



Role of National Legal and Policy Frameworks on Geospatial Information

International Workshop
on Legal and Policy Frameworks
for Geospatial Information



Objective

- What is the Impact of Legal and Policy Frameworks on Geospatial Information Management?

The Role of National Legal/Regulatory Frameworks

- **Legal and policy frameworks consist of a variety of instruments:**
 - Treaties
 - Laws
 - Regulations
 - Policies
 - Agreement
 - Norms

The Role of National Legal/Regulatory Frameworks

- Must consider all levels of legal and policy instruments
 - International
 - Regional
 - National
 - Others
 - Local
 - Industry

International/Regional

- **Typically treaties and multi-lateral agreements**
- **Some are geo-specific:**
 - UN Principles of Remote Sensing
 - INSPIRE
 - UN Disaster Charter
- **Others are not:**
 - Berne Convention
 - United Nations Convention on Contracts for the International Sale of Goods
 - Bi-lateral Trade agreements
 - General Protection of Data Regulations
 - Privacy Shield

National

- **Different types of instruments to consider:**
 - Laws
 - Regulations
 - Policies
- **Some are geo specific:**
 - FEDERAL LAW NO. 431-FZ OF DECEMBER 30, 2015 ON GEODESY, CARTOGRAPHY AND SPATIAL DATA AND THE INTRODUCTION OF AMENDMENTS INTO CERTAIN LEGISLATIVE ACTS OF THE RUSSIAN FEDERATION
 - OMB Circular A-16 (United States)
 - Surveying and Mapping Law of the People's Republic of China

National

- **Others are not, for example:**
 - Export laws
 - Procurement laws
 - Product liability laws
 - Privacy laws

Others

- **Local**
 - State of Florida's Drone Law
- **Industry**
 - Industry standards
- **Court decisions**
 - Common law jurisdictions

Complete Legal and Policy Framework is A Mix

- Sweden - <http://ggim.un.org/knowledgebase/KnowledgebaseArticle51513.aspx>
- EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2011 Sweden K.U.Leuven (SADL) 15
- Act 2010:1767 on geographic environmental information.
- Act 2010:1768 amending Act 2009:400 on public access to information and secrecy;
- Act 2010:1772 amending Act 2000:224 on the Cadastre;
- Ordonnance 2010:1771 amending Ordonnance 2009:946 on the tasks of the National Land Survey;
- Ordonnance 2010:1770 on spatial environmental information.

Complete Legal and Policy Framework is A Mix

- Directive 2003/4 on access to environmental information and Directive 2003/98 on the re-use of PSI have been transposed into Swedish law.
- Swedish Copyright Act dates from 1960 (Law no. 729 of 30 December 1960, as last amended in 2009).
- 1993 Act on the Protection of Land Information
- Personal Data Act (1998:204)

Why it is Important to Get It Right

- If geospatial community is not active in development of legal and policy framework around geospatial information management:
- It will likely be created by others who do not understand geo.
 - Geospatial Convention
 - Open Data Policies
- Could create a “Geodivide”
 - Between countries with vibrant geospatial ecosystems and those that do not.

Geo-Divide Winners

- Citizens in these societies will live in safer smart cities, with cutting-edge infrastructure and open and transparent governments.
- These governments will use geospatial technology to deliver more efficient and timely services while still protecting their citizens from unwarranted government intrusion. ‘
- Effective use of geospatial technology will provide increased public safety and allow such nations to better prepare for and respond to natural disasters.
- ‘Location-enabled’ societies will be the leaders globally on transnational issues, such as protecting natural resources, understanding climate change, addressing poverty and preventing the spread of infectious disease.
- The adoption of geospatial technologies will enhance the contour of the relationship between the government and their citizens.

Geo-Divide Losers

- Lack of geospatial data available due to overly burdensome collection, use and transfer laws and policies.
- Collection of many types of geospatial data by private businesses will be limited due to heavy regulation, data transfer restrictions or inadequate protection of intellectual property rights.
- Companies will be unwilling to store or use geospatial data in these countries due to liability concerns.

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Proposed Convention on Geoinformation

- Proposed by International Bar Association (IBA).
- Proposed Convention identified many of the key issues, including:
 - Privacy
 - Data quality
 - Intellectual Property Rights
 - Provenance
 - Use as Evidence
 - National Security

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Proposed Convention on Geoinformation

- But geospatial community – including UN-GGIM – strongly condemned.
- Criticisms included:
 - “Top Down” approach;
 - Overly broad definition of geospatial information
 - Failed to appreciate complex nature geospatial ecosystem:
 - Would have required significant changes in existing laws and policies Difficult to integrate proposal into existing laws and regulations
- **IBA pulled**

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Impact of Laws Such As Proposed Convention on Geoinformation

- Likely to create a “Geodivide”.
 - Many member nations will ignore, a few will adopt as is.
- Impact for geospatial community if adopted:
 - Increased regulation;
 - More expensive to collect and use geoinformation;
 - Increased liability risk for geoinformation providers/users:
 - Regulators
 - Lawsuits
- Impact for global community:
 - Would be harder to obtain datasets necessary to address critical transnational issues

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Alternative: Bottom's Up Approach

- **Goal:**
 - A legal and regulatory framework that supports geospatial information management within a member nation.
- **Stakeholders conduct a comprehensive review of laws and regulations:**
 - Technology platforms:
 - Mapping, remote sensing, geodesy, cartography, land management
 - Drones, satellites, ground-based sensors,
 - Smart cities, intelligent transportation systems, IoT
 - Legal disciplines:
 - Intellectual property rights
 - Privacy,
 - National security
 - Liability

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Alternative: Bottom's Up Approach

- Proposed Outcomes
 - Identify gaps between the existing legal and regulatory environment and best practices from around the world.
 - Specific laws and policies to be updated/revised (and if necessary created);
 - Cultural issues impacting geospatial information management at the national level; and
 - Capacity-building
 - Any capacity needs from a legal and regulatory standpoint (e.g. training of lawyers).
 - Each member nation uses findings to implement according to own cultural standard, economic imperatives and legal system.

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