

The SDI doesn't work? Let's blame the lawyers!

The impact of legal issues on the development of an SDI

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Abstract

Legal issues are often mentioned as one of the big stumbling blocks for the full deployment of spatial data infrastructures (SDI). However, lawyers and legal scientists form only a very small minority in the SDI community. Yet, the outsider perspective they bring to SDI, combined with the view and experience of the GI-experts and of other human science disciplines, could shed more light on those legal issues and look for solutions that are both legally feasible and possible in real life.

This presentation will look at some of the legal issues that are frequently mentioned in SDI literature and try to determine what the most important questions are. Currently, the research project has identified four main legal areas that may be of importance for the optimal development of an SDI. Firstly, the question has often been raised what the impact of the assignment of intellectual property rights may be on the SDI. This includes issues such as copyright on spatial datasets and databases, co-rightholdership between public and private partners, open source software, etc. The second issue is liability and accountability. Many public authorities are worried about the possible risks of making their data widely available for any possible use. However, only a very small number of liability court cases can be found. Is there really such a big need for concern? A third legal topic that often appears on the radar is the protection of the individual's privacy in the light of the possible combination of spatial data other data sets. However, especially in the European Community, the protection of personal data is well-guaranteed by international treaties and national legislation. Don't these rules provide enough safeguards for privacy? Fourthly, access to and re-use of spatial data held by the public sector remain a recurring legal issue for SDIs. From a legal perspective, this raises questions about the public's right to information and the role of the public sector on the information market. This lies on the crossroads of public law and competition law.

The presentation will give an overview on these topics from the legal perspective, and present the issues for scrutiny by the experts from other disciplines in the workshop, in order to assess the urgency of the topic for the development of the SDI and to determine the synergies or discrepancies with the other disciplines. This scrutiny will contribute to defining key legal questions in SDI research.