



NINETY-SIXTH ORDINARY SESSION OF THE COUNCIL OF MINISTERS

Freetown, 16 – 17 July 2026

DIRECTIVE C/DIR.3/7/26 ON OPEN DATA WITHIN ECOWAS

COUNCIL OF MINISTERS,

MINDFUL of the ECOWAS Revised Treaty as amended, particularly articles 10, 11 and 12, establishing the Council of Ministers and defining its composition and functions;

MINDFUL of the said Treaty, particularly articles 27, 32 and 33, on Science and Technology, and Communication and Telecommunications;

MINDFUL of Supplementary Protocol A/SP1/12/01 on democracy and good governance;

MINDFUL of Supplementary Act A/SA.1/01/07 on the harmonization of policies and the regulatory framework of the Information and Communication Technologies (ICT) Sector;

MINDFUL of Supplementary Act A/SA.1/01/10 on Personal Data Protection within ECOWAS;

MINDFUL of Supplementary Act A/SA.2/01/10 on Electronic Transactions within ECOWAS;

MINDFUL of Directive C/DIR.1/08/11 on Fighting Cybercrime within ECOWAS;

CONSIDERING the African Charter on Human and Peoples' Rights, particularly article 9, guaranteeing to every person the right to information;

CONSIDERING ALSO the Protocol to the Agreement establishing the African Continental Free Trade Area on Digital Trade of 21 March 2018, particularly articles 3, 20, 39 and 40;

CONSIDERING FURTHER the Lusaka Agreement of 9 December 1976 establishing the African Regional Intellectual Property Organization (ARIPO) and the Bangui Agreement of 2 March 1977 establishing the African Intellectual Property Organization (AIPO);

NOTING that the public sector in each Member State collects, produces and disseminates a wide range of information in numerous fields, including social, political, economic, legal,

geographical, environmental, meteorological, agricultural, health, educational and tourism;

NOTING ALSO that such public data constitutes a valuable resource from which society may benefit, and that its availability in open and standard formats enables citizens, enterprises and organizations to create new uses, products and innovative services;

CONSCIOUS that public sector information constitutes an extraordinary source of data capable of contributing to the improvement of the regional market and to the development of new applications for consumers, businesses and civil society, and that the use of such data, including through emerging digital technologies, may transform all sectors of the West African economy;

RECOGNISING that access to information is a fundamental right and that the African Charter on Human and Peoples' Rights, as well as the Constitutions of ECOWAS Member States, guarantee freedom of expression, including freedom of opinion and freedom to receive or impart information or ideas without interference by public authorities, regardless of frontiers;

RECOGNISING ALSO that the right of access to, use of and re-use of open public data must be guaranteed, and that such data must be made available in open, machine-readable, accessible, traceable and reusable formats, accompanied by their metadata, under the supervision of an independent administrative authority for open data;

CONSCIOUS that rules and practices relating to the exploitation of public sector data differ significantly among Member States, and that such divergences constitute obstacles to the full realization of the economic potential of this resource, and that a minimum harmonization of national rules and practices should be pursued where differences or lack of clarity hinder the proper functioning of the regional digital market and the development of an information society;

DESIRING to adopt a harmonized legal framework relating to open public data within ECOWAS;

ON THE RECOMMENDATION of the meeting of ECOWAS Ministers of Telecommunications and ICT held in Freetown, on the 27 of March 2026;

UPON THE OPINION of the ECOWAS Parliament at its First Ordinary Session held in Abuja from the 4-17 May 2026.

PRESCRIBES:

CHAPTER I - GENERAL PROVISIONS

Article 1 – Definitions

For the purposes of this Directive, the following terms shall be defined as follows :

Anonymization, means the process of changing documents into anonymous documents which do not relate to an identified or identifiable natural person, or the process of rendering personal data anonymous in such a manner that the data subject is not or no longer identifiable ;

Algorithmic Processing, means any operation or set of operations performed on data by automated means, or for the purpose of automating the processing of data, classifying such data, or taking decisions;

API, Application Programming Interface is a software-based programming interface that enables automated computerised access to content, data, or services.

dynamic data, means documents in a digital form, subject to frequent or real-time updates, in particular because of their volatility or rapid obsolescence; data generated by sensors are typically considered to be dynamic data;

emerging technologies, means recent or developing technological innovations which fundamentally transform working methods, modes of communication, and decision-making processes. They are characterised by their significant disruptive potential and their capacity to reshape economic and social sectors. Emerging technologies are essentially digital in nature, comprising systems and automated tools designed to store and process data. Such technologies, often driven by advances in data processing, automation, and connectivity, play a central role in the transition towards a more digital society.

high-value datasets, means documents the re-use of which is associated with important benefits for society, the environment and the economy, in particular because of their suitability for the creation of value-added services, applications and new, high-quality and decent jobs, and of the number of potential beneficiaries of the value-added services and applications based on those datasets;

public data, data produced or collected by a public body in the course of its public service activities;

open public data, data freely accessible and reusable by the public, made available in an open, machine-readable format and not subject to restrictions arising from the rights of third parties, including the protection of private life, personal data, intellectual property, and other rights afforded legal protection;

document, the result of a series of letters, characters, figures, or any other signs and symbols conveying intelligible meaning, irrespective of their medium or mode of transmission ;

administrative or public documents, documents or data shall be deemed administrative or public documents, regardless of their date, place of storage, form, or medium, where they are produced or received in the course of the discharge of a public service mission by the State, local authorities, other public law entities, or private law persons entrusted with such a mission;

Personal Data: means any information relating to an identified or identifiable natural person, whether directly or indirectly, by reference to a name, an identification number, location data, an online identifier, or to one or more specific factors particular to that person's physical, physiological, genetic, psychological, economic, cultural, religious or social identity ;

Public Enterprise : means any enterprise which, irrespective of its commercial form, carries on an economic or non-economic activity and over which public sector bodies may exercise, directly or indirectly, a dominant influence by reason of the ownership of the enterprise, the

financial participation therein, or the rules governing it. A dominant influence of public sector bodies over the enterprise shall be presumed where such bodies, directly or indirectly, hold the majority of the subscribed capital of the enterprise, control the majority of the voting rights attached to the shares issued by the enterprise, or are able to appoint more than half of the members of the enterprise's administrative, managerial or supervisory body ;

Interoperability: means the capacity of different systems, software or networks to communicate, to exchange data and to operate jointly without restriction of access.

Data Inventory: means the list of datasets produced or collected by an entity in the course of the exercise of its activities, together with all related information such as classification, frequency of collection, ownership, and various metadata.

machine-readable format, a file format structured in such a manner that software applications may readily identify, recognise, and extract specific data, including each statement of fact and its internal structure ;

open format, means a file format that is platform-independent and made available to the public without any restriction that impedes the re-use of documents;

disability, any limitation of activity or restriction on participation in social life experienced within one's environment by a person as a result of a substantial, lasting, or permanent impairment of one or more physical, sensory, mental, cognitive, or psychological functions, of multiple disabilities, or of a disabling health condition ;

sensitive or strategic information, data relating to the protection of critical infrastructure, national security, defence, and public safety;

critical Infrastructure, any public or private infrastructure or process the destruction, cessation, unlawful exploitation, or disruption of which, for a defined period of time, could result in loss of human life, significant economic damage, or cause considerable harm to the reputation of the State or its symbols of governance. Infrastructure includes networks,

systems, and physical or digital data essential to the provision of such service. It may refer to a system or process whose functioning is critical within the organization ;

datasets, a collection of related data elements associated with one another and accessible individually or in combination, or managed as a single entity ;

standard licence, means a set of predefined re-use conditions in a digital format, preferably compatible with standardised public licences available online;

open licence, a document associated with published open datasets which specifies the rules governing their availability and use;

metadata, information associated with a dataset for the purpose of describing and defining it, specifying the source of such data, the date on which it was prepared, collected, or published, the location of its hosting, and other related identifying information ;

formal open standard, means a standard which has been laid down in written form, detailing specifications for the requirements on how to ensure software interoperability ;

public sector body, the State, local authorities, public law entities, or associations formed by one or more of such legal persons or one or more of such public law entities;

public law legal person, a public law legal person denotes public institutions vested with legal personality, including in particular the State, local authorities, public establishments, and independent administrative authorities ;

national open data portal, a national digital platform which aggregates the catalogue of open data published by public sector bodies and to which the public may have unrestricted access ;

principle of open data, one of the fundamental principles of open public data, signifying that the rule is the publication of public data to the public without restriction or condition, subject to legally recognised exclusions ;

producer, any entity that produces data and makes it available for reuse in accordance with the freedoms and conditions prescribed by a standard licence ;

Relevant Market: means the supply, within a given geographical area, of products which the consumer considers to be substitutable for one another in terms of price and use ;

re-user, any natural or legal person who reuses the data in compliance with the freedoms and conditions of a standard licence ;

re-use, means the use by persons or legal entities of documents held by:

(a) public sector bodies, for commercial or non-commercial purposes other than the initial purpose within the public task for which the documents were produced, except for the exchange of documents between public sector bodies purely in pursuit of their public tasks; or

(b) public enterprises, for commercial or non-commercial purposes other than for the initial purpose of providing services in the general interest for which the documents were produced, except for the exchange of documents between public enterprises and public sector bodies purely in pursuit of the public tasks of public sector bodies ;

third Party, any natural or legal person other than a public sector body or a public enterprise that holds the data.

Article 2 - Objective

This Directive aims to establish the rules governing open public data in the ECOWAS region to facilitate the access, the use and the re-use of open data in order to stimulate innovation.

Article 3 – Scope of application

1. This Directive shall apply to documents held by public sector bodies or by public enterprises, by private legal persons entrusted with a public service mission, and to research data.
2. The following shall be excluded from the scope of application of this Directive :
 - a. documents whose provision is an activity not falling within the public service mission assigned to public sector bodies;
 - b. documents held by public enterprise relating to activities directly exposed to competition and not subject to public procurement rules ;

- c. documents in respect of which third parties hold intellectual property rights;
 - d. documents such as sensitive information whose access is excluded in accordance with applicable access rules, including for reasons of :
 - i. protection of national security, defence or public security ;
 - ii. protection of critical infrastructures within the meaning of Directive C/DIR.2/01/2021 adopting the ECOWAS Regional Policy on the Protection of Critical Infrastructures ;
 - iii. protection of personal data within the meaning of Supplementary Act A/SA.1/01/10 relating to the protection of personal data within the ECOWAS region ;
 - e. documents held by public service broadcasters and their subsidiaries and by other bodies or their subsidiaries for the performance of a public broadcasting mission ;
 - f. documents other than those referred to in Article 21 of this Directive, held by bodies engaged in research activities or financing research activities, including organisations established for the transfer of research results ;
 - g. preparatory documents for an administrative decision while it is still under preparation ;
3. Restrictions may apply to :
- a. documents held by cultural institutions other than libraries, including university libraries, museums and archives, subject to compliance with intellectual property rights ;
 - b. documents the access to which is restricted in accordance with applicable access rules, including for reasons of :
 - i. confidentiality of statistical microdata ;
 - ii. confidentiality of commercial information.

Article 4 - General Principles of Open Data

1. Each Member State shall encourage the legal persons referred to in article 3 (1) of this Directive to produce and make available documents falling within the scope of this Directive, in accordance with the principle of openness by default.
2. The legal persons in paragraph 1 of this article shall make their documents available in any pre-existing format or language and, where possible and appropriate, in electronic means, in formats that are open, machine-readable, accessible, findable and re-usable, together with their metadata.
3. The format and metadata shall, as far as possible, comply with open formal standards.

CHAPTER II - ACCESSIBILITY OF DOCUMENTS

Article 5 - Right of access

1. The right of access is recognised for natural and legal persons who are entitled to access documents held by administrations, institutions and services of the State, as well as by legal persons providing public services, insofar as such documents relate to the exercise of an administrative activity.
2. The right of access shall likewise apply to the rules governing algorithmic processing and to the principal characteristics thereof where an individual decision is taken on the basis of an algorithmic treatment. This decision shall contain an explicit statement informing the person concerned.
3. The following shall be excluded from the right of access:
 - a. documents referred to in Chapter I of this Directive;
 - b. documents which have been subject to public dissemination;
 - c. documents not held by the administration to which the request for access is addressed.

Article 6 - Modalities of Access to Documents

1. Access to administrative documents can be exercised by means of new information and communication technologies, at the choice of the applicant and within the technical capacities of the administration.
2. Access may be granted by :
 - a. free consultation on site, save where preservation of the document does not permit;
 - b. provision of a copy on a medium identical to that used by the administration or compatible therewith, at the expense of the applicant, provided that such costs shall not exceed the cost of reproduction;
 - c. electronic mail, free of charge, where the document is available in electronic form;
 - d. publication of information online by the administration.
3. Each Member State shall establish, in a transparent and non-discriminatory manner, the modalities for calculating the costs of provision referred to above.

Article 7 - Request for Access to Public Documents or Data

1. A request for communication of a document shall be made in writing. It shall be sufficiently precise and contain the elements necessary to identify the document.
2. Requests may be freely formulated or made using standard forms made available to the applicant by the legal persons referred to in article 3(1) of this Directive.
3. The applicant shall not be required to demonstrate any interest in bringing an action or to provide reasons for the request.
4. Where requests are formulated in overly general terms, the body concerned shall invite the applicant, no later than before expiry of the period provided for in paragraph 3 of this Article, to specify the request for information.
5. The requested document shall be made available to the applicant as soon as possible and no later than one month following receipt of the request by the body concerned.
6. The period provided for in paragraph 3 of this Article may be extended by one (1) month where :

- a. the volume and complexity of the documents requested are such that the one (1) month period cannot be respected ;
 - b. the request is addressed to a body which does not hold the document ;
 - c. the body shall redact, separate or anonymise personal data of other persons ;
 - d. the requested document has been deposited in the national archives ;
 - e. the body concerned shall consult a third party.
7. The applicant shall be informed as soon as possible, and in any event before expiry of the one (1) month period, of any extension and of the reasons for such extension.
 8. Where the body concerned requests the applicant to specify the request, the period provided for in this Article shall be suspended until receipt of a sufficiently precise request.

Article 8 - Appeal against a Decision Refusing Access

1. Any decision rejecting a request for access to public documents may be subject to appeal before the body responsible for open data under the conditions set forth in articles 43 and 44 of this Directive.
2. Failure by the body to reply within one month following a request for access to public documents shall be deemed a refusal.

Article 9 - Right of Access for Persons with Disabilities

Each Member State shall establish mechanisms of assistance necessary for applicants seeking access to information who are in situations of physical disability, inability to read or write, or auditory or visual impairment.

CHAPTER III - RE-USE OF PUBLIC DOCUMENTS

Article 10 – Right of Re-use

The re-use of open data shall confer upon any user the right to reproduce, modify and redistribute open public data, subject to compliance with legal requirements, in particular those relating to personal data, intellectual property, national security and protected secrets.

Article 11 – Exclusions from the Right of Re-use

1. The right of re-use shall not apply to databases produced or received by public bodies in the exercise of a public service mission of an industrial or commercial nature subject to competition.
2. For the purpose of this Article, the following shall not constitute re-use:
 - a. the exchange of documents or public data between public sector bodies for the purpose of exercising their public service mission;
 - b. the exchange of documents or public data between public enterprises and public sector bodies for the purpose of exercising their public service mission.

Article 12 - Formalities Relating to Requests for Re-use

1. Requests for Re-use shall be made in writing. They shall be sufficiently precise and contain the elements necessary to identify the documents or public data.
2. Requests may be freely formulated or made using standard forms made available to applicants by the legal persons referred to in Article 3(1) of this Directive.
3. Where requests are formulated in overly general terms, the body concerned shall invite the applicant, no later than before expiry of the period provided for in Article 14(1) of this Directive, to specify the request for Re-use.

Article 13 - Specific Requests for Re-use

1. Any person may submit a specific request for Re-use where the public data sought are not available in the standard dissemination offer or where their re-use requires specific processing.
2. A specific request for re-use shall include:
 - a. provision in a format other than that already published;
 - b. specific extraction or aggregation of data;
 - c. anonymisation or prior processing of data;
 - d. provision of data at a specific frequency or by a specific mode of transmission;
 - e. any other processing requiring additional technical or human effort.

Article 14 - Time limit for Processing Requests for Re-use

1. The legal persons referred to in Article 3(1) of this Directive shall process requests for Re-use and make the document available to the applicant for Re-use, where possible and, if appropriate, in electronic form, or, where a license is required, shall present the applicant with the final license offer within one (1) month of receipt of the request.
2. Where no license is required, the body concerned shall process requests and provide the document to the applicant for Re-use as soon as possible and in any event within twenty (20) working days of receipt of the request.
3. In all cases, this period may be extended by a further twenty (20) working days for substantial or complex requests. In such cases, the applicant shall be informed as soon as possible of the need for an extension and of the reasons justifying it.

Article 15 - Decision Refusing a Request for Re-use

1. Where a request for Re-use is refused, the body concerned shall communicate its reasoned decision to the applicant.
2. It shall indicate the natural or legal person holding the rights, if known, or, failing that, the licensor from whom it obtained the document in question.
3. Libraries, including university libraries, museums and archives shall not be required to provide such indication.

Article 16 - Appeal against a Decision Refusing Re-use

1. Any decision rejecting a request for Re-use of public documents or data may be subject to appeal before the body responsible for open data, under the conditions stipulated in Articles 45 and 50 of this Directive.
2. Failure by the body concerned to respond within one (1) month of receipt of the request for Re-use shall be deemed to constitute a rejection.

Article 17 - Conditions of Availability

1. The legal persons referred to in Article 3(1) of this Directive shall make dynamic data available for Re-use as soon as they are collected, by means of appropriate APIs and, where applicable, by bulk download.
2. Where immediate availability of dynamic data would exceed the financial and technical capacities of the public sector body, imposing a disproportionate burden, such data shall be made available for Re-use within a reasonable period or subject to temporary technical restrictions which do not unduly impair their economic and social potential.
3. High value datasets shall be made available for Re-use in machine readable formats, by means of appropriate APIs and, where applicable, by bulk download.
4. The availability of research data shall take account of concerns relating to intellectual property rights, personal data protection and confidentiality, security and legitimate commercial interests, in accordance with the principle “as open as possible, as closed as necessary”.

Article 18 - Conditions of Charging

1. The cost of Re-use of documents shall be free of charge.
2. The recovery of marginal costs incurred for reproduction, provision and dissemination of documents, as well as for anonymization of personal data and measures taken to protect confidential commercial information, may be authorized.
3. Where charges are applied by the legal persons referred to in Article 3(1) of this Directive, the total amount shall be calculated in accordance with objective, transparent and verifiable criteria defined by each Member State.

Article 19 - Transparency

1. Where charges are applicable for Re-use of documents, the applicable conditions and the actual amount of such charges, including the calculation basis, shall be fixed in advance and published, where possible and appropriate, in electronic form.
2. Upon request, the holder of the documents concerned shall also indicate how such charges have been calculated in the context of a specific request for Re-use.

Article 20 - Standard Licenses

1. The Re-use of public documents or data may give rise to the establishment of a license setting out the conditions of Re-use.
2. The license shall be mandatory where Re-use is subject to payment of a charge.
3. The conditions of the license shall be objective, proportionate, non-discriminatory, and justified on the basis of an objective of general interest.
4. Where Re-use is subject to conditions, the conditions shall not unduly limit the possibilities of Re-use and shall not be used to restrict competition.
5. Each member State shall ensure that standard licenses for the Re-use of public documents or data, which may be adapted to specific license requests, are made available and usable in electronic form.
6. Each member State shall encourage the use of such standard licenses.

Article 21 - Research Data

1. Each member State shall encourage the availability of research data for re-use by adopting policies and taking measures at national level to make freely accessible data resulting from publicly funded research, "open access policies", which respect the principle of openness by default.
2. Research data shall be reusable for commercial or non-commercial purposes, insofar as they are publicly funded and have already been made public by researchers, research organizations or research funding organizations through an institutional or thematic open archive.
3. Legitimate commercial interests, knowledge transfer activities and preexisting intellectual property rights shall be duly taken into account.
4. Where research data are financed partly through public funds and partly through private funds, the conditions governing their availability for the purpose of reuse shall be determined by the public-private partnership agreement.

Article 22 – Non-Discrimination

1. Any condition applicable to the Re-use of documents shall be non-discriminatory for comparable categories of Re-use, including cross border Re-use.
2. Where a public sector body Re-uses documents in the context of its commercial activities outside its public service mission, the applicable charging and other conditions for the supply of documents for such activities shall be the same as for other users.

Article 23 - Exclusive Arrangements

1. Re-use of documents shall be open to all potential market actors, even where one or more of them already exploit value added products based on such documents.
2. Contracts or other agreements concluded between public sector bodies or public enterprises holding documents and third parties shall not grant exclusive rights.
3. Where an exclusive right is necessary for a mission of general interest, the justification for granting such right shall be subject to regular review and, in any event, every three (3) years.
4. Exclusive arrangements concluded on or after the date of entry into force of this Directive shall be made public online at least two (2) months before taking effect.
5. The final terms of such arrangements shall be transparent and made public online.
6. Legal or practical arrangements which, without expressly granting an exclusive right, aim to restrict the availability of documents for Re-use by entities other than the third party concerned, or which may reasonably be considered likely to do so, shall be made public online at least two (2) months before their entry into force.
7. The final terms of such arrangements shall be transparent and made public online.

CHAPTER IV - HIGH-VALUE DATASETS

Article 24 - Identification of high-value datasets

Each Member State is encouraged to identify high-value datasets on the basis of an assessment of their potential capacity to:

- a. generate significant socio-economic or environmental benefits and innovative services;
- b. benefit a large number of users, including Small and Medium-sized Enterprise;
- c. contribute to the generation of revenue; and
- d. be associated with other datasets.

Article 25 – Minimum thematic categories of high-value datasets

Each Member State may adopt at least the following thematic categories of high-value datasets:

- a. **meteorological:** observation data measured by meteorological stations, climate data, weather alerts, radar data, data models;
- b. **statistical:** industrial production, trade statistics, tourist flows, harmonised consumer price indices, main GDP aggregates, key indicators on companies, key indicators on households, public expenditure and revenue, consolidated gross public debt, environmental accounts and statistics, population, fertility and mortality, current health expenditure, poverty, inequality, employment, unemployment, potential labour force;
- c. **mobility:** air, maritime, road, rail and inland waterway transport networks, transport flows, transport of goods and persons;
- d. **environment and agriculture:** measured temperatures and humidity, location of waste management sites, solar mapping, air quality, monitoring of deforestation, agricultural prices, land mapping, crop production, inputs, land use, livestock, fisheries, food prices, trade flows;
- e. **education and health:** monitoring of enrolments, regional comparative studies, number of pupils, enrolment rates by level, expenditure, gender disparities, vaccination data, hospital mapping, epidemic monitoring applications ;

- f. **geospatial data:** geographical names, addresses, buildings and cadastral parcels, agricultural parcels, spatial and remote sensing data ;
- g. **infrastructure data:** energy, telecommunications, water, territorial planning.

Article 26 – Arrangements for the provision of high-value datasets

1. High-value datasets shall be made available free of charge, in machine-readable formats, through appropriate APIs and, where applicable, by means of bulk download.
2. The requirement to make high-value datasets available free of charge shall not apply to high-value datasets held by public enterprises where this would result in a distortion of competition in the relevant markets.
3. The requirement to make high-value datasets available free of charge shall not apply to libraries, including university libraries, museums and archives.

CHAPTER V - SPECIFIC RULES FOR OPEN PUBLIC DATA GENERATED BY EMERGING TECHNOLOGIES

Article 27 – Access to open public data generated by emerging technologies

1. Emerging technologies employed by the legal persons referred to in Article 3(1) of this Directive shall be designed and manufactured in such a manner that the data relating to the products of such technologies, and the data relating to associated services, including the relevant metadata necessary for the interpretation and utilisation of such data, shall, by default, be accessible to the user, in an easy, secure and cost-free manner, in a complete, structured, commonly used and machine-readable format, and shall, where appropriate and technically feasible, be directly accessible to the user.
2. Access to such data shall be guaranteed in accordance with the principles of transparency, equality and technological neutrality.

Article 28 – Re-use of open public data generated by emerging technologies

1. Any natural or legal person may re-use open public data generated by emerging technologies for purposes other than the public service mission for which the data were produced or received.

2. The re-use of open public data shall be subject to compliance with the conditions of the applicable licenses, ensuring the free circulation of information whilst preserving the integrity of the data.

Article 29 – Security and protection of sensitive data

1. Public data generated by emerging technologies shall, prior to their release, be filtered so as to exclude any information liable to infringe privacy, national security, or fundamental rights and freedoms.
2. The bodies concerned shall be required to implement cybersecurity and access control protocols to prevent risks of hacking, manipulation or unauthorized disclosure.
3. Sensitive data originating from biometric sensors, surveillance systems, artificial intelligence or emerging technologies may be made public only after anonymization and risk assessment in accordance with Supplementary Act A/SA.1/01/10 on the Protection of Personal Data within the ECOWAS Region.

CHAPTER VI - PUBLICATION OF DATA

Article 30 – Publication of data on a national portal

1. The legal persons referred to in Article 3(1) of this Directive shall be required to publish their datasets directly on a national open data portal.
2. Access to data shall be facilitated either by direct download or through the adoption of an API, and shall be accessible to the public without prior verification of identity.
3. Where a sectoral open data portal exists within the relevant body, the datasets published shall be linked to the national portal.
4. Bodies making use of a sectoral open data portal shall be required to ensure interoperability between that portal and the national open data portal.

Article 31 – Publication of data on a Community portal

1. The Commission shall ensure the design and establishment of a Community open data portal for the publication of data from Member States as well as data held by ECOWAS institutions, in formats that are accessible, traceable and reusable in electronic form.

2. Each Member State shall ensure interoperability between the national open data portal and the Community open data portal.

Article 32 – Cooperation in the publication of data

1. Member States shall, in cooperation with the Commission, pursue efforts to simplify access to datasets, in particular by establishing a single access point and progressively making available appropriate datasets held by public sector bodies, in respect of documents to which this Directive applies, as well as data held by ECOWAS institutions, in formats that are accessible, traceable and reusable in electronic form.
2. The Commission shall facilitate cooperation between Member States and support the design, testing, implementation and deployment of interoperable electronic interfaces enabling more efficient and secure public services.

Article 33 – Conditions for publication of datasets on the portal

Each body, when publishing a dataset, shall:

- a. comply with the update frequency included in the data inventory;
- b. anonymise personal data whilst retaining all other data;
- c. ensure that the publication of data is continuous and that its release and updating cannot be interrupted. Where the body ceases to produce the data itself, users shall be informed of the suspension of such production via the national open data portal and shall have the possibility to download the historical data;
- d. adopt automatic publication processes for datasets extracted from an information system, whilst indicating in the associated metadata that they are published automatically.

Article 34 – Open public data license

1. Each dataset shall be published under an open public data license.
2. The open public data license shall take into account the following characteristics:
 - a. irrevocability of the right to re-use the data as defined in the licence;
 - b. possibility of using the data for commercial and non-commercial purposes;

- c. obligation for users of the data to reference the data producer as well as the date of the data used.

Article 35 – Minimum content of the national portal

The national open data portal shall contain, at a minimum, the following sections:

- a. datasets;
- b. organizations;
- c. applications (APIs);
- d. guides and information;
- e. contacts and details;
- f. search engine.

Article 36 – Portal functionalities

1. Each member State shall ensure the establishment of mechanisms for participation and interaction with user requests concerning the available data and the improvement of their quality.
2. The mechanisms shall include:
 - a. an electronic form for requesting data to be published on the portal;
 - b. a section for proposals to improve the content of the portal;
 - c. an individual comments space for each dataset published;
 - d. a discussion forum on topics related to open data may be established.
3. Requests for public data submitted via the electronic form on the portal and the responses of the administration thereto shall be published.

Article 37 – Technical evaluation scale

1. Each member State shall adopt a technical evaluation scale for the quality of published datasets.
2. The scale shall be determined by the administrator of the national portal and adopted in accordance with internationally recognised standards in the field.

Article 38 – Interoperability standards for open data

The essential requirements for open data interoperability shall be ensured by the international standards relating to:

- a. **standardized metadata registries:** adoption of a registry compliant with this standard to ensure uniform description of data and shared understanding among different actors;
- b. **data quality and reliability:** implementation of the quality principles defined by this standard, guaranteeing accuracy, consistency and reusability of data;
- c. **interoperability of information systems:** use of the exchange and integration framework provided by this standard to enable interconnection of systems and smooth exchanges;
- d. **standardization of formats and references:** adoption of international formats and references to ensure harmonization of data at national and international level.

Article 39 – Formats for open data

1. The interoperability of open data shall also rely on the use of standardized, open and widely recognized formats.
2. The recommended formats are as follows:
 - a. **CSV:** the most common tabular format, simple and widely compatible;
 - b. **XLSX / ODS:** spreadsheet formats enabling advanced data manipulation;
 - c. **JSON:** structured format, widely used for APIs and applications developed by technical communities;
 - d. **XML:** hierarchical format suitable for complex exchanges between systems;
 - e. **RDF / Linked Data:** advanced formats compliant with international semantic web standards, promoting interconnection of data;
 - f. **GeoJSON / SHP / KML:** specialized formats for geographical data, enabling exploitation in geographic information systems (GIS).
3. The use of these formats shall be recommended for any publication of open data, to ensure their accessibility, interoperability and sustainability.

CHAPTER VII - INSTITUTIONAL FRAMEWORK

Article 40 – Establishment

1. Each Member State shall establish an independent administrative authority for open data responsible for enforcing the provisions of this Directive.
2. Each member State may, where necessary, consolidate the governance bodies for open data with any existing body that is compatible, provided that such body has the status of an independent administrative authority.

Article 41 – Composition

1. Each Member State shall take the necessary measures to determine the composition of the body responsible for open data.
2. The body shall be composed of a council consisting of members qualified by their expertise in the field of open data governance, law, information technology, and any other area of knowledge necessary to achieve the objectives pursued by this Directive.
3. The Chairperson shall be designated among these members and shall be assisted by a Rapporteur General.

Article 42 – Functions

The body responsible for open data shall perform the following functions:

- a. to hear and determine at first instance disputes relating to access to and re-use of administrative or public documents;
- b. to issue opinions at the request of the legal persons referred to in Article 3(1) of this Directive;
- c. to conduct any on-site investigation necessary for the fulfilment of its mission;
- d. to advise, at the request of the persons referred to in Article 3(1) of this Directive, on any matter relating to access to and re-use of open data;
- e. to assist institutions in the preparation and structuring of their data;
- f. to train and raise awareness among public actors on best practices in open data;

- g. to ensure compliance with legal and ethical rules relating to the dissemination of public data;
- h. to contribute to the national or regional strategy on open data;
- i. to propose to government any amendment to legislative or regulatory provisions relating to open data;
- j. to give its opinion on any draft legal texts relating to open data.

Article 43 – Referral to the body in matters of access to public documents

1. Any person who is faced with a decision refusing, in whole or in part, to grant a request for access to a document may, within one (1) month of notification of the decision, submit a written application to the authority responsible for open data.
2. The authority responsible for open data may receive a complaint either by letter or by electronic means.
3. The application shall specify its subject matter and, where applicable, the provisions on which it is based.
4. Where the applicant is a natural person, the application shall indicate the surname, forenames and domicile and, where the applicant is a legal person, its legal form, name, registered office and the surname and forenames of the person authorised to represent it.
5. The application shall be accompanied, as the case may be, by a copy of the decision of refusal or of the request that has remained unanswered.
6. The authority responsible for open data shall register the application where it contains all of these elements, after having, where necessary, invited the applicant to complete it.
7. The authority responsible for open data shall acknowledge receipt of the application without delay.
8. The public body concerned shall, within the time limit prescribed by the authority, provide it with all relevant documents and information and afford it the necessary assistance.

9. The authority responsible for open data shall notify its decision to the applicant and to the public body concerned within one (1) month from the registration of the application with the competent services of the authority.

Article 44 – Decisions of the body on access to public documents or data

1. Where the body gives a ruling, its decision shall be reasoned and shall set out the legal and factual considerations on which it is based.
2. The decision of the body shall be notified to the applicant by letter delivered against signature, in person against receipt, or by service of a bailiff.
3. Decisions rendered by the body in matters of access shall be administrative decisions subject to appeal before the competent authority in accordance with the national law of the Member State.
4. Each Member State may provide for sanctions in the event of non-compliance with obligations relating to access to public documents or data.
5. Each Member State shall ensure that the decisions of the body are enforceable.

Article 45 – Referral to the body in matters of re-use

The body responsible for open data may receive a complaint by one of the legal persons referred to in Chapter I of this Directive.

Article 46 – Examination of the request

Where the body receives a complaint of facts likely to constitute a breach of the provisions relating to the re-use of administrative or public documents or data, it shall appoint a rapporteur to investigate the matter.

Article 47 – Appointment of the rapporteurs

1. The Rapporteur General and the other rapporteurs shall be designated by the Chairperson of the body from outside the members composing that body.
2. The Rapporteur General shall direct and supervise the activity of the rapporteurs.
3. The Rapporteur General shall examine all requests submitted to the body and ensure that they are dealt with within the prescribed time limits.

4. The Rapporteur General shall be assisted by three (3) rapporteurs.
5. A rapporteur may not be appointed for the purposes of investigation, where:
 - a. the rapporteur has a direct or indirect interest in the facts reported, exercises functions or a professional activity, or holds a mandate with the body that referred the matter to the open data authority or with the person concerned;
 - b. during the three years preceding referral to the open data authority, the rapporteur has had a direct or indirect interest in the facts reported, exercised functions or a professional activity, or held a mandate with the body that referred the matter or with the person concerned.

Article 48 – Observations of the rapporteur

1. A rapporteur may present written observations on the matter.
2. The person concerned and, where applicable, his or her counsel shall be invited to present their arguments in defense.

Article 49 – Hearing

1. The body responsible for open data may hear any person whose hearing it considers useful. In all cases, the person concerned and, where applicable, his or her counsel shall have the right to speak last.
2. Where the body considers itself insufficiently informed, it may request the rapporteur to continue his or her inquiries. The body shall deliberate in the absence of the rapporteur.

Article 50 – Decisions of the body on re-use of open data

1. The decision of the body responsible for open data shall be notified to the person concerned either by delivery of a letter, service by a bailiff, or electronic mail, and the person concerned shall acknowledge receipt.
2. Where the body pronounces a sanction in matters of re-use, the decision shall set out the legal and factual considerations on which it is based.
3. Where the body decides to publish the sanction it pronounces, it shall determine the arrangements in its decision by fixing the period of publication and designating the medium thereof.

4. Publication shall take place within a maximum period of one (1) month from the day the decision became final. It shall be proportionate to the seriousness of the sanction imposed and adapted to the situation of the offender.
5. Any sanction prohibiting the re-use of public documents shall be published electronically.
6. Decisions rendered by the body in matters of re-use shall be administrative decisions subject to appeal before the competent authority in accordance with the national law of the Member State.

Article 51 – Person responsible for open data

1. The legal persons referred to in Chapter I of this Directive shall designate a person responsible for open data.
2. The designation of the person responsible for open data shall be made known to the public and to the body responsible for open data within one month of the designation.
3. These legal persons shall also inform the public of this designation on their website.
4. This information shall include the name, forenames, profession and professional contact details of the person responsible, as well as the designation and contact details of the authority which appointed him or her.
5. The person responsible for open data shall be tasked with:
 - a. receiving requests for access to administrative documents and licences for re-use of public documents, as well as any complaints, and ensuring their processing;
 - b. acting as liaison between the appointing authority and the body responsible for open data;
 - c. preparing an annual report on requests for access to administrative documents and licences for re-use of public documents, presenting it to the appointing authority and sending a copy to the body responsible for open data;
 - d. participating in the work of the network of persons responsible for open data;
 - e. preparing an annual action plan on the open data activities of the body;
 - f. coordinating the publication of data in open format and on the portal adopted by the body concerned;

- g. coordinating the preparation and updating of the body's data inventory and publishing it on the open data portal it uses, while allowing users to include their comments;
- h. preparing and updating the monitoring and evaluation plan for the open data programme at the level of the body concerned;
- i. preparing a specific training programme on open data for the benefit of the body's staff and officials;
- j. promoting the national open data strategy within the body and activating it at the sectoral level;
- k. preparing the annual report on open data activities, publishing it on the website of the body and transmitting it to the body responsible for open data.

Article 52 – Administrator of the national open data portal

1. Each Member State shall ensure the designation of an administrator, legal person, of the national open data portal.
2. The administrator shall be responsible for:
 - a. ensuring the proper functioning of the national open data portal;
 - b. managing APIs and interfaces for the publication and consultation of data;
 - c. ensuring the regular uploading of datasets provided by bodies;
 - d. controlling the quality, consistency and compliance of published data;
 - e. assisting institutions in the preparation and structuring of their data;
 - f. producing reports on the use of the portal and the impact of open data;
 - g. assessing digital maturity and proposing improvements to strengthen transparency and efficiency;
 - h. ensuring interoperability between sectoral portals and the national open data portal;
 - i. ensuring interoperability between the national portal and the community open data portal.
3. Each Member State shall ensure that the administrator, legal person, has the human, technical and financial resources necessary for the performance of his or her duties.

Article 53 – Monitoring Mechanism on Open Data

1. The ECOWAS Commission shall establish a monitoring mechanism for the implementation of this Directive, relying on high-level representatives designated by each Member State.
2. For the purpose of implementing this monitoring mechanism, the ECOWAS Commission and the designated representatives shall meet in order to ensure the follow-up of the provisions of the present Directive and to propose any necessary developments.
3. The monitoring mechanism will consist of:
 - a. monitoring and analysing the implementation of the Community legal instrument relating to open public data;
 - b. encouraging transparency, innovation and citizen participation through the dissemination and re-use of public data;
 - c. measuring the impact of open data on governance, the economy and society;
 - d. assisting the Commission in producing a report setting out conclusions and recommendations, to be submitted to the ECOWAS Parliament and Council of Ministers.

CHAPTER VIII - LIABILITY REGIME

Article 54 – Neutrality of the liability framework

Each Member State is encouraged to adopt a legal framework with a view to determining the respective responsibilities of the producer and the re-user of open data, irrespective of the technology employed for the production or the re-use of such data.

Article 55 – Responsibilities of the producer

1. The producer of the data shall make available the data as produced or received.
2. The producer of the data who makes data available on an open data portal shall:
 - a. guarantee that the information is made available free of charge, subject to the terms and conditions defined by the relevant licence;
 - b. not guarantee the absence of defects or irregularities that may be contained in the information received;

- c. not be held liable for any loss, injury or damage of any kind caused to third parties as a result of re-use.

Article 56 – Responsibilities of the re-user

1. The re-user shall bear sole responsibility for the re-use of the information, which must be carried out for a legitimate purpose.
2. The re-use shall not mislead third parties as to the content of the information, its source or its date of update.

Article 57 – Liability relating to the re-use of open public data generated by emerging technologies

1. Re-users of open public data generated by emerging technologies shall be responsible for the processing and the results obtained from such data.
2. The body producing the data shall not be held liable for errors, omissions or interpretations resulting from their re-use.
3. In the event of abusive re-use or re-use contrary to public order, administrative or judicial sanctions may be applied.

Article 58 – Compliance with intellectual property rules

1. The producer and the re-user of open data shall comply with intellectual property rules, regardless of the medium used.
2. The producer and the re-user shall not disseminate data over which third parties hold intellectual property rights, save in compliance with the conditions of the license.

CHAPITRE IX - FINAL PROVISIONS

Article 59 - Transposition

1. Each Member State shall adopt the legislative, regulatory and administrative measures necessary to comply with this Directive no later than 31 December 2028.

2. 2. The measures referred to in paragraph 1 of this Article shall make reference to this Directive or shall be accompanied by such reference upon their official publication.
3. 3. Each Member State shall inform the ECOWAS Commission of the measures they adopt in order to comply with this Directive.
4. Each Member State shall notify the President of the Commission of the difficulties they encounter in implementing this Directive.
5. The President of the Commission shall report such difficulties at the next session of the Council of Ministers which shall, in turn, take the appropriate measures to ensure the effective implementation of this Directive.

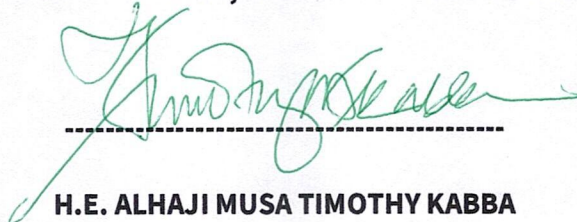
Article 60 – Publication

1. This **DIRECTIVE DIR.3/7/26** shall be published by the Commission in the Official Journal of the Community within thirty (30) days of its signature by the Chairperson of the Council of Ministers.
2. It shall also be published by each Member State in its National Gazette within the same timeframe.

Article 61 - Entry into force

This **DIRECTIVE DIR.3/7/26** shall enter into force upon Publication.

DONE IN FREETOWN, THIS 17TH DAY OF JULY 2026



H.E. ALHAJI MUSA TIMOTHY KABBA

FOR THE COUNCIL,

THE CHAIRPERSON