GenO - Checklist for Public Administration for the Open Data release

The following checklist is an instrument for the public administration that intends to release open data in order to verify the legal aspects connected. For each dataset, the responsible of the service has to evaluate the following topics: privacy issues, IPR policy, licenses, limitations on public access, economical conditions, temporal aspects of the dataset.

In particular, we need to take in consideration three main directives:

- Privacy: GDPR Regulation (EU) 2016/679, Regulation (EU) 2018/1807, Directive 2002/58/EC;
- PSI: Directive (EU) 2019/1024;
- CDSM: DIRECTIVE (EU) 2019/790
- INSPIRE: Directive 2007/2/EC that define particular limitations on public access for the spatial and geodata.

Dataset Legenda:

- D1 = World Development Indicators Labor force, female (% of total labour force).
- D2 = Labour force by sex, age and marital status (thousands) Annual.
- D3 = Life expectancy by age and sex.
- **D4** = Health status: causes of mortality.
- D5 = Gender pay gap in unadjusted form.
- D6 = Enrolment rate of children in child care.
- D7 = Individuals with above basic level of digital skills in Information domain, by Gender.
- D8 = Gender gap in primary education: Share of enrolled female primary education students.
- D9 = Gender ratios for mean years of schooling.
- D10 = Educational attainment of the population (aged 25 years and older) Sex: Female Education Level: Upper secondary education Unit of measure: %.

1. Privacy issue

To check:	D1	D2	D3	D4	D5	D6	D7	D8	D9	D10
1.1 Is the dataset free of any personal data as defined in the Regulation (EU) 2016/679?	Yes									
1.2 Is the dataset free of any indirect personal data that could be used for identifying the natural person?If so, is there a law that authorizes the PA to release them? Or any other legal basis? Identify the legal basis.	Yes									
1.3 Is the dataset free of any particular personal data (art. 9 GDPR)?If so, is there a law that authorizes the PA to release them?	Yes									
1.4 Is the dataset free of any information that combined with common data available in the web, could identify the person? If so, is there a law that authorizes the PA to release them?	Yes									
1.5 Is the dataset free of any information related to human rights (e.g. refugees, witness protection, etc.)?	Yes									

1.6 Do you use a tool for calculating the range of the risk of de- anonymization?Do you anonymize the dataset? With which technique?Did you check the three mandatory parameters: singling out, linking out, inference out?	There are not specific informati on regarding this point.	There are not specific informati on regarding this point.	There are not specific informati on regarding this point.	Not stated.	There are not specific informati on regarding this point.	Not stated.	There are not specific informati on regarding this point.	Not stated.	Not stated.	Not stated.
1.7 Are you using geolocalization capabilities?Do you check that the geolocalization process can't identify single individuals in some circumstances?	Yes	No	Yes	No	No	Yes	No	Yes	Yes	No
1.8 Did you check that the open data platform respects all the privacy regulations (registration of the end-user, profiling, cookies, analytics, etc.)?	Yes	Yes	Yes	Yes	Yes	No clear informati on about this point.	Yes	Yes	Yes	Yes
1.9 Do you know who are in your open data platform the Controller and Processor of the privacy data of the system?	There aren't explicit informati on, except the contact of the Data Privacy Office.	No	Data Protectio n Officer is mentione d: he ensures that the European Commissi on correctly applies the law protectin g individual	Yes. Data Protectio n Commissi oner.	Data Protectio n Officer is mentione d: he ensures that the European Commissi on correctly applies the law protectin g individual	No	Data Protectio n Officer is mentione d: he ensures that the European Commissi on correctly applies the law protectin g individual	Yes, Global Change Data Lab	Yes, Global Change Data Lab	Yes, UNICEF

			s' personal data		s' personal data		s' personal data			
1.10 Where the datasets are physically stored (country and jurisdiction)?Do you have a cloud computing platform?Do you have checked the privacy regulation of the country where the dataset are physically stored? (territoriality)	They are stored online. For the privacy regulation of personal data, a document is provided: "World Bank Group Policy".	They are stored online.	They are stored online	They are stored online	They are stored online					
1.11 Do you have non-personal data? Are you sure that are not "mixed data"?	Yes	No	No	Yes	Yes	Yes	No	Yes	Yes	No

2. IPR of the dataset

To check:	D1	D2	D3	D4	D5	D6	D7	D8	D9	D10
2.1 Do you have created and generated the dataset?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
2.2 Are you the owner of the dataset? How is the owner?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
2.3 Are you sure to not use third party data without the proper authorization and license? Are the dataset free from third party licenses or patents?	Third party data are used, from the countries that gave data.	Third party data are used, from the countries that gave data.	Third party data are used, from the countries that gave data.	Third party data are used, from the countries that gave data, for online communic ations and email communic ations.	Third party data are used, from the countries that gave data.	Third party data are used, from the countries that gave data.	Third party data are used, from the countries that gave data.	Third party data are used, from the countries that gave data; they are also used from services of analytics and communic ation tools.	Third party data are used, from the countries that gave data; they are also used from services of analytics and communic ation tools.	UNICEF do not sell or share any personally identifiabl e informatio n volunteere d on the UNICEF site to any third party without prior consent.
2.4 Do you have checked if there are some limitations in your national legal system for releasing some kind of datasets with an open license?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

3. Licences

To check:	D1	D2	D3	D4	D5	D6	D7	D8	D9	D10
3.1 Do you release the dataset with an open data license? In case of the use of CC0 do you check that you have all the right necessary for this particular kind of license (e.g., jurisdiction)?	Yes	The only stated license is about ILO Audio and Video products.	Yes	Yes	Yes	There is not a license mentioned, but it is written that "users are free to copy, reproduce and redistribute the data for both commercial and non-commercial purposes providing UNECE as the source of data"	Yes	Yes	Yes	Yes. There isn't a license explicitly mentioned; it is only stated that the reproducti on of the material is permitted only if prior written permission is obtained.
3.2 Do you include the clause: "In any case the dataset can't be used for re-identifying the person"?	No	No	No	No	No	No	No	No	No	No
3.3 Do you release the API (in case you have) with an open source license?	API released, no license cited	No API mentioned	No API mentioned	API released, no license mentioned	No API mentioned	No API mentioned	No API mentioned	No API mentioned	No API mentioned	No API mentioned

3.4 Do you check that the open data/API platform license regime is compliance with your IPR policy? Do you have all the licences related to the open data platform/API software? Software? Yes, it is compliance with IPI policy. API: No license, just stathat the can be used through separate web sit through anothe type of software application.	nt mentioned except for audio and video products. ed e e or	Yes, it is compliant with IPR policy. API: No license mentioned	It is compliant with IPR policy. Regarding API, it is linked to Terms and Conditions page for what concerns the use of them and there is a page about API formats available.	Yes, it is compliant with IPR policy. API: No license mentioned	Yes. No license mentioned.	Yes, it is compliant with IPR policy. API: No license mentioned			
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4. Limitations on public access

To check:	D1	D2	D3	D4	D5	D6	D7	D8	D9	D10
4.1 Do you check that the dataset concerns your institutional competences, scope and finality? Do you check if the dataset concerns other public administration competences?	Yes, Yes									
4.2 Do you check the limitations for the	Yes									

publication stated by your national legislation or by the EU directives?										
4.3 Do you check if there are some limitations connected to the international relations, public security or national defence?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
4.4 Do you check if there are some limitations concerning the public interest?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
4.5 Do you check the international law limitations?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
4.6 Do you check the INSPIRE law limitations for the spatial data?	Not European dataset	Not stated	Not stated	Not stated	Not stated	Not European dataset	Not stated	Not stated	Not stated	Not European dataset

5. Economical Conditions

To check:	D1	D2	D3	D4	D5	D6	D7	D8	D9	D10
5.1 Do you check that the dataset could be released for free ?	Yes	There is no license cited, but it is written that: "any required permission is hereby granted and no further permission must be obtained from the ILO, but acknowledgement to the ILO as the original source must be made."	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
5.2 Do you check if there are some agreements with some other partners in order to release the dataset with a reasonable price?	Yes	Yes	Yes	Yes. There is a request to submit in order to use the material for commercial purposes.	Yes	Not stated	Yes	Not stated	Not stated	Not stated
5.3 Do you check if the open data platform terms of service include a clause of "non liability agreement" regarding the dataset and API provided?	Yes, there is.	There is not this term of service expressed.	REGULAT ION (EU) 2018/172 5 OF THE EUROPEA N PARLIAM ENT AND OF THE COUNCIL	Yes	REGULAT ION (EU) 2018/172 5 OF THE EUROPEA N PARLIAM ENT AND OF THE COUNCIL	Yes, there are no informati on about this point.	REGULAT ION (EU) 2018/172 5 OF THE EUROPEA N PARLIAM ENT AND OF THE COUNCIL	There are no informati on about this point.	There are no informati on about this point.	There are no informati on about this point.

			concept of liability is expresse d in the regulatio n mentione d in the legal section of the site.		concept of liability is expresse d in the regulatio n mentione d in the legal section of the site.		concept of liability is expresse d in the regulatio n mentione d in the privacy policy of the site.			
5.4 In case you decide to release the dataset to a reasonable price do you check if the limitation imposed by the new directive 2019/1024/EU are respected? Are you able to calculate the "marginal cost"? Are you able to justify the "reasonable return on investment limited to cover the costs of collection, production, reproduction, dissemination, preservation and rights clearance? There is a national law that justify your public administration to apply the "reasonable return of investment"?	Not European dataset.	Not stated.	Not stated.	Not stated.	Not stated	Not stated	Not stated	Not stated	Not stated	Not European dataset.

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5.5 In case you decide
to release the dataset
to a reasonable price
do you check the
e-Commerce
directive ¹ and
regulation?

Not stated Not stated Not Not Not Not Not Not Not Not stated stated stated stated stated stated stated stated

6. Temporary aspects

To check:	D1	D2	D3	D4	D5	D6	D7	D8	D9	D10
6.1 Do you have a temporary policy for updating the dataset?	Qua rterl y	mon thly/ quar terly / ann ual	Ann ual	Ann ual	Ann ual	No	Ann ual	Peri odic ally	Peri odic ally	No
6.2 Do you have some mechanism for informing the end-user that the dataset is updated at a given time to avoid mis-usage and so potential risk of damage?	Newslette r (weekly update)	Newslette r	Dataset informatio n > Last update (date and time)	Dataset > date last input received	Dataset informatio n > Last update (date and time)	Latest update	Dataset informatio n > Last update (date and time)	Last update	Last update	Not stated
6.3 Did you check if the dataset for some reason can't be indexed by the research engines (e.g. Google, Yahoo, etc.)?	indexed	indexed	indexed	indexed	indexed	indexed	indexed	indexed	indexed	indexed
6.4 In case of personal data, do you have a reasonable technical	It is not explicit, but for	It is not explicit, but for	There is a form available	You have the right to request	There is a form available	No, there is no explicit	You can exercise your right	You have the right to request	You have the right to request	There is the possibility

¹ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') - http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32000L0031