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**ASSEMBLY OF THE REPUBLIC OF MACEDONIA**

Pursuant to Article 75 paragraph 1 and 2 of the Constitution of the Republic of Macedonia, the President of the Republic of Macedonia and the President of the Assembly of the Republic of Macedonia issue this

**Decree for Promulgation of the Law on Public Sector Data Use**

The Law on Public Sector Data Use, adopted by the Assembly of the Republic of Macedonia, on its session held on 03 February 2014, is hereby promulgated.

No. 07-666/1  
03 February 2014  
Skopje

President of the  
Republic of Macedonia,  
**Gjorgje Ivanov,**

President of the Assembly  
of the Republic of Macedonia

**Trajko Veljanoski**

**LAW ON PUBLIC SECTOR DATA USE**

I. Basic provisions

Article 1

**Subject**

This law lays down the obligation of the public sector authorities and institutions to publicize the data they create in fulfilling its responsibilities in accordance with the law in order to enable the use of such data by legal or physical entities for creation of new information, content, applications or services.

Article 2

**Purpose and scope of the Law**

The purpose of this law is the use of data from the public sector to encourage:

- Innovation and creation of new information, content and applications through combining or crossing data,
- Creation of new services, job creation and social inclusion,
- Increased accountability and transparency by the public sector

- Improving the quality of data from the public sector,
- Development of economy and development of competition and
- Development of information society in Macedonia.

### Article 3

#### **Exceptions**

Subject to use shall be all public sector data, except in cases of:

- a) data are excluded by the Law on Free Access to Public Information;
- b) data where access to its information is restricted by law;
- c) data whose creation is not subject to the authority or public institution sector;
- d) data on which third parties have right to intellectual property;
- e) public broadcaster's data, its correspondence and data of the institutions responsible for enabling broadcast to the public broadcaster;
- f) data belonging to bodies and institutions involved in educational or research activities, including organizations established for the exchange of research results and
- f) data belonging to institutions in the field of culture, excluding the libraries, museums and archives.

### Article 4

#### **Definitions**

Certain terms used in this Law shall have the following meaning:

1. "Public Administration Authorities and Institutions" are government authorities and other authorities and organizations established by law, municipal authorities, the City of Skopje and municipalities in Skopje, institutions and public services, public enterprises, legal and physical entities executing public authority established by law;
2. "Information" means any content regardless of the device it is transferred (written on paper or stored in electronic form as a sound, visual or audiovisual recording) or any part of such content.
3. "Data" is a qualitative or quantitative value, moreover a separate part of one information;
4. "Raw data" are a set of numbers and characters structured tabular in rows and columns (registers, databases and tables);
5. "Metadata" is data that explain the significance of data, that is descriptive data;
6. "public sector data" is data that public sector authorities and institutions generate during the operation in accordance with the legal responsibilities;
7. " Central public sector data catalog" is available online tool that where by full text or orderly set of metadata provides users access to data from documents or books in electronic form;
8. "Computer-processable format" means a document format structured in a way that software applications can easily identify, recognize and extract specific data from it, including specific parts of data and their internal structure and allows its automatic processing.

9. "Open format" is a format of data which is not dependent on the platform and is publicly available without any restrictions that would impede the use of data and

10. "Formal open standard" means standard which is defined in writing and refers to provision of software interoperability.

## II. Obligation of authorities and public sector institutions

### Article 5

#### **Obligation of authorities and public sector institutions to facilitate the use of data**

(3) In accordance with their technical abilities, public sector authorities and institutions shall be obliged to publish data they create in the exercise of its powers thus making the same available for use, excluding data of Article 3 of this law.

(4) Obligation under paragraph (1) of this Article shall not apply to data public sector authorities and institutions hold, priory created by another public sector authority or institution.

(5) If the authorities and public sector institutions have created new data by using data created by another or public sector authority or institution, than the obligation under paragraph (1) of this Article shall apply to the new data.

(6) Data under paragraph (1) of this article shall be published not only in readable format but also as raw data in computer-processable format and available in an open format along with their metadata to their lowest level of details. The format and metadata should be consistent with the formal open standards for ensuring interoperability of software.

(7) Obligation under paragraph (1) of this Article shall not apply to data whose adjustment to use, such as taking out parts of the documents, would involve unreasonable extra effort and resources compared to the usual tasks.

(8) Public sector authorities and institutions shall be obliged to update the data under paragraph (1) of this Article in accordance with the dynamics determined by themselves, thus ensuring data accuracy, while providing a visible date of the last update.

(9) Minimum technical capabilities by public sector authorities and institutions to publish information in accordance with paragraph (1) of this Article, as well as technical standards for data format and the manner of publishing the same, shall be defined by the Minister of Information Society and Administration.

### Article 6

#### **Termination of obligation for public sector data publication**

If public sector authorities and institutions cease to produce or store specific data that were already published for use, the same shall be obliged to publish the cease of creation or storage of such data on the same web location within three months from the termination.

## Article 7

### Central public sector data catalogue

(1) Ministry of Information Society and Administration shall keep a central public sector data catalog released for use on the basis of data catalog from public sector authorities and institutions and shall publish the same on [www.otvorenipodatoci.gov.mk](http://www.otvorenipodatoci.gov.mk).

(2) Public sector authorities and institutions shall be obliged to deliver a data catalog to the Ministry of Information Society and Administration, created during exercise of their powers which shall be published for use, including data publishing date (by data sets) for their use, dynamics of update (daily, weekly, monthly or quarterly) and separate link, moreover website where the public sector authority or institution shall publish the data, within three months from the date of publishing the data for use.

(3) Each public sector authority or institution shall be obliged to provide regular data updates published for use, functionality of the website where data are published and functionality of link to the central public sector data catalogue on [www.otvorenipodatoci.gov.mk](http://www.otvorenipodatoci.gov.mk).

(4) Public sector authorities and institutions shall appoint a contact person in charge of technical adaptation and publication of data for their use, their publication on the authority's website and responsibilities for data catalog update on [www.otvorenipodatoci.gov.mk](http://www.otvorenipodatoci.gov.mk) as well as a smooth execution of the obligations under paragraphs (2) and (3) of this Article, and shall inform the Ministry of Information Society and Administration within seven days from the date of the person's appointment.

## Article 8

### Catalogue revision

1. Ministry of Information Society and Administration shall performe regular update to the central public sector data catalog released and published for use.

2. Any public sector authority or institution shall regularly, and at least quarterly inform the Ministry of Information Society and Administration for the publication of new data for use in order to have the same connected and published on the central public sector data catalogue.

3. During the revision of the central public sector data catalogue, the Ministry of Information Society and Administration can oblige the public sector authority or institution to further disclose data they are producing in their line of work, data that were not published up until that moment and are not contrary to Article 3 of this law.

4. Concerning data of paragraph (3) of this Article, public sector authority or institution shall inform the Ministry of Information Society and Administration regarding the period of time the data can be published and thus make them available for use.

5. In case the public sector authority or institution does not act or does not respect the deadline pursuant to paragraph (4) of this Article, the Ministry of Information Society and Administration shall notify the State Administrative Inspectorate, and the same shall act in accordance with their responsibilities.

## Article 9

### Terms and conditions for data use

(1) Public sector data use is free.

(2) Notwithstanding paragraph (1) of this Article, public sector authorities and institutions shall be able to restrict data use they have published by giving consent for data use in a way that shall not unduly restrict the use of data or a way that shall restrict competition. Consent for data use should primarily relate to an obligation of citation regarding the public sector authority or institution whose data was used, no reference or citation to the source if data content has been amended or used in any other context, precise and correct application of data in certain cases, responsibility for the misuse of data etc.

(3) Public sector authorities and institutions shall process in an electronic manner or in writing the Approval under paragraph (2) of this Article.

## Article 10

### **Principles of charging, transparency and non-discrimination**

(1) Public sector published data use is free.

(2) Provisions under paragraph (1) of this Article shall not apply to:

a) public sector authorities and institutions who are required to generate some income in order to cover a significant part of the costs associated with the performance of their public powers;

b) data for which the public sector authority or institution are required to generate some income in order to cover significant part of the costs for their collection, production, reproduction and dissemination, in accordance with the law and

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

(3) public sector authority or institution shall be obliged to create a Tariff regarding the data use they charge, and publish the same.

(4) When data use from public sector authority or institution is charged, such costs shall apply to other public sector authorities or institutions, if such data are used in addition to their commercial activities, and outside the scope of public powers.

## Article 11

### **Prohibition of exclusive agreements**

(1) Public sector authorities and institutions shall not enter into agreements with third parties which would give exclusive rights for use of their data.

(2) Notwithstanding, public sector authorities and institutions may enter into agreements with third parties which would give exclusive rights for use of their data only if the subject of the contract is provision of a public service or service of public interest that the public sector authority or institution does not intend to provide, and its provision is conditioned by the use of the referred data. Such agreements may be concluded for a period not exceeding three years.

(3) Upon expiry of the period under paragraph (2) of this Article, data where exclusive rights were given for their use shall be made public for use.

(4) The provisions under this Article shall not apply to cultural resources digitalization. Exclusive rights for digitization of cultural resources can be ten years maximum, and in cases where the period shall exceed ten years, the time period shall be audited during the eleventh year and every seven

years thereafter.

(5) Public sector authorities and institution shall publish on its website the agreements referred to in paragraph (4) of this Article.

(6) In cases when exclusive rights for digitization of cultural resources are granted, the Contracting Party shall give the public sector authority or institution free of charge copy of digitalized cultural resources, and such copy becomes available for use after the deadline expiry for exclusivity.

### III. Supervision

#### Article 12

#### **Supervision**

Ministry of Information Society and Administration Supervise is in charge for supervision of the implementation of the provisions under this Law.

#### Article 13

#### **Inspection**

State Administrative Inspectorate is in charge of inspection of the implementation of the institution's responsibilities, with exception of the judicial authorities, Assembly of the Republic of Macedonia and the bodies established by the Assembly of the Republic of Macedonia.

### IV. Penalty i.e. misdemeanor provisions

#### Article 14

A head in a public sector authority or institution shall be fined with a charge in the amount of 1.000 to 2.000 denar if s/he perpetrates one of the following actions referred to in Article 5 paragraphs (1) and (6) and Article 7 paragraphs (2) and (3) of this Law.

#### Article 15

A head in the Ministry of Information Technology and Administration shall be fined with a charge in the amount of 1.000 to 2.000 denar if s/he perpetrates one of the following actions referred to in Article 5 paragraph (7) (1) of this Law.

#### Article 16

A head in a public sector authority or institution shall be fined with a charge in the amount of 1.000 to 1.500 euros in denar equivalent if s/he perpetrates one of the following actions referred to in Article 8 paragraphs (2) and (4) of this Law.

#### Article 17

A head in the Ministry of Information Technology and Administration shall be fined with a charge in the amount of 1.000 to 1.500 euros in denar equivalent if s/he perpetrates one of the following actions referred to in Article 8 paragraph (1) of this Law.

Article 18

A head in a public sector authority or institution shall be fined with a charge in the amount of 500 to 1.000 euros in denar equivalent if s/he perpetrates one of the following actions referred to in Article 10 paragraphs (3) and Article 11 paragraphs (3) and (5) of this Law.

Article 19

A head in a public sector authority or institution shall be fined with a charge in the amount of 300 to 500 euros in denar equivalent if s/he used but did not pay to supplement its commercial activity data to another public sector authority or institution which is subjected to payment, if s/he acts contrary to Article 10 paragraph (4) of this Law.

Article 20

A head in a public sector authority or institution shall be fined with a charge in the amount of 300 to 500 euros in denar equivalent if s/he has not announced the termination of further creation of data that were already published for use, if s/he acts contrary to Article 6 of this Law.

Article 21

For the misdemeanor referred to in this Law, misdemeanor procedure is conducted and sanctions are imposed by the competent court in accordance with the Law on Misdemeanors.

V. Transitional and final provisions

Article 22

The technical regulations laid down with Article 5 paragraph (7) of this Law shall be adopted within one month from the date of entry into force of this Law.

Article 23

In compliance with Article 7 paragraph (2) of this Law, Public sector authorities and institutions are obliged to deliver a data catalogue to the Ministry of Information Society and Administration within three months from the date of entry into force of this law.

Article 24

Public sector authorities and institutions shall deliver the notification regarding the contact person under Article 7 paragraph (4) of this Law within two months from the date of entry into force of this Law.

Article 25

Official Journal of RM. No. 27 of 05 February 2014

This Law shall enter into force on the eight day from the date of its publication in the Official Gazette of the Republic of Macedonia

