



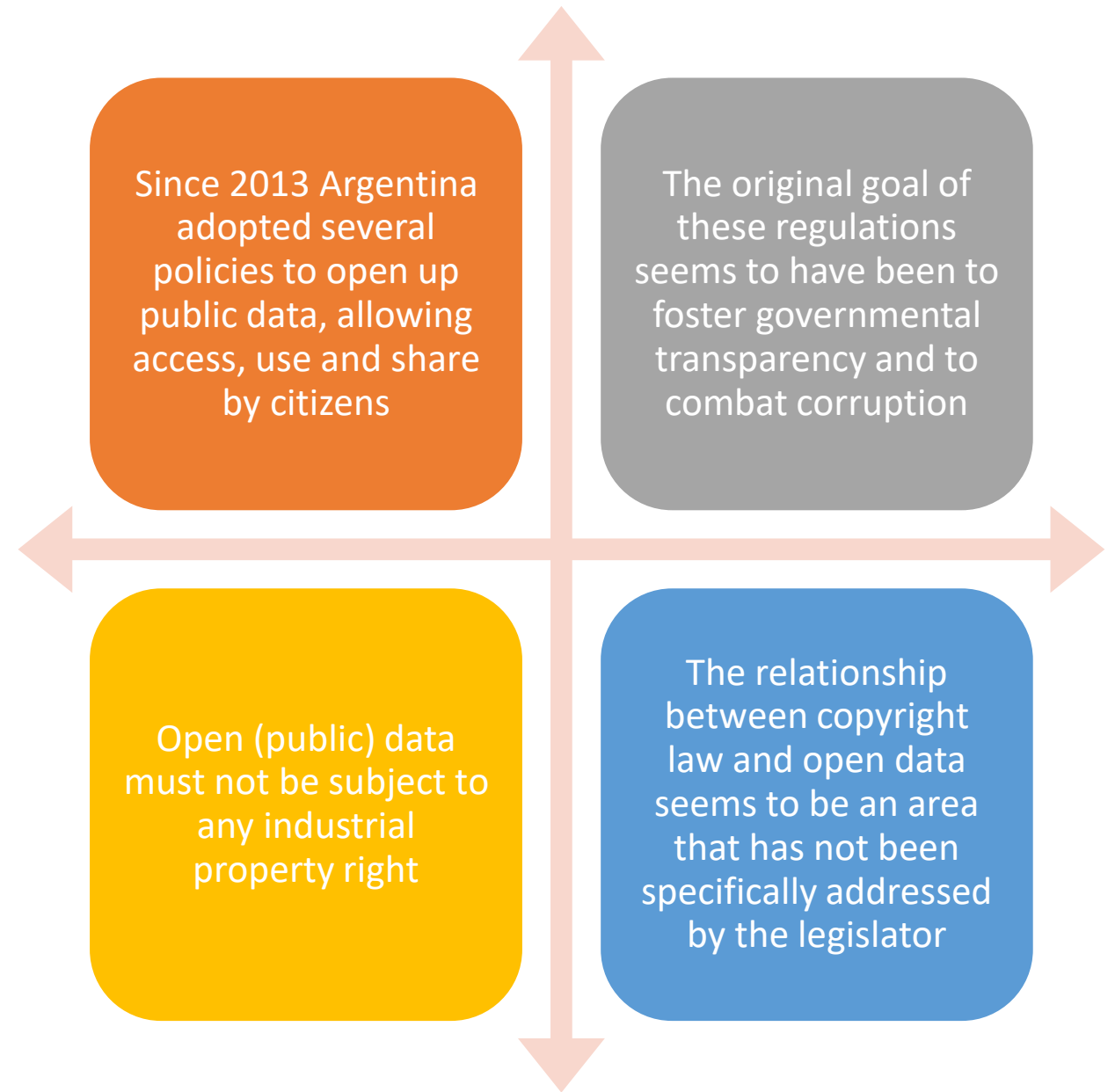
# PSI in Argentina

---

Maximiliano Marzetti, PhD

[m.marzett@ieseg.fr](mailto:m.marzett@ieseg.fr)

# Overview of the Legal Framework of PSI in Argentina



CABINET OF  
MINISTERS,  
Resolution  
538/2013,  
Creation of  
National Public  
Data System  
Program

- Public Data must be published under an **open license** (ART 4e)
- **Open Data:** It is the public data available in a digital medium, under an open license and using an open standard format (ART. 7)
- **Open License:** It is an agreement of provision of data that grants ample access for any person to use, reuse and distribute it, being subject to the following conditions...
  - That it be shared under the same license (Art. 7e)

MINISTRY OF  
MODERNIZATION  
Decree  
117/2016, Data  
Opening Plan

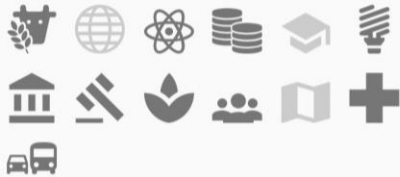
- Mandates the Executive Branch to create and Open Data Plan within 180 days
  - The plans created by the different dependencies of the Executive, are available here: <https://datosgobar.github.io/pad/> (in Spanish)

# Datasets

Estos son datos públicos generados, guardados y publicados por organismos de gobierno de la República Argentina.

902  
DATASETS

## Temas



## Organizaciones

Jefatura de Gabinete de Ministros (116)

Ministerio de Defensa (22)

¿Qué datasets buscás?



Ordenar por:

Última modificaciór

### Datos estructurales de poderes judiciales y ministerios públicos...

Instituciones firmantes del Convenio Interjurisdiccional de...

En este conjunto de datos se muestran los datos estructurales (edilicios, informáticos y humanos) de...



csv

### Archivos recibidos de los ministerios públicos provinciales



csv

zip

- The Executive encourages its dependencies to share their datasets through the portal: <https://datos.gob.ar/> (Spanish)
- In addition, the Autonomous City of Buenos Aires has published a number of open access (and reusable) datasets: <https://data.buenosaires.gob.ar/dataset> (Spanish)

# Open Datasets

# Open Data Kit

- The Open Data Kit (available at [https://www.argentina.gob.ar/sites/default/files/2.kit\\_de\\_datos\\_abiertos.pdf](https://www.argentina.gob.ar/sites/default/files/2.kit_de_datos_abiertos.pdf), in Spanish) suggest the use of the following licenses for Public Open Data:
  - Open Data Commons Public Domain Dedication and License
  - Open Data Commons Attribution License
  - Open Data Commons Open Database License
  - Creative Commons Attribution 4.0 International (however, not all the datasets available at the <https://datos.gob.ar/> site have an express license)

RIGHT OF  
ACCESS TO  
PUBLIC  
INFORMATION  
Act. 27.275  
(2016)

- ART. 1. Object. The purpose of this law is **to guarantee the effective exercise of the right of access to public information, promote citizen participation and transparency of public management...**
- Openness (Principle): the information must be accessible in open electronic formats, **which facilitate its processing by automatic means that allow its reuse or redistribution by third parties** (ART. 1)
- The **right of access to public information includes** the possibility of searching, accessing, requesting, receiving, copying, analysing, **reprocessing, reusing and redistributing freely** the information in the custody of the obligated subjects (*omissis*), with the only limitations and exceptions established by this rule (ART.2)

# State Assets in the Public Domain

- Civil and Commercial Code:
  - ARTICLE 235: Assets belonging to the public domain of the State, tangible (Argentine sea, interior rivers, lakes, public roads, etc.) and **intangible**. The following are assets belonging to the public domain, except as provided by special laws:
    - **g) the official documents of the State;**
      - ARTICLE 237: (Omissis) The public goods of the State are inalienable, indefeasible (unseizable) and imprescriptible. **People have their use and enjoyment**, subject to general and local provisions.



## Institutional Open Access Digital Repositories Act, no. 26.899 (2013)

*On 13 November, the Argentinian Congress passed a law (No. 26.899), Creating **Institutional Open Access Digital Repositories, Owned or Shared** establishing that all institutions belonging to the **National Science and Technology System (SNCYT**, according to its acronym in Spanish) that receive public funds (partly or entirely) shall create free and open access institutional digital repositories where all the scientific and technological publications (which includes journal articles, technical and scientific papers, theses, etc.) and research data must be available. The free and open access institutional digital repositories shall be compatible with international interoperability standards, and ensure free open access to the documents and research data (Article 4).*

Source: <https://www.ip-watch.org/2013/12/16/argentina-passes-open-access-act-making-publicly-funded-research-available/>

*The Open Access (AA) model for scientific-technological production implies that users of this type of material can, for free, read, download, copy, distribute, print, search or link the complete texts of scientific articles, and use them for legitimate purposes linked to scientific research, education or public policy management, without other economic, legal or technical barriers than the Internet itself. The only condition that poses this model for the reproduction and distribution of the works that are made available is the obligation to grant authors control over the integrity of their work and the right to be properly recognized and cited.*

Source: <http://repositoriosdigitales.mincyt.gov.ar/vufind/Content/about>

# Copyright Act no. 11.723 (1933)

- No specific provision on PSI
- The Act has few exceptions and limitations, which in turn are very circumscribed, allowing access and re-use of copyrighted works
- For instance, Argentina is one of the few countries without specific exceptions and limitations for libraries and/or archives (cf. STUDY ON COPYRIGHT LIMITATIONS AND EXCEPTIONS FOR LIBRARIES AND ARCHIVES: UPDATED AND REVISED, Crews 2017)

# Domaine Public Payant, Executive Order 1224 (1958)

- In addition, Argentina enforces a system of *domaine public payant (DPP)*
- According to a WIPO report: “[u]nder a system of *domaine public payant*, or “*paying public domain*,” a fee is imposed for the use of works in the public domain (WIPO, Note on the Meanings of the Term "Public Domain" in the Intellectual Property System with Special Reference to the Protection of Traditional Knowledge and Traditional Cultural Expressions/Expressions of Folklore, 2010)

THE

END