

MALTA

ATT Nru VI tal-2025

ATT maħruġ b'liġi mill-Parlament ta' Malta.

ATT sabiex jemenda l-Att dwar l-Użu mill-Ġdid tal-Infommazzjoni tas-Settur Pubbliku, Kap. 546.

ACT No. VI of 2025

AN ACT enacted by the Parliament of Malta.

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

Nagħti l-kunsens tiegħi.

(L.S.)

MYRIAM SPITERI DEBONO
President

11 ta' Marzu, 2025

ATT Nru VI tal-2025

ATT sabiex jemenda l-Att dwar l-Użu mill-Ġdid tal-Informazzjoni tas-Settur Pubbliku, Kap. 546.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, haġet b'liġi dan li ġej:-

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2025 li jemenda l-Att dwar l-Użu mill-Ġdid tal-Informazzjoni tas-Settur Pubbliku u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar l-Użu mill-Ġdid tal-Informazzjoni tas-Settur Pubbliku, hawn iżjed 'il quddiem imsejjaħ l-"Att prinċipali".

Titolu fil-qosor
u għan.
Kap. 546.

(2) L-għan ta' dan l-Att hu sabiex ikompli jittrasponi d-dispożizzjonijiet tad-Direttiva (UE) 2019/1024 tal-Parlament Ewropew u tal-Kunsill tal-20 ta' Ġunju 2019 dwar id-*data* miftuħa u l-użu mill-ġdid tal-informazzjoni tas-settur pubbliku (rifomulazzjoni) u kif ukoll sabiex jitwettqu emendi oħra meħtieġa.

2. Fis-subartikolu (2) tal-artikolu 1 tal-Att prinċipali, minnufih wara l-kliem "u l-użu mill-ġdid tal-informazzjoni tas-settur pubbliku (rifomulazzjoni)" għandhom jiġu miżjuda l-kliem "u atti tal-implimentazzjoni sussegwenti tiegħu kif ukoll ta' kwalunkwe Direttivi u Regolamenti relatati oħra.

Emenda tal-
artikolu 1 tal-
Att prinċipali.

A 80

Emenda tal-artikolu 2 tal-Att prinċipali.

3. L-artikolu 2 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) minnufih wara t-tifsira "*data tar-riċerka*" għandha tiġi miżjuda t-tifsira ġdida li ġejja:

""Direttiva (UE) 2019/1024" tfisser id-Direttiva (UE) 2019/1024 tal-Parlament Ewropew u tal-Kunsill tal-20 ta' Ġunju 2019 dwar id-data miftuħa u l-użu mill-ġdid tal-informazzjoni tas-settur pubbliku (riformulazzjoni);";

(b) minnufih wara t-tifsira "*Ministru*" għandha tiġi miżjuda t-tifsira ġdida li ġejja:

""parti terza" tfisser kwalunkwe persuna fiżika jew ġuridika għajr korp tas-settur pubbliku jew impriża pubblika li jzommu d-data;";

(ċ) minnufih wara t-tifsira "*parti terza*", kif miżjuda, għandha tiġi miżjuda t-tifsira ġdida li ġejja:

""redditu raġonevoli fuq l-investment" tfisser perċentwal tat-tariffa generali, flimkien ma' dik meħtieġa sabiex jiġu rkuprati l-ispejjeż eliġibbli, li ma jeċċedix hames punti perċentwali (5%) aktar mir-rata fissa tal-imgħax tal-Bank Ċentrali Ewropew (BĊE);".

Żieda ta' artikolu ġdid fl-Att prinċipali.

4. Minnufih wara l-artikolu 7 tal-Att prinċipali, għandu jiġi miżjud l-artikolu ġdid li ġej:

"Dokumenti miżmuma minn impriži pubbliċi.

7A. Fil-każ ta' dokumenti miżmuma mill-impriži pubbliċi, tali impriži pubbliċi għandhom jiżguraw li meta jkun permess l-użu mill-ġdid ta' tali dokumenti, l-istess dokumenti għandhom ikunu jistgħu jintużaw mill-ġdid għall-finijiet kummerċjali jew mhux kummerċjali skont il-kundizzjonijiet stabbiliti f'dan l-Att."

Emenda tal-artikolu 8A tal-Att prinċipali.

5. Is-subartikolu (2) tal-artikolu 8A tal-Att prinċipali għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(2) Data tar-riċerka ffinanzjata mill-pubbliku għandha tkun disponibbli b'mod miftuħ, skont il-prinċipju tal-ftuħ awtomatiku u l-prinċipji FAIR."

Emenda tal-artikolu 13 tal-Att prinċipali.

6. Minnufih wara s-subartikolu (1) tal-artikolu 13 tal-Att prinċipali għandu jiġi miżjud is-subartikolu ġdid li ġej:

"(1a) Il-korpi tas-settur pubbliku u l-impriži pubbliċi huma mheġġa sabiex, fejn huwa possibbli, jipproduċu u jagħmlu dokumenti disponibbli kif stabbilit f'dan l-Att b'mod miftuħ

skont il-prinċipju tal-ftuħ sa mill-faži tad-disinn u b'mod awtomatiku kif tirreferi għalihom id-Direttiva 2019/1024/UE."

7. Il-paragrafu (a) tas-subartikolu (2) tal-artikolu 15 tal-Att prinċipali għandu jiġi sostitwit bil-paragrafu ġdid li ġej:

Emenda tal-artikolu 15 tal-Att prinċipali.

"(a) korpi tas-settur pubbliku li huma mitluba jiġġeneraw dħul sabiex ikopru parti sostanzjali mill-ispejjeż tagħhom marbuta mat-twettiq tal-kompiti pubbliċi tagħhom u lista ta' tali korpi għandha tiġi ppubblikata online;"

8. L-artikolu 18 tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni tal-artikolu 18 tal-Att prinċipali.

"Arranġamenti prattiċi.

18. (1) Il-Ministru għandu:

(a) jagħmel arranġamenti prattiċi li jiffaċilitaw it-tiftix għad-dokumenti disponibbli għall-użu mill-ġdid, bħal listi ta' assi ta' dokumenti ewlenin bil-metadata rilevanti, li jkunu aċċessibbli online meta jkun possibbli u xieraq u f'format li jinqara mill-magni, u portali li jkollhom kollegati mal-listi ta' assi;

(b) meta jkun possibbli, jiffaċilita t-tiftix interlingwistiku għad-dokumenti; u

(ċ) ikompli bl-isforzi sabiex jiġi ssimplifikat l-aċċess għas-settijiet tad-data, billi jiġi provdut punt ta' aċċess uniku u jitqiegħdu għad-dispożizzjoni settijiet tad-data adatti miżmuma minn korpi tas-settur pubbliku fir-rigward ta' dokumenti li għalihom japplika dan l-Att, f'formati li jkunu aċċessibbli, faċli sabiex jinstabu u li jistgħu jintużaw mill-ġdid b'mezzi elettronici.

(2) Il-Korpi tas-settur pubbliku huma mhegġa sabiex jagħmlu arranġamenti prattiċi li jiffaċilitaw il-preservazzjoni ta' dokumenti disponibbli għall-użu mill-ġdid."

9. Fis-subartikolu (2) tal-artikolu 19 tal-Att prinċipali l-kliem "ikunu trasparenti u magħmula pubbliċi" għandhom jiġu sostwiti bil-kliem "ikunu trasparenti u jitqiegħdu għad-dispożizzjoni tal-pubbliku online."

Emenda tal-artikolu 19 tal-Att prinċipali.

10. Minnufih wara l-artikolu 25 tal-Att prinċipali għandu jiġi

Żieda ta' artikolu ġdid fl-Att prinċipali.

miżjud l-artikolu ġdid li ġej:

"Politiki nazzjonali u, jew azzjonijiet rilevanti.

26. Il-Ministru għandu s-setgħa joħroġ direttivi jew regoli sabiex jiġu adottati politiki nazzjonali u, jew azzjonijiet rilevanti bil-għan li:

(a) ihegġeg lill-korpi tas-settur pubbliku sabiex jiffacilitaw il-preservazzjoni tad-dokumenti disponibbli għall-użu mill-ġdid;

(b) ihegġeg lill-korpi tas-settur pubbliku u l-imprezzi pubbliċi sabiex, fejn huwa possibbli, jipproduċu u jitqiegħdu għad-dispożizzjoni dokumenti b'mod miftuħ kif stabbilit f'dan l-Att skont il-prinċipju tal-ftuħ sa mill-fażi tad-disinn u b'mod awtomatiku kif tirreferi għalihom id-Direttiva 2019/1024/UE;

(ċ) id-data tar-riċerka ffinanzjata mill-pubbliku tkun disponibbli b'mod miftuħ, skont il-prinċipju tal-ftuħ b'mod awtomatiku u b'mod kompatibbli mal-prinċipji FAIR."

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 319 tas-6 ta' Marzu, 2025.

ANĠLU FARRUGIA
Speaker

ELEANOR SCERRI
Skrivan tal-Kamra tad-Deputati

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.

(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

VERŻJONI ELETTRONIKA