and the decision to review the Public Sector Information (PSI) license.

We recommend that Ireland release public data and information under the Creative Commons' Attribution (CC-BY) license.¹ We recommend this license apply to all material published free-of-charge or for a nominal fee by the state or public bodies and all material that is released under freedom of information rules. We recommend that other restrictions on reuse, such as the Rule of Coverage of the Houses of the Oireachtas, be lifted too.

Licensing

Choose a Creative Commons' license

We very strongly recommend that the Government chooses a Creative Commons' license (or Creative Commons' public domain dedication) over other lesser-known licenses. This is because the Creative Commons' suite of licences are internationally well known, easily understood and have well-understood inter-compatibility with other popular licenses. As such, releasing public data and information under a Creative Commons' license will mean the greatest possible certainty for re-users of public data and information.

Choosing a less well-known license or a unique/modified license would add uncertainty and unnecessary burden for everyone with little or no benefit for anyone.

For example, the popularity of Creative Commons' license means that public data and information could easily be imported and properly licensed on services such as the Wikimedia Commons or commercial websites, such as Flickr and YouTube. Choosing a unique license or a lesser-well known license would add unnecessary confusion, increase potential for incompatibility in licensing, and not take advantage of the economies of scale that a well-adopted licence, like Creative Commons' suite of licences, can offer.

¹ <http://creativecommons.org/licenses/by/4.0/>

Additionally, in many people's minds, the Creative Commons' licenses are synonymous with the movement for open data. For Ireland to adopt a Creative Commons' license would be a strong signal that Ireland was adopting a central and well-established position in the movement for open data.

Choose the Creative Commons' Attribution license

We recognise that there is a strong movement for public works to be dedicated to the public domain.

Nevertheless, we recommend that the Government choose the CC-BY licence over a public domain dedication (CC-0) because it is useful to know the original source of data and information. Without the requirement to maintain attribution, valuable information about the source of material can get lost across re-uses. Additionally, we argue that it is fair to properly attribute the source of material, including state and public bodies where applicable.

We recommend very strongly against the Government choosing the Creative Commons' Attribution-ShareAlike (CC-BY-SA) or another "copyleft" license because of the additional constraints it puts on re-users of content. Examples can easily be thought of where a reuser may want to blend data from public and private sources and release a combined dataset under a closed license.

The Wikimedia Foundation uses a CC-BY-SA license for user-generated content, such as Wikipedia, deliberately in order to prevent "closed" reuse of user-generated content. However, we do not believe such a licence is suitable for public data and the Wikimedia Foundation uses CC-BY for its own works.

Similarly, we very strongly recommend against preventing commercial reuse of public data and information. To do so, in the same way as placing a "sharealike" restriction on public data, would limit the potential for the knowledge economy in all its forms to maximise reuse of public data and information for the public good.

Applicability

Consistency in licensing and access to information are important aspects of an open knowledge policy. To this end, we strongly recommend that the following material be published under the chosen open license:

- All material that is published free-of-charge by the state or public bodies;
- All material that is published for a nominal fee by the state or public bodies;
- All material that is accessed under freedom of information legislation (whether free-of-charge or for a fee).

We acknowledge that there may be instances where public bodies want to sell datasets as a means of self-funding. In these instances, we recommend dual licensing of material, where possible. Additionally, we recommend that as updated datasets are produced by these bodies that out-dated data sets be released under the chosen open license, if not already so.

We recommend that all material required to be published under law (whether by public bodies or by private bodies and individuals) be required to be licensed under the chosen open license. We very strongly recommend that the state take a stringent approach to ensuring that content produced by private contractors of public work is licensed under the chosen open license.

With regard to the PSI license and other licenses currently in use, we recommend that all material be re-licensed under the chosen open license. We also very strongly recommend that other restrictions on reuse, for example the Rule of Coverage of the Houses of the Oireachtas,² be lifted.

² <http://www.oireachtas.ie/viewdoc.asp?fn=/documents/livewebcast/videorules.htm>