

# 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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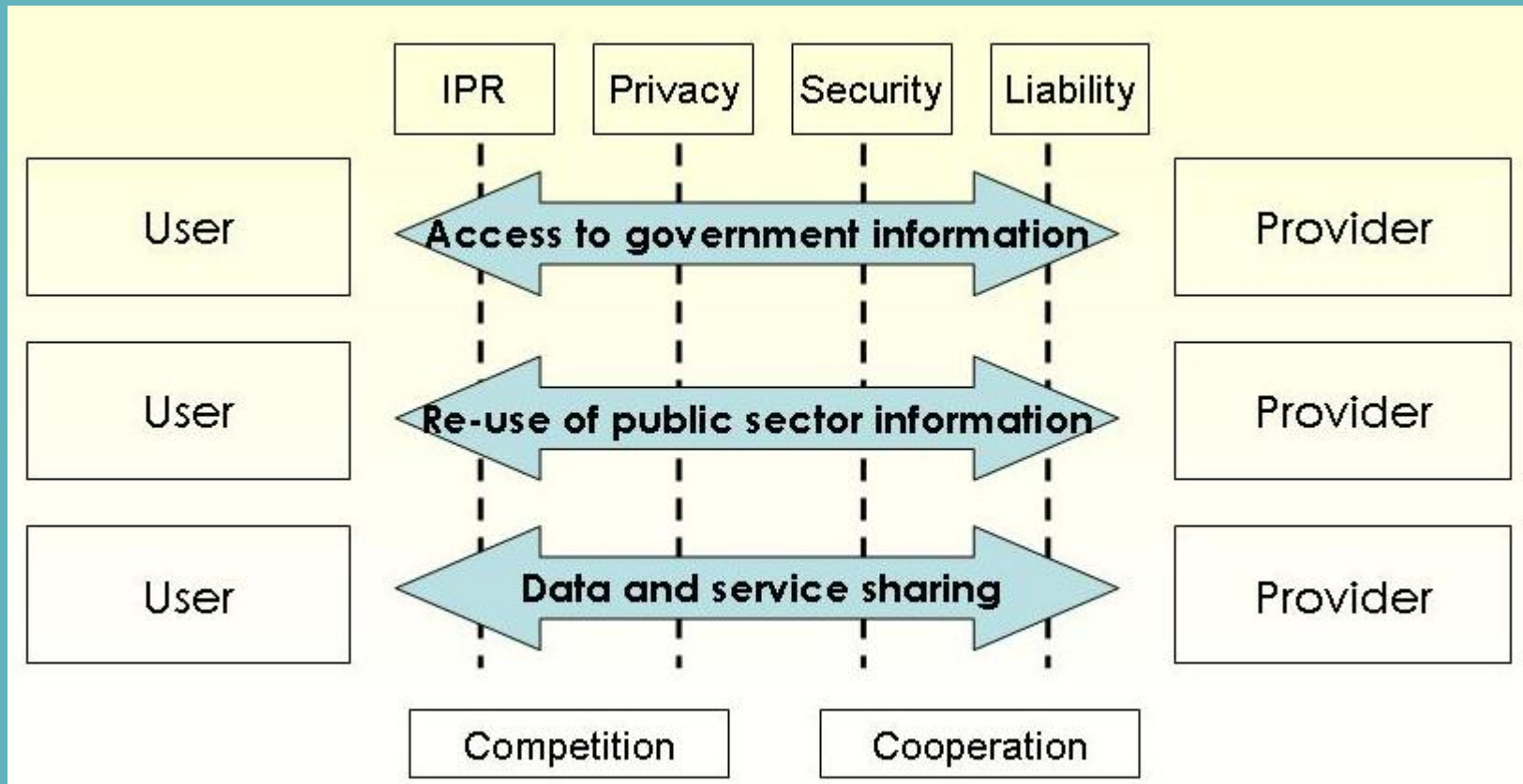
## The impact of legal issues on the development of an SDI

- Legal issues are often mentioned as barriers to the development of an SDI
- Yet, there are very few lawyers involved



## The impact of legal issues on the development of an SDI

- The legal framework involves many aspects





## The impact of legal issues on the development of an SDI

- Aspects included in the project proposal
  - Intellectual property
  - Privacy (and security)
  - Liability
  - Access to and re-use of spatial data
- Which aspects are most important?
- Which aspects are linked to economic/public administration/sociological/technical issues?



## The impact of legal issues on the development of an SDI

### Terminology

Public sector  
 =  
 Public authorities  
 =  
 Public sector bodies?

Spatial  
 =  
 Geographic  
 =  
 Geospatial?

Data  
 =  
 Information  
 =  
 Documents?

**Openness**

Access

**Transparency**

**Freedom of information**

Re-use

**Commercialisation**

**Dissemination**

Sharing

**Exchange**

**Accessibility**



## The impact of legal issues on the development of an SDI

- Intellectual property

### Spatial data

- What are the limits of copyright and the database right?
- Can copyright be used to limit access to spatial data held by the public sector?
- What is the impact of cooperation between the public and the private sector?

### Software

- What is the impact of patents on software?
- What are the opportunities and pitfalls of open source software?
- What is the impact of cooperation between the public and the private sector?



## The impact of legal issues on the development of an SDI

- Privacy (and security)
  - How can a balance between availability of spatial data and respect for personal privacy and security be found?
    - What are personal data?
    - When does the protection of privacy or security prevail over the availability of information?
      - e.g. Google Maps, Google Street View, etc...



## The impact of legal issues on the development of an SDI

- Liability
  - News items
    - “GPS sends German driver to Siberia”
    - “ Heavy transport directed through city centre by GPS”
    - “Traffic navigation system linked to accident risk”
    - “ Bangladeshi claims against the British Geological Survey – Arsenic contamination of groundwater”
  - Who is liable?
  - Stakeholders often mention this as their biggest concern, yet there are very few disputes – is this concern necessary?



## The impact of legal issues on the development of an SDI

- Access to and re-use of public sector information
  - Many different rules on access and use
    - Freedom of information
    - Re-use of public sector information
    - Data sharing between public authorities
  - How can these rules be used to guarantee maximum transparency and availability?
  - What is the role of the public sector in making this information available?
    - Look at other sectors: telecom, broadcasting, others?
    - Impact of competition law?



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Questions or remarks?

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