

Towards the 2008 review of the Directive on PSI re-use



Latvian National Meeting

25 January 2008, Riga



REPORT



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Vote of Thanks

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List of contents

1	Introduction. Speakers, Participants.....	5
2	Legal and regulatory progress and impact.....	5
2.1	Status of transposition	5
2.2	Extent to which the provisions of the Directive are affecting changes in national law	5
2.3	Assessment of the requirement to extend the scope of the Directive	5
2.4	Good and bad practices.....	6
2.5	Next steps to be taken on a National level	7
3	Public sector organization and culture change	7
3.1	Experiences of national government in complying with the Directive and supporting re-use	7
3.2	Models of Public-Private Partnership occurring at various stage of the value chain.....	7
3.3	Impact of relevant initiatives of national and local government to support making PSI easily available to private sector for re-use.....	7
3.4	Good and bad practices.....	8
3.5	Next steps to be taken on a National level	8
4	Encouraging PSI reuse businesses	8
4.1	Factors underlying demand for and creation pan-European products.....	8
4.2	Inter-sector learning and analysis: what makes some sectors more successful in PSI re-use business and what lessons can be transferred	8
4.3	Possibilities for a Pan-European forum on PSI-re-use	8
4.4	Good and bad practices.....	9
4.5	Next steps to be taken on a National level	9

5	The financial impact: pricing and charging.....	9
5.1	Effects of the Directive on the PSI value chain	9
5.2	Developments in pricing and charging policies.....	9
5.3	Outstanding national policies and conditions which are at variance with maximising the economic benefit of added-value PSI.....	9
5.4	Good and bad practices.....	9
5.5	Next steps to be taken on a National level	9
6	Information management, standards and data quality.....	10
6.1	Impact on data quality for business re-use of public sector interventions, including through types of PPP	10
6.2	Acceptable data quality for PSI re-use in different key sectors.....	10
6.3	Good and bad practices.....	10
6.4	Next steps to be taken on a National level	10
7	National situation: specific issues	10

Annexes

Annex 1: Agenda

Annex 2: List of Participants

1 Introduction. Speakers, Participants

The national meeting of Latvia was attended by 56 participants. For details please see annex 2.

Summarizing the presentations of foreign guest speakers

Mrs Gerda Schennach, Federal Office of Metrology and Surveying of Austria, outlined in her presentation the results of the price reform implemented by her organisation, starting on 1 January 2006. She summarized that the decrease of re-use prices by up to 97 per cent attracted more re-users, and therefore did not result in a drop of revenue due to decreased prices. A set of complementary measures was deployed (e.g. multi-site licenses) and benefited the industry. From 2008 onward, the reform will be continued including licences for commercial conglomerates or possibly, government-wide. This model will be applied also for G2G purposes (see INSPIRE Directive).

Mrs Carol Tullo, OPSI (UK), presented the activities of her agency as an intermediary between public data holders and re-use companies. She highlighted successful initiatives such as the click-use license, the Information Fair Trader Scheme (IFTS), and the Advisory Panel (APPSI). Finally, she gave an outlook on future activities such as spot audits or a study on the macro-economic effects of different price models.

2 Legal and regulatory progress and impact

2.1 Status of transposition

On 5 October 2006, the Latvian transposition of the PSI Directive was adopted by the Federal Parliament of Latvia and entered into force on 13 October 2006. It applies to all Federal and local authorities and amended the existing Freedom of Information Act (1998). It was complemented by the Cabinet Regulation No. 940 “Regulation on the Charged Services of Information Provision”, and the Cabinet Regulation No. 338 “The Procedure of Granting an Exclusive Right to Reuse of Information and Publication of Information on Granting of Such Right”.

Similar to other Member States, charging for the re-use of PSI of the company register and the court judgements is ruled by specific cabinet regulations. The legislative acts applicable and the regulation provided by them comply with the preconditions set forth in the PSI Directive in respect of the reuse, accessibility, openness and prohibition of discrimination.

2.2 Extent to which the provisions of the Directive are affecting changes in national law

There is no evidence for legislative activities going beyond the current transposition although in few areas exclusive relationships seem to be in place (e.g. City of Riga in terms of traffic information).

2.3 Assessment of the requirement to extend the scope of the Directive

The participants of the meeting did not claim to extend the scope of the Directive, for instance to cultural information.

2.4 Good and bad practices

In general, the PPP model is clearly seen as a success case by both private and public sector.

Good practice: as soon as Latvia became independent the Government invited the content industry to conclude partnership agreements. The establishment of several public registers was outsourced to a single company (Lursoft). Primarily designed as a PPP this kind of partnership may not be seen any more, since parallel public registers have been set up so that re-use companies have the choice between various providers of public data.

Good practice relating to PSI asset lists: in 2006 the Latvian Government established the "State Information Systems Register" based on the Law on State Information Systems and "The Regulation of the Cabinet of Ministers for State Information Systems Registration". It contains inter alia the following metadata: managers of the state information systems; data exchange protocols and standards; the costs of establishing and maintaining the system; the fees for the services. The register serves as knowledge base for internal and external purposes (e.g. consultants, systems developers). In the future that knowledge database shall reference also electronic services of both national and local administrations.
www.visr.eps.gov.lv

Good practice: the public Terminology and Translation Center (TTC) achieved valuable results by translating the majority of Latvian Acts and cabinet regulations into English and providing that information for free on the net, including for re-use.

Good practice: in late 2007, the Secretariat of Special Assignments Minister of Electronic Government Affairs commissioned a study to evaluate the transposition of the PSI Directive (Title: Public sector information reuse in Latvia). Based on the interviews with 38 experts and 77 re-users and further investigations a very comprehensive report was completed in January 2008. A summary of that report is available for download from the website of ePSIplus: http://www.epsiplus.net/reports/psi_re_use_summary_study_latvia

Exclusive agreements: The Cabinet Regulation No. 338 named "The Procedure According to Which the Exclusive Right for Reuse of Information is Granted and the Information on Granting Such Right is Published" provides for the procedure according to which the exclusive right for re-use of information is granted and according to which the information on granting the said right is published, as well as the procedure for granting the exclusiveness and the mandatory terms and conditions of such agreements. The said Regulation is applicable to any institution or person who performs the public administration functions and tasks, where such person is related to performance of the respective functions and tasks within the circulation of information. The information which justifies granting exclusive rights should contain a detailed analysis and justification of the need for granting the exclusive right; information on the conducted market research; an expanded justification for the selection of the particular exclusive right subject (in comparison to other market participants). Furthermore, when submitting information to justify exclusive rights, an opinion by the Competition Council and the State Data Inspectorate should be appended. In the case of traffic information, for instance, the City of Riga has granted re-use only to one enterprise and this assumes that an exclusive agreement was concluded.

Good practice: the reorganisation of the Latvian Mapping Authority in 2005 improved the conditions of re-use and the service quality of the public agency. Furthermore, in January 2008 Minister Gudule announced that by 2012 the latest the national unified geoportal will be finished. This project involves seven ministries including that for cultural and tourist affairs paving the way for added-value services. Worth to mention that priority is given to the business community as the following interview with Mrs Gudule clearly indicates: "Companies have already demonstrated interest in this project. We're pleased to see that there are so many companies that are prepared to work on a system as the GIS. Many have their own geographic information systems, and we can make use of those. Much of the system can be based on public-private partnership. We don't want to spend public money on things which already exist. Instead, we'll be looking for models of partnership which are based on the need to make sure that all sides are the winners." (Source: eBaltics.com, 2008.02.08)

2.5 Next steps to be taken on a National level

The Latvian Government has assigned high priority to the re-use of PSI and it is likely that further actions are considered to increase the level playing field for re-use companies.

Furthermore, it has to be highlighted that various PSI holders proposed to set up a “one-stop agency” to facilitate the management of granting re-use, benefiting both PSI holders and PSI requesters (Summary of the Latvian PSI report, p. 12).

3 Public sector organization and culture change

3.1 Experiences of national government in complying with the Directive and supporting re-use

In late 2007 the Secretariat of Special Assignments Minister of Electronic Government Affairs commissioned a national PSI report providing a very comprehensive overview on the challenges of both PSI holders and re-use companies. A summary of this profound analysis was published in January 2008 and proved that in some PSI areas progress has been achieved in the last years.

The Secretariat of Special Assignments of Minister for Electronic Government Affairs can be seen as one of the European PSI Champions pushing the issue of PSI re-use forward.

3.2 Models of Public-Private Partnership occurring at various stage of the value chain

According to experts and the competition authority the contractual relationship between the Latvian Government and Lursoft refers only to the provision of technology (database) and not to content (legal and business information). Furthermore, from 2000 on Government established competitive public registers so that competitive re-users can request public data either from Lursoft or the National Gazette. The various re-users of Latvian legal and business information seem to confirm these findings.

Regarding the plans to establish a unified national geoportal, Minister Gudule announced in early 2008 a policy to foster PPP and to give priority to existing commercial services avoiding unfair competition: “Companies have already demonstrated interest in this project. We’re pleased to see that there are so many companies that are prepared to work on as important a system as the GIS. Many have their own geographic information systems, and we can make use of those. Much of the system can be based on public-private partnership. We don’t want to spend public money on things which already exist. Instead, we’ll be looking for models of partnership which are based on the need to make sure that all sides are the winners.” (Source: eBaltics.com, 2008.02.08)

3.3 Impact of relevant initiatives of national and local government to support making PSI easily available to private sector for re-use

The Secretariat of Special Assignments Minister of Electronic Government Affairs commissioned in late 2007 a national PSI report providing in-depth analysis of the market and the challenges for all stakeholders. Within the next months the Latvian Government will evaluate foreign institutional models (e.g. deployed by the UK) to provide further assistance to both PSI holders and re-users.

3.4 Good and bad practices

Good practice: from a European point of view it is worth mentioning that already in the 90s Government did contract the establishment of public registers out to business partners. In some Governmental areas the collaboration between public and private sectors seems to be very fruitful and plenty of outstanding re-use services emerged in the business sector.

3.5 Next steps to be taken on a National level

The Latvian report 2007 revealed that the concept and notion of re-use is still unclear to many PSI holders and that they would require individual training to tackle all these legal and organisational challenges (e.g. FOI versus PSI re-use). Such training is still not provided to civil servants and institutional backup is still missing. But there is hope that the strong informal ties between public and private sector will result in a better mutual understanding.

4 Encouraging PSI reuse businesses

4.1 Factors underlying demand for and creation pan-European products

In terms of business information (e.g. company register, balance sheets) European and international publishers have been re-using Latvian PSI without further restrictions. Latvian PSI is integral part of most European and international services, for instance in the field of legal and business information. The company Lursoft is a driving force within the consortium "European Business Register" to establish a pan-European portal for company information.

On the other hand, Latvian re-use companies focus primarily the national market except two services (geoinformation, company register) including PSI also from Lithuania. Since the Lithuanian PSI environment seems to be less favourable, the emergence of further cross border services cannot be predicted.

4.2 Inter-sector learning and analysis: what makes some sectors more successful in PSI re-use business and what lessons can be transferred

The access and re-use of legal and business information started off early after Latvia became again independent in the 90ies. Although Government concluded an exclusive partnership with Lursoft to set up statutory registers, Lursoft released a large portion of its content for free on the net. Since PSI holders as well as Lursoft grant re-use to further businesses, the Latvian business and legal information industry is well advanced, even in European terms. Registers have been cross-referenced very well and some of these seamless services of the content industry are outstanding by European standards.

Latvia could easily exploit its fourteen years of public-private collaboration and extend it to further sectors, such as geographical or traffic information which still face some kind of restrictions. Latvia has already demonstrated in the past how progress can be achieved.

4.3 Possibilities for a Pan-European forum on PSI-re-use

Latvia was amongst the six countries attending the launch event of the PSI Alliance on 23 January 2008 in Prague and signing the "Memorandum of Understanding".

4.4 Good and bad practices

Bad practice: according to various observations none of the relatively few business associations has addressed the re-use of PSI and started to lobby the Government to achieve a better legal and organisational framework for re-use.

Good practice: “A number of best practice examples have been named, out of which the most often stressed was Lursoft’s contribution, the extensive fields of activity and the scope of processed information. The technical capacity of the Lursoft database also has to be mentioned with its provision for personal data protection and maintenance of a database with information on who has looked up what information.” (Latvian PSI Report 2007)

4.5 Next steps to be taken on a National level

Based on the results of the overall national PSI report of 2007 the Latvian Government will continue its engagement to provide a better framework for re-use of PSI.

5 The financial impact: pricing and charging

5.1 Effects of the Directive on the PSI value chain

There is no evidence that the PSI Directive effected the PSI value chain since fundamental decisions (see the case of Lursoft) were taken in the early 90.

5.2 Developments in pricing and charging policies

The transposition of the PSI Directive did not alter the pricing regime of Latvian PSI at all. The price level of certain PSI as geographical and weather information is still considered too high, mainly when re-users require the whole dataset of the country. This conflict is typical for countries who apply the FOI pricing regime also to PSI re-use. There is no evidence that particular PSI areas will adapt its pricing regime since most of them are bound by the strict pricing regime established by Cabinet Regulations.

5.3 Outstanding national policies and conditions which are at variance with maximising the economic benefit of added-value PSI

Major activities are done in the field of geographical information where a unified national geoportal will emerge within the next years. There is no evidence in how far this project will impact the re-use industry and in how far the PSI holders will abstain from developing added-value services.

5.4 Good and bad practices

Bad practice: due to high prices set by various public data holders PSI re-users are forced to request single datasets - based on individual requests of their users. This ad hoc licensing of single PSI datasets endangers the establishment of comprehensive services and hampers the development of a professional information industry.

5.5 Next steps to be taken on a National level

Participants at the ePSIplus workshop as well as respondents to the Latvian PSI report recommended to adapt the price regime of various public data holders and to take into account the specific requirements of PSI re-users, e.g. to re-use the whole data collection of one particular sector.

6 Information management, standards and data quality

6.1 Impact on data quality for business re-use of public sector interventions, including through types of PPP

Various re-users claimed that some public sources, for instance geographical information are not up to date. Up to now there is no evidence that Government will conclude further PPP or even license private sources to improve the quality of its public data.

6.2 Acceptable data quality for PSI re-use in different key sectors

As mentioned earlier in this report, the situation of PSI re-use is quite uneven in Latvia. Several fields of Latvian PSI and re-use services should be considered well advanced. In terms of geographical information, re-users claimed the lack of quality: some of these public sources have not improved in the last seven years. Similar concerns were raised regarding the quality of traffic information and the utilities catastrophe.

6.3 Good and bad practices

Good practice: Latvia set up a quite comprehensive asset list listing details on the ownership, the management, the metadata, data formats and further parameter relevant for the re-use industry. This national asset list will be extended also to public sources of the regional and local level.

6.4 Next steps to be taken on a National level

There is no evidence that the national standardisation body or any other public committee will become active to agree on common standards, except in the field of geographical information.

7 National situation: specific issues

According to experts, business information is presently the most widely reused information in Latvia. The largest providers are Lursoft IT and Lursoft.

In Latvia, PSI re-use is driven by single companies and not by associations who seem to play a minor role to lobby Government or individual PSI holders.

Since the PSI Directive was transposed within FOI legislation, public data holders are often unaware of the different requirements of the re-use industry. Most FOI related price regimes do not suit the needs of the re-use industry who do not request single documents but data collections containing often millions of datasets.

In terms of re-use, one complaint regarding the role of Lursoft was filed to the Competition Authority. However, the Authority ruled that Lursoft is not distorting competition. Furthermore, in 2007 a re-use company filed a case against the Ministry of Justice (in charge of the Land Register) but the Court has delayed the proceedings to 2009 without further notice or explanation.



Annex 1: Agenda



Towards the 2008 review of the Directive 2003/98/EC of the European Parliament and of the Council on the re-use of public sector information

Latvia : National Meeting in the frame of ePSIplus Agenda (Final)

9.00 – 9.30	Registration	
9.30 - 9.35	Welcome and agenda of the today's meeting	Ms Inese Betaga, representative of National partner of ePSIplus – Secretariat of Special Assignments Minister for Electronic Government Affairs
9.35 - 9.55	Opening address	Ms Ina Gudele, Minister for Special Assignments for e-Government Affairs of Latvia
9.55 – 10.15	ePSIplus: agenda, interim-results, best practices, PSI-Directive	Mr Gerhard K. Wagner, ePSIplus analyst, Austria
10.15 – 10.40	Results of the Latvian PSI Study, discussion	Mr Janis Bethers, LTD Aksedo, Latvia
10.40 – 11.00	State Information Systems register – asset register in the area of state information systems	Mr Vitalijs Kengis, Head of state Information Systems Unit, Secretariat of Special Assignments Minister for Electronic Government Affairs, Latvia
11.00 – 11.30	Coffee break:	
11.30 – 11.50	Re-using Geodata: report by re-user company	Mr Janis Turlais, Head of Publishing Office of Maps Janaseta, Latvia
11.50 -12.10	The transposition of the INSPIRE Directive:	Mr Harijs Baranovs, Deputy Director of Latvian Geospatial Information Agency,



	outstanding questions for re-use of basic geodata in electronic environment	Latvia
12.10 – 12.30	Challenges for Riga municipality to transpose PSI re-use and INSPIRE Directive	Mr Eriks Zegelis, Head of Information Technology Centre of Riga municipality
12.30 – 12.50	Enhancing market activities by a new pricing model for national reference data in Austria: lessons from the evaluation 2007 and outlook to further steps	Ms Gerda Schennach, Federal Office of Metrology and Surveying HeadquartersL/BEV of Austria
12.50 – 13.00	a) Best practice: the 2006 reform of the Austrian geodata market stimulated the market b) Digital-TV: new distribution channel for re-users (lessons from Germany)	Mr Gerhard K. Wagner, ePSIplus analyst, Austria
13.00 – 14.00	Lunch hosted by Secretariat of Special Assignments Minister for e-Government Affairs of Latvia	
14.00 – 14.20	Re-use of Legal data – role of Official Governmental Edition Latvijas Vestnesis in the area of provision of legal acts for re-use	Mr Ints Kalnins, Head of Board of Official Governmental Edition Latvijas Vestnesis
14.20 – 14.50	Re-use of traffic information, legal data, business information	Mr Ainars Bruvelis, Head of Board of Ltd Lursoft IT, Latvia
14.50 -15.00	Re-use of Agricultural information	Ms Erna Galvanovska, Deputy Director of State agency "Agricultural data centre", Latvia



15.00 – 15.20	Coffee break:	
15.20 – 15.50	Best Practice: the achievements of the Office of Public Sector Information and PSI Advisory board APPSI in the UK	Ms Carol Tullo, Office of Public Sector Information, UK
15.50 - 16.30	Summary of the meeting and the proposals recommended for the review 2008 (First Latvian Roundtable on PSI)	<p>Mr Gerhard K. Wagner, ePSIplus-analyst (moderator)</p> <p>Mr Martins Lazdovskis, Director General of State land service, Latvia</p> <p>Mr Valerijs Sturis, Consultant of Policy Coordination Department of State Chancellery, Latvia</p> <p>Mr Jans Slihte, Director of IT Department, Ministry of Finance, Latvia</p> <p>Mr Ainars Bruvelis, Head of Board, Ltd Lursoft IT, Latvia</p> <p>Mr Martins Popelis, Member of Board LTD Baltic Consulting, Latvia</p> <p>Ms Linda Austere - Policy Researcher Centre for Public Policy PROVIDUS, Latvia</p>
16.30	Closing	

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Annex 2: List of Participants

ePSIplus sanāksmes Latvijā dalībnieki

2008. gada 25. janvāris

Final

Nr.	Vārds	Uzvārds	Iestāde
1.	Ina	Gudele	Īpašu uzdevumu ministre elektroniskās pārvaldes lietās
2.	<i>Gerhard K.</i>	<i>Wagner</i>	ePSIplus analītiķis, Austrija
3.	<i>Jānis</i>	<i>Bethers</i>	SIA Aksedo
4.	<i>Vitālijs</i>	<i>Ķeņģis</i>	Īpašu uzdevumu ministra elektroniskās pārvaldes lietās sekretariāts VIS nodaļas vadītājs
5.	<i>Jānis</i>	<i>Turlais</i>	Karšu izdevniecības "Jāņa sēta", vadītājs
6.	<i>Harijs</i>	<i>Baranovs</i>	Latvijas Ģeotelpiskās informācijas aģentūra direktora vietnieks ģeoinformācijas jautājumos
7.	<i>Ēriks</i>	<i>Zēģelis</i>	Rīgas dome ITC direktors
8.	<i>Gerda</i>	<i>Schennach</i>	Federal Office of Metrology and Surveying Headquarters L/BEV, Austrija
9.	<i>Ints</i>	<i>Kalniņš</i>	"Latvijas Vēstnesis" valdes loceklis
10.	<i>Ainārs</i>	<i>Brūvelis</i>	SIA "Lursoft IT" valdes priekšsēdētājs
11.	<i>Erna</i>	<i>Galvanovska</i>	Valsts aģentūra "Lauksaimniecības datu centrs" direktora vietiece

12.	<i>Carol</i>	<i>Tullo</i>	Publiskā sektora informācijas birojs, Apvienortā Karaliste
13.	Linda	Austere	PROVIDUS Sabiedriskās politikas centrs, politikas pētniece
14.	Kārlis	Sproģis	SIA "IUB.LV" valdes loceklis
15.	Jans	Šlihte	Finanšu ministrija, IT departamenta direktors
16.	Inese	Betaga	Īpašu uzdevumu ministra elektroniskās pārvaldes lietās sekretariāts Starptautiskās politikas nodaļas vadītāja
17.	Mārtiņš	Lazdovskis	Valsts zemes dienests Ģenerāldirektors
18.	Aiva	Vīksna	SIA „Lietišķās Informācijas Dienests” izpilddirektore
19.	Sarmīte	Barvika	LR valsts zemes dienests Stratēģijas un attīstības departamenta Stratēģiskās plānošanas daļas vadītājas vietniece
20.	Aivars	Malacanovs	Valsts zemes dienests Stratēģijas un attīstības departamenta direktors
21.	Karlīna	Vaivade	SIA Aksedo Projektu vadītāja
22.	Linda	Strenga	SIA Komerccentrs DATI grupa

23.	Irina	Stepanova	LR Uzņēmumu reģistrs Informātikas nodaļas vadītāja vietniece
24.	Signe	Rudzīte	LR Valsts zemes dienests Kadastra un reģistru departamenta direktora vietniece
25.	Signe	Plūmiņa	Datu valsts inspekcija direktore
26.	Līga	Jurjeva	Valsts zemes dienests Klientu apkalpošanas un datu izplatīšanas departamenta direktore
27.	Daina	Ābele	Latvijas Vēstnesis valdes priekšsēdētāja
28.	Sannija	Jauce	Latvijas Vēstnesis Portāla LV.LV ārlietu redaktore
29.	Sandra	Vīgante	Tieslietu ministrija Eiropas un starptautisko tiesību departamenta Starptautisko publisko tiesību nodaļas vadītāja
30.	Gunta	Kļaviņa	Žurnāls „Sakaru Pasaule” žurnāliste, galvenā redaktore
31.	Aldis	Gulbis	SIA Komercentrs Dati grupa Valdes priekšsēdētājs
32.	Olga	McHenry	ePSIplus project representative
33.	Guntars	Baiža	SIA «Lietišķās informācijas dienests» Informācijas nodaļas vadītājs
34.	Olga	Zeile	Tieslietu ministrija Nozaru politikas departamenta direktore
35.	Kristiana	Liepa	LR Valsts ieņēmumu dienests Komunikācijas daļas vadītāja vietniece

36.	Normunds	Abols	SIA „LATIO” IS Administrators
37.	Ilmārs	Krampis	SIA ENVIROTECH Projektu vadītājs
38.	Tatjana	Paško	Konkurences padome Biroja 3.analītiskā departamenta vecākā referente
39.	Dace	Aizstrauta	Valsts kanceleja Konsultante
40.	Ingrīda	Reizina	Tieslietu ministrija Nozaru politikas departamenta Politikas izstrādes nodaļas vadītāja
41.	Māris	Finks	Veselības ministrija e-veselības nodaļas vadītājs
42.	Kārlis	Zeīļa	Centrālā statistikas pārvalde Priekšnieka vietnieks
43.	Gundega	Jaunbērziņa	Ekonomikas ministrija Iekšējā tirgus departaments, Tirdzniecības normatīvu un SOLVIT nodaļas vec. referante
44.	Uldis	Apels	Lauku atbalsta dienests Informācijas departamenta direktors
45.	Juris	Frīdmanis	Latvijas Vides, ģeoloģijas un meteoroloģijas aģentūra Vides piesārņojuma informācijas nodaļas vadītājs
46.	Jānis	Klīve	Pašvaldības SIA Rīgas ĢeoMetrs ĢIS nodaļas vadītājs
47.	Kristīne	Žvīgure	SIA „Karšu izdevniecība Jāņa sēta”
48.	Antra	Skuja	LR Uzņēmumu reģistrs Informācijas daļas vadītājas vietniece

49.	Santa	Sīpola	Īpašu uzdevumu ministra elektroniskās pārvaldes lietās sekretariāts
50.	Elīna	Piruška	Īpašu uzdevumu ministra elektroniskās pārvaldes lietās sekretariāts Politikas koordinācijas nodaļas vecākā referente
51.	Elīta	Cepurīte	Īpašu uzdevumu ministra elektroniskās pārvaldes lietās sekretariāts Komunikācijas nodaļas vadītāja
52.	Laura	Dūda	Ekonomikas ministrija
53.	Dzintars	Grasmanis	Ekonomikas ministrija Būvniecības stratēģijas nodaļas vadītājs
54.	Līta	Lizuma	Latvijas Vides, ģeoloģijas un meteoroloģijas aģentūra
55.	Jānis	Puriņš	Digital Stream Valdes loceklis
56.	Margrēta	Baltgalve	Veselības statistikas un medicīnas tehnoloģiju valsts aģentūra