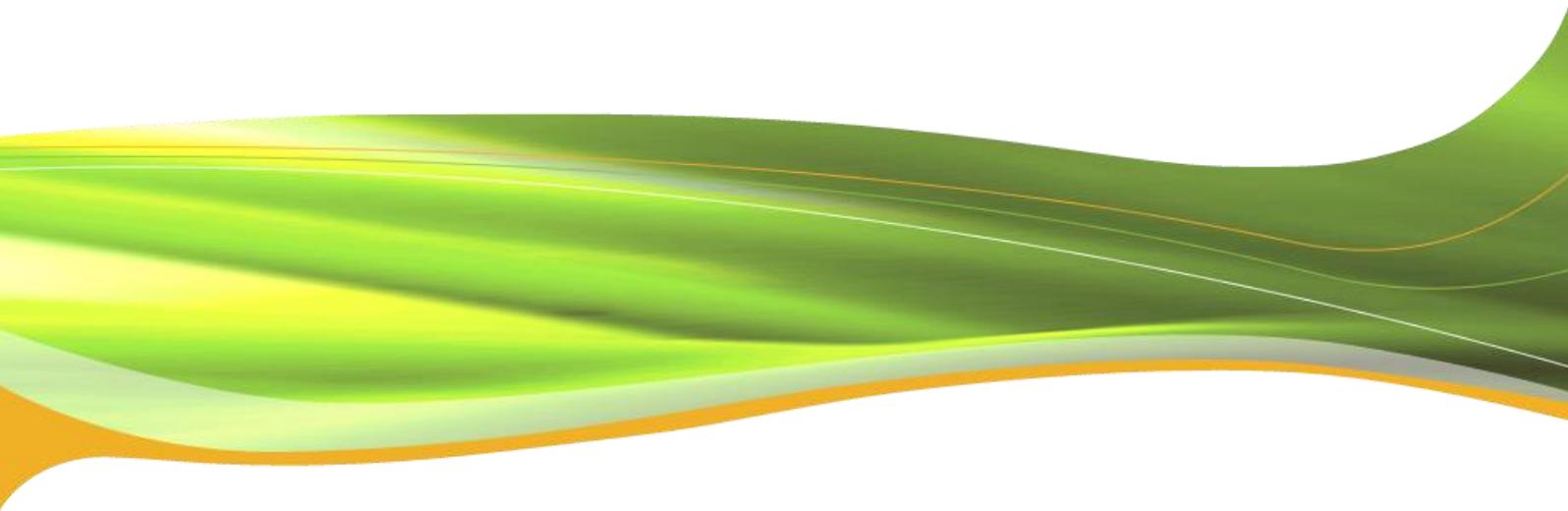


European Distribution System Operators for Smart Grids

Key Messages on the Recast of the Public Sector
Information (PSI) Directive

September 2018



I. Avoid a horizontal approach to re-use of data and take into account existing sectoral rules and security risks.

- EDSO confirms its support for open data as a valuable resource for the European economy and society. As neutral market facilitators, DSOs are in a position to gather, collect and make available data that is useful for the wider public. This is already happening in many Member States within the boundaries of national regulation. Nevertheless, the Commission's horizontal approach to re-use of data, also in security-sensitive sectors and through a single Directive has to be amended by sector-specific rules as it otherwise creates parallel structures to already existing sectoral European and national rules.

II. Public undertakings and specifically operators of Critical Infrastructure (CI) should be exempted from the scope of the Directive for privacy and security reasons.

- EDSO fully supports Amendments 28 and 29 of the ITRE rapporteur's draft report, specifying that public undertakings and operators of Critical Infrastructure, and more specifically operators of essential services, should be excluded from the scope of the PSI Directive. As operators of Critical Infrastructure, DSOs need to ensure the security of their systems and the protection of customer privacy. Therefore, we are not to disclose security sensitive information (CIP / KRITIS). In addition, private data (GDPR) must be treated sensibly. Operators of essential services as defined in the NIS Directive should consequently be exempted from the scope of the PSI Directive. We suggest adding a reference to the NIS Directive in Recitals 21 or 22 for an improved consistency. Such a reference is included in the Council Presidency's compromise text, however, the wording is too vague, stating that 'particular attention should be given to the protection of critical infrastructure'. We believe it should be more clearly stated that Critical Infrastructure is outside the scope of the PSI Directive.
- Otherwise, we endorse Recital 22 which gives public undertakings the discretion to decide whether or not to authorise re-use of their documents. We agree that obligations for public undertakings shall apply only after a decision by the public undertaking concerned. However, whilst the decision of the public undertaking is a precondition according to Recital 22, Article 3 only determines that documents shall be re-usable for commercial or non-commercial purposes "where the re-use of such documents is allowed". We suggest that this Article should clearly specify that the above decision shall be taken by the public undertaking concerned, i.e. documents shall be re-usable "**authorised by the public undertaking**".

III. Clarify the scope and content of high value data sets (Art. 13). Give DSOs flexibility in the provision of dynamic data.

- Clarify the definition of 'high value data sets', including the modalities of their application and re-use, to increase visibility of scope and content. Streamline definitions for high value data sets at European level with those at national level. EDSO also prefers that the Commission draws up the list by means of implementing acts. This would ensure the necessary involvement of Member States in the decision-making process. The ITRE rapporteur's draft report stipulates in Amendment 54 that the Commission should carry out public consultations with relevant stakeholders. Nevertheless, he maintains the delegated acts. While we appreciate the rapporteur's suggestion as a valuable addition to the original Commission

proposal, we nonetheless believe that implementing acts would be a more effective way to ensure the inclusion of relevant stakeholders' views through an exchange with their respective Member States' authorities.

- Art. 5(4) asks public undertakings to make dynamic data available for re-use immediately after collection through suitable Application Programming Interfaces (APIs). When DSOs collect personal data (e.g. customer data collected through smart meters) these data need to be anonymised before they could be made available. It should be clarified that “immediately after collection” should take into account the time needed to anonymise any personal data.
- Also for non-personal dynamic data collected by DSOs (e.g. MV grid parameters, MV/LV substation energy flows), processing time and the related costs should be taken into account.



*EDSO for Smart Grids is a European association gathering leading electricity distribution system operators (DSOs) **shaping smart grids for your future.***

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