

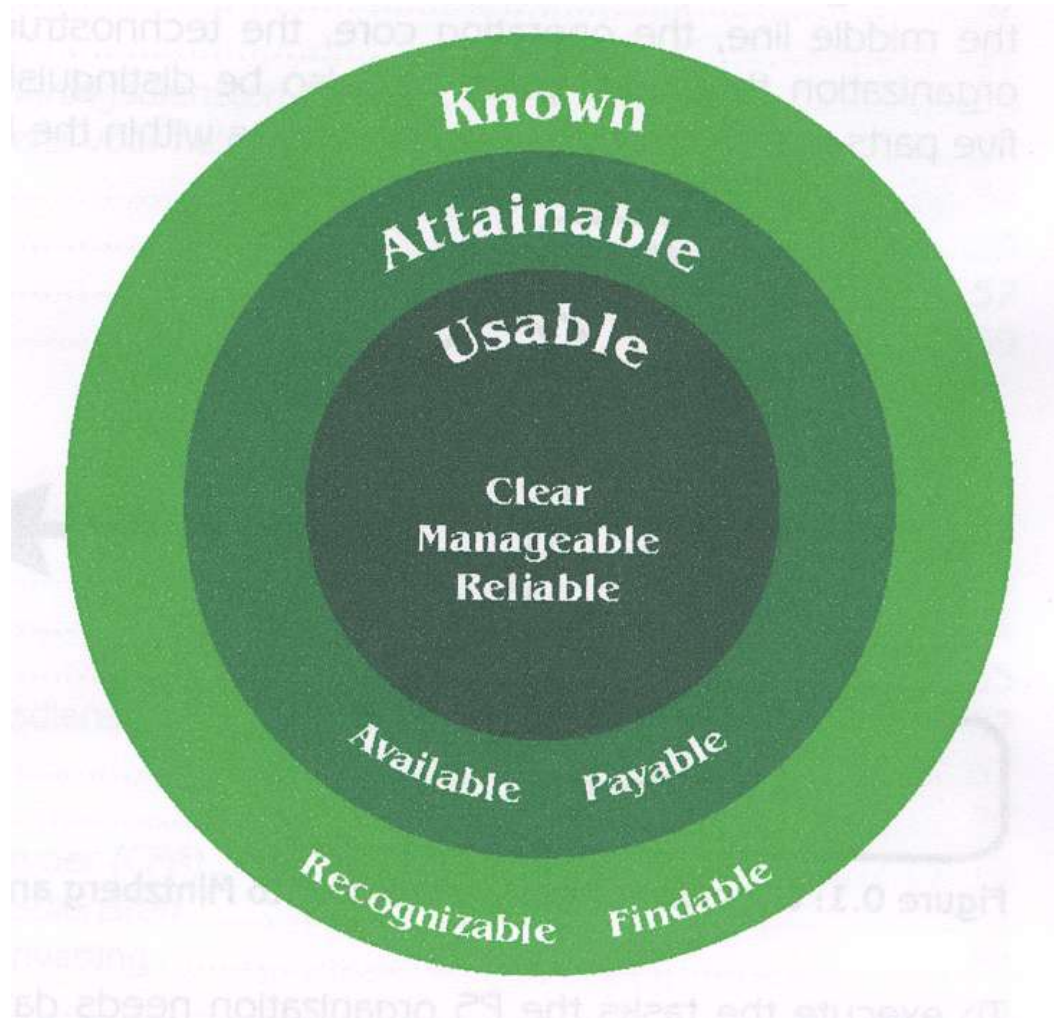
Legal aspects of geographic data

Dr. Ir. Bastiaan van Loenen

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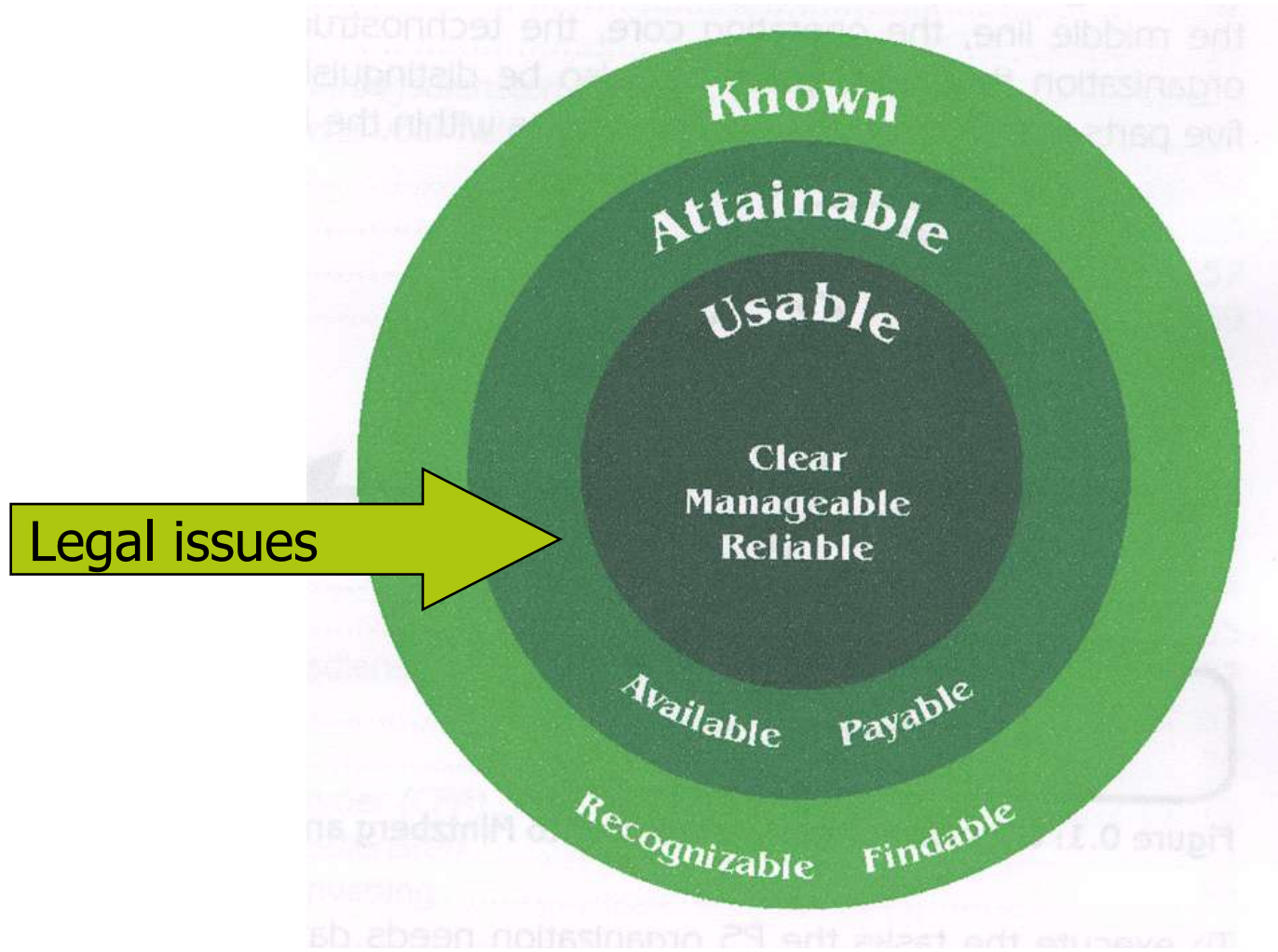
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User perspective



(Backx 2003)

User perspective



(Backx 2003)

Attainability layer

User:

- Who controls the data?
- Can I use these data?
- What are the conditions for using the data?
- How much do I have to pay for which use?
- ..

Provider:

- How to protect my data from misuse?
- How to protect the investments in my data?
- Do I have to provide access to my data?
- What are the conditions for allowing access to my data?
- ..

Legal (and Policy) Aspects

- *Access to geo-information*
 - *freedom of information (transparency)*
 - *access policies ('free or fee')*
 - *re-use of public information (value adding)*
 - *INSPIRE*
- Legal protection of investments
- Liability
- GI-contracts
- Privacy

Legal (and Policy) Aspects

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- Liability
- GI-contracts
- **Privacy**



Legal aspects of geo-data: privacy

Bastiaan van Loenen

OTB Research Institute for Housing, Urban and Mobility Studies



Privacy ?

- What is privacy?

FOKKE & SUKKE

VOELEN ZICH IN HUN PRIVACY AANGETAST

SINDS DIE CAMERA
ER HANGT...



MOETEN WE
ZITTEND
SLAPEN.



RGvT

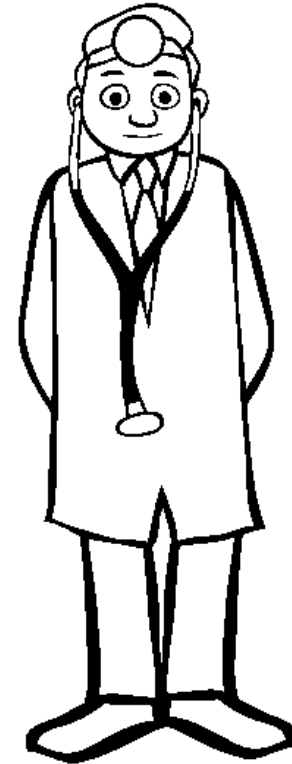
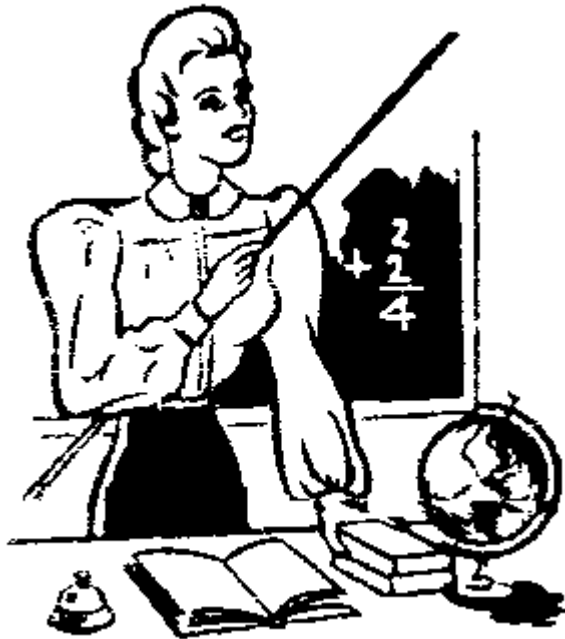
Privacy?!

- the right to be let alone
- my home is my castle
- control over transactions (interactions, communications)
- regulate access to self and as a consequence, reduce vulnerability and increase decisional and behavioral options

Privacy and culture



Context: teacher v. doctor



Privacy meaning?!

- Privacy means different things to different people
- Privacy conceptions are different in different contexts
- Privacy differs from society to society
- Privacy attitudes change throughout time



PLEASE ROB ME



Listing all those empty homes out there

Check out the same results on [Twitter search](#).



<http://pleaserobme.com>

Personal data processing

- ATM: amount, time, frequency and where
- Frequent flyer pass and other discount or loyalty cards
- Flight information: your travel record
- E-mail: recorded and monitored by e-mail provider, employer

"You may not know about Acxiom, but it knows a lot about you"
(O'Harrow Jr. "No Place to Hide", 2005)

- Social media: FaceBook, Hyves, Linkdin,
- DNA
- Body scan
- ...

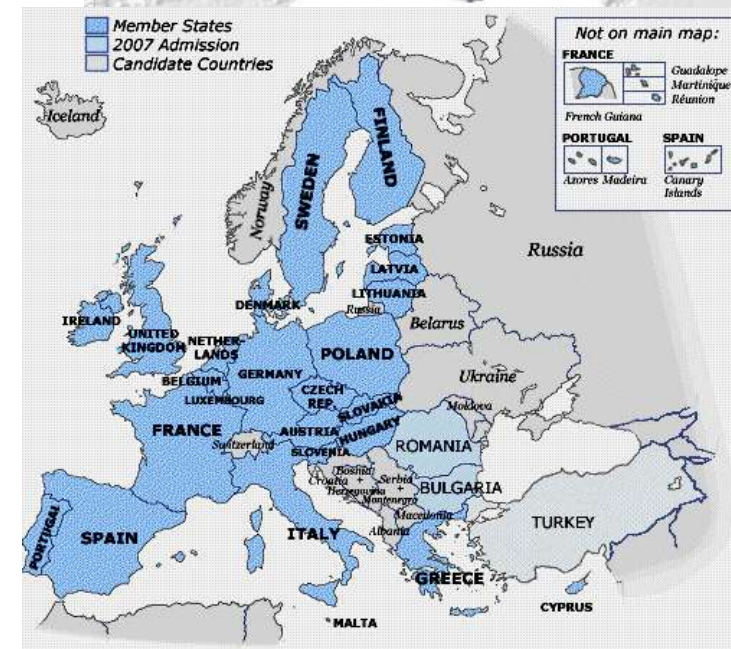
Privacy in Europe

Council of Europe

- Art. 8 ECHR
- Convention 108

European Union

- EU Privacy Directive 95/46/ EC
- Directive 2002/58/EC on personal data and privacy in the electronic communications sector



Privacy as a fundamental right

Article 8 of the European Convention of Human Rights:



Everyone has the right to respect for his private and family life, his home and his correspondence.

European Union

- The Member States are bound by the fundamental rights secured by the Council of Europe
- Plus: laws by the EU => free internal market

Data protection; European legal framework

DIRECTIVE 95/46/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, Official Journal L 281 , 23/11/1995

⇒ Processing of personal data.

DIRECTIVE 2002/58/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications),

⇒ Processing of personal, traffic, and location data in electronic communications networks

DIRECTIVE 2006/24/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC

⇒ Data retention between 6 and 24 months

DIRECTIVE 2009/136/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 November 2009 amending Directive 2002/22/EC and Directive 2002/58/EC and Regulation (EC) No 2006/2004

EU Privacy Directive 95/46/EC

- applies to any 'processing of personal data'
- 'personal data': any information relating to an *identified or identifiable* natural person;
- an identifiable person is one who can be identified, *directly or indirectly* (e.g. by reference to an identification number);
- leading principle for processing personal data: there must be a 'specified and explicit goal'

Privacy directive: data quality

Article 6

1. Personal data must be:

- (a) processed fairly and lawfully;
- (b) collected for *specified, explicit and legitimate purposes* and not further processed in a way incompatible with those purposes.
- (c) adequate, relevant and not excessive in relation to the purposes for which they are collected and/or further processed;
- (d) accurate and, where necessary, kept up to date; data which are inaccurate or incomplete, must be erased or rectified;
- (e) kept in a form which permits identification of data subjects for *no longer than is necessary* for the purposes for which the data were collected or for which they are further processed.

Privacy directive: legitimate processing (art 7)

Personal data may only be processed if:

- (a) the data subject has unambiguously given his consent; or
- (b) processing is necessary for the performance of a contract to which the data subject is party [..]; or
- (c) processing is necessary for compliance with a legal obligation to which the controller is subject; or
- (d) processing is necessary in order to protect the vital interests of the data subject; or
- (e) processing is necessary for the performance of a task carried out in the public interest [..]; or
- (f) processing is necessary for the purposes of the legitimate interests pursued by the controller or by the third party or parties to whom the data are disclosed, except where such interests are overridden by the interests for fundamental rights and freedoms of the data subject [..]

Privacy directive: special categories of personal data (art 8)

1. Member States shall prohibit the processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, and the processing of data concerning health or sex life.

2. Paragraph 1 shall not apply where:
 - (a) [..]
 - (b) ..

Notifying the data subject (art.10/11)

Member States shall provide that the controller or his representative must provide *a data subject* from whom data relating to himself are collected with at least the following information, except where he already has it:

- (a) the identity of the controller and of his representative, if any;
- (b) the purposes of the processing for which the data are intended;
- (c) any further information such as
 - the recipients or categories of recipients of the data,
 - [..]

Collection without knowledge



CYCLOMEDIA ZAL FOTO'S MAKEN IN UW GEMEENTE.

CycloMedia in Waardenburg is al tien jaar actief in het maken van panoramafoto's door middel van auto's vanaf de openbare weg. De beelden worden o.a. door overheden gebruikt voor stedelijk beheer, inrichting, taxaties, voorlichting, openbare veiligheid, maar ook door woningcorporaties en makelaars voor presentaties van woningen.

De foto's worden door CycloMedia opgeslagen in een bestand, gecombineerd met de coördinaten van de opnameposities. Wij benadrukken dat de gegevens niet zullen worden gebruikt voor direct marketing doeleinden.

Door het plaatsen van deze advertentie willen wij u hierover graag vooraf informeren. Hiermee voldoen wij tevens aan de verplichtingen van de Wet bescherming persoonsgegevens. Indien u in de nabije of verdere toekomst een auto ziet met de naam CycloMedia, dan weet u waarvoor de opnamen worden gemaakt. Meer informatie: www.cyclomedia.nl



CYCLOMEDIA

HET 360° FOTOBESTAND VAN NEDERLAND

ADP: 13/11/2001

Privacy directive: right to object (Art 14)

- to object at any time on compelling legitimate grounds relating to *his* particular situation to the processing of data relating to him

360 degree photo



Street view: privacy feedback functie



Privacy directive: right to object (Art 14)

- to object at any time on compelling legitimate grounds relating to *his* particular situation to the processing of data relating to him
- on request and free of charge, to the processing of personal data relating to processing for the purposes of direct marketing

Privacy directive: access to data (Art 12)

Member States shall guarantee every data subject the right to obtain from the controller:

- (a) [...] confirmation as to whether or not data relating to him are being processed and information at least as to the purposes of the processing, the categories of data concerned, and the recipients or categories of recipients to whom the data are disclosed, [...]
- (b) as appropriate the rectification, erasure or blocking of data the processing of which does not comply with the provisions of this Directive, in particular because of the incomplete or inaccurate nature of the data;
- (c) notification to third parties to whom the data have been disclosed of any rectification, erasure or blocking carried out in compliance with (b), unless this proves impossible or involves a disproportionate effort.

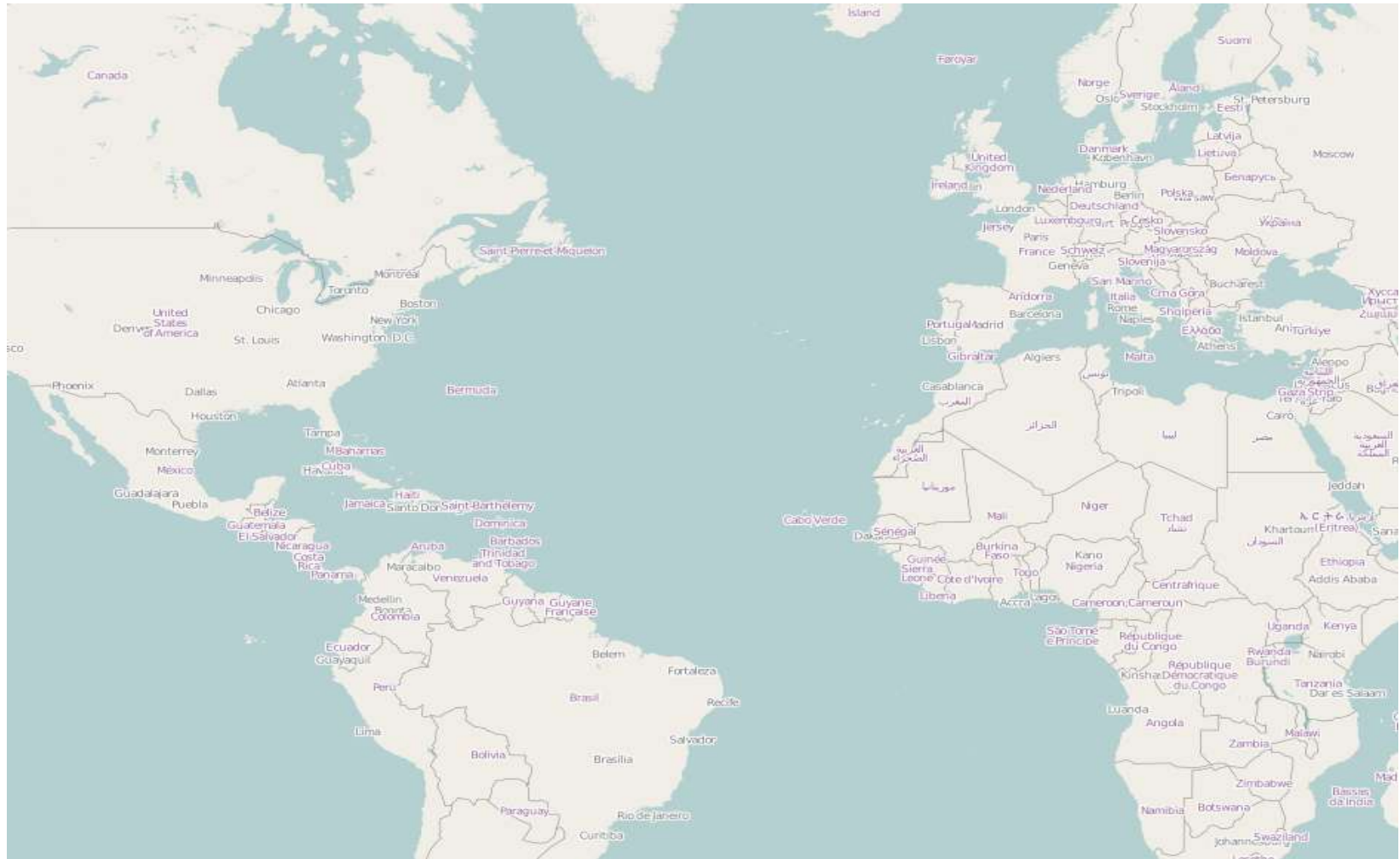
Privacy and geo-information

- Is it personal data?
- If yes: directive applies

Privacy and GI

- As long as an individualized identifier exists within a selection, characteristics about a person are traceable:
 - address and city
 - cadastral identification number
 - Tax-object number
 - IP-address with location
 - MAC-address with location
 - Postal/ZIP Code (like 6PPC) is accepted, although sometimes traceable to individual dwelling

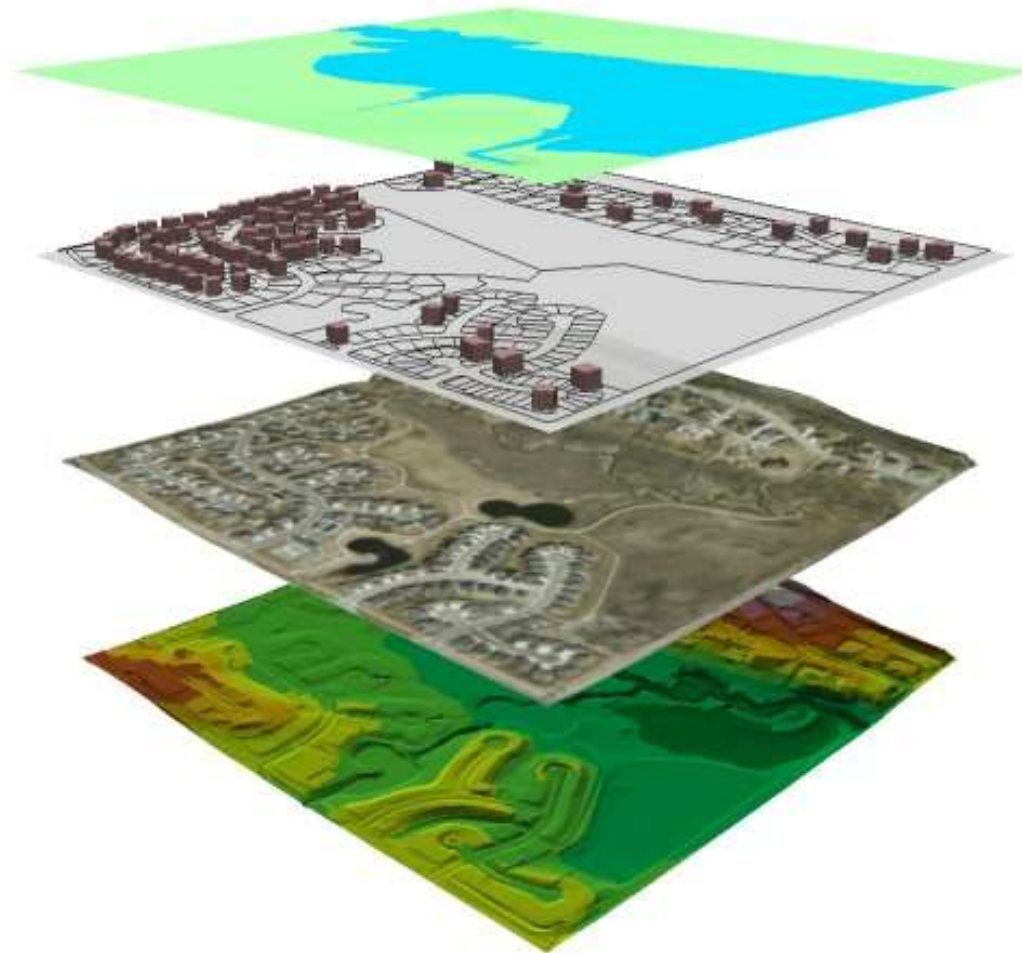
Personal data?



Time: Michael Rasmussen in June 07



Case: SDI



SDI of Flanders

- Goal: to optimise the collection, maintenance, exchange, use and reuse of GI and GI services
- Stakeholders of SDI-Flanders can use GI and GI services for the execution of tasks of public interest, including those regarding the environment

SDI of Flanders

- Belgian Data protection commission:
 - Lack of specific and well determined goals
 - Allowed use too abstract
 - Need and proportionality of the use of personal data for the realisation of SDI goals are difficult to assess.
 - This also applies to the assessment whether use is incompatible or not with initial purposes of data processing

Google Streetview

Where is Street View available?

Explore the map of the world to see where Street View is currently available. Each placemark gives you the option to view sample panoramas from each major city.



Netherlands

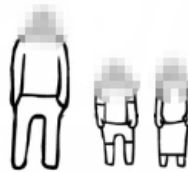


Google privacy



Street View images are not real time

Our images show only what our vehicles were able to see on the day that they drove past the location. Afterward, it takes at least a few months to process the collected images before they appear online. This means that images you look at on Street View could be anywhere from a few months to a few years old.



Individuals and license plates are blurred

We have developed cutting-edge face and license plate blurring technology that is applied to all Street View images. This means that if one of our images contains an identifiable face (for example that of a passer-by on the sidewalk) or an identifiable license plate, our technology will automatically blur it out, meaning that the individual or the vehicle cannot be identified. If our detectors missed something, you can easily let us know.



You can request further blurring of a specific image

We provide easily accessible tools allowing users to request further blurring of any image that features the user, their family, their car or their home. In addition to the automatic blurring of faces and license plates, we will blur the entire car, house, or person when a user makes this request for additional blurring. Users can also request the removal of images that feature inappropriate content (for example: nudity or violence).

How to Report a Concern

If you've found an image that you would like further blurred, or an image that you believe contains objectionable content, just follow these steps:

1. Locate the image in Street View.
2. Click "**Report a problem**" in the bottom-left of the image window.
3. Complete the form and click "Submit."

Google Streetview: Greece

Athens's data protection agency has prohibited vehicles manned by Google's Street View drivers from the country

"Asked whether the clampdown on Google Street View was an extreme measure – given that it is legal to take photographs in public places across Greece – another watchdog official said: "Photographs are not normally made available globally, and therefore there is no risk of violation of personal data."

Switzerland

- “I don’t want a ban of Google Street View,” Thuer told the court. “But in the present form Google Street View breaches basic principles of privacy.” ... Thuer wants Google to guarantee that all faces and car plates are blurred — if necessary by checking all pictures manually. He also demanded that private gardens and sensitive locations such as schools, hospitals and women’s shelters be obscured.

Germany

- The minister described the images on Google street view as "a millionfold violation of privacy rights."
- 1 million objects blurred

Germany



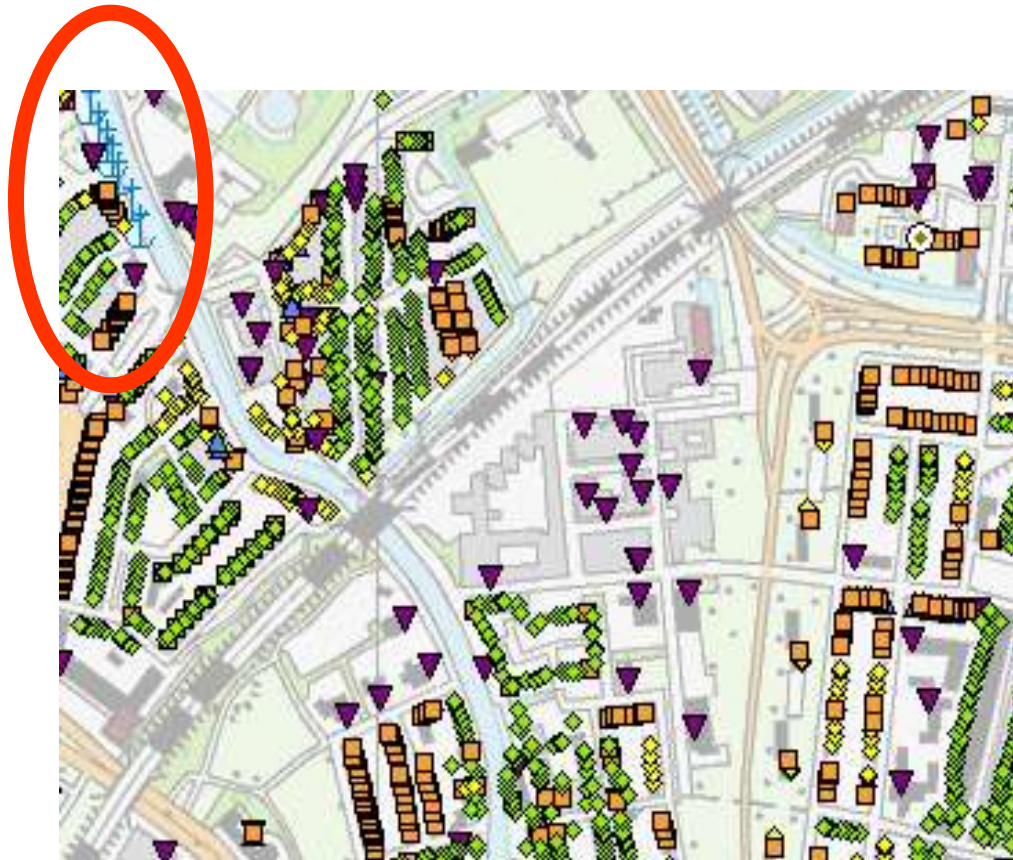
CCTV: public area



Fifth A
<http://www>

rdam

Case: Redlining



Type adres

- ◆ Bejaardenwoning
- ◆ Eengezinswoning zonder tuin
- Hoogbouw
- ⊙ Boerderij / Boerderij-achtig
- ▼ Overigen (o.a. bedrijven)
- Recreatiewoning / recreatiepark
- ⚓ Woonschip
- ◆ Woning met tuin
- ▲ Winkel

Geo information

- Developments:
 - More accurate data
 - More up to date data
 - More comprehensive data
 - More interoperable data

Geo data and privacy

- Registrations with large scale GI are almost always containing personal data
- GI may directly or indirectly lead to identification of individuals
- Providing information only allowed if it relates to the goal of the registration, but is often limited (TASK-directed)
- This 'bites' the idea of (N)SDI's!

Legal (and Policy) Aspects

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 - *freedom of information (transparency)*
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- **Legal protection of investments**
- Liability
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Legal aspects of geographic data: IPR

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Protection of investments

- Collection of (large) geographic data sets is significant investment
- What can be used to protect this ?
 - copyright
 - database extraction right
 - unfair competition
 - contracts

Copyright

- protects intellectual achievement
- not economic investments as such
- demands originality
- certain organization in database or map might be original, but 'free rider' can copy facts
- lasts 70 years (after death of producer)
- NL: government agencies have to claim it: ©



Database extraction right

- protect investment of database producer
- EU Directive 96/9/EC
- substantial qualitatively and/or quantitatively investment in either the obtaining/ verification/ presentation of the contents

Database extraction right

- prevent extraction or re-utilization of whole or substantial part of contents, without prior consent from the producer
- last for 15 years (start over each real update)
- from a database made available to public, lawful user may extract or re-use an insubstantial part
- NL: government agencies have to claim database right

Spin-off Doctrine

- Cannot claim database rights if database is created as a ‘by-product’ of a core activity, even if collecting data is expensive.
- Investments made must carry a substantial risk
 - e.g. British Horse Racing Board v William Hill, ECJ, 9 Nov. 2004, joint cases C-46/02, C-338/02 and C-442/02
 - Municipality of Amsterdam v Landmark Ltd, Council of State (ABRvS) 2009



IPR and geo-data

- The larger the scale, the more factual the data becomes, the more difficult it will be to claim copyright
- Is database extraction right available to government if government does not carry a substantial risk in processing the data?

Legal (and Policy) Aspects

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- **GI-contracts**
- Privacy

Legal aspects of geo-data: licences

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Contract

- producer wants investment to pay off
- others should extract and re-use
- but they have to pay for this (or acknowledge the producer or to limit liability as much as possible ..)
- usually through contract (licence)
- but, other protection rules apply to all, not only contract partners (also 'free rider')

GI contracts

Much GI is government-owned and maintained, however

- With regard to use restrictions and access policies, there is little
 - transparency, let alone
 - consistency.
- See e.g. IT-sector 'standard contract' (16 p) ..

Standard licenses

Tanguy de Lestré (Agoria):

“It is not the price that matters,.....

..... it is transparency in what is available
and what conditions apply”

Transparancy => standardisation

Review of licences across Europe

Common conditions, but

- worded differently (ranging from simple language to complex legal terminology)
- different pricing policies (ranging from free to full cost recovery)

- our research suggest a possible increase of transparency via a harmonised licencing framework (see <http://www.gsdi.org/standingcomm>)

Example: Creative Commons

1. icon
2. simple text
3. legal text



The image is a screenshot of the Creative Commons Attribution 3.0 Unported license page. At the top, there is a green header with the Creative Commons logo and the text 'creative commons Attribution 3.0 Unported'. Below the header, there is a section titled 'You are free:' with two icons: a document icon for 'to Share — to copy, distribute and transmit the work' and a remix icon for 'to Remix — to adapt the work'. To the right of these icons is a circular seal that says 'Free Cultural Works APPROVED FOR'. Below this, there is a section titled 'Under the following conditions:' with one icon: a person icon for 'Attribution — You must attribute the work in the manner specified by the author or licensor (but not in any way that suggests that they endorse you or your use of the work)'. The page has a clean, white background with green and orange accents.



Naamsvermelding 2.5

CREATIVE COMMONS CORPORATION IS GEEN ADVOCATENPRAKTIJK EN VERLEENT GEEN JURIDISCHE DIENSTEN. DE VERSPREIDING VAN DEZE LICENTIE ROEPT GEEN JURIDISCHE RELATIE MET CREATIVE COMMONS IN HET LEVEN. CREATIVE COMMONS VERSPREIDT DEZE INFORMATIE 'AS-IS'. CREATIVE COMMONS STAAT NIET IN VOOR DE INHOUD VAN DE VERSTREKTE INFORMATIE EN SLUIT ALLE AANSPRAKELIJKHEID UIT HET VOOR ENIGERLEI SCHADE VOORTVLOEIEND UIT HET GEBRUIK VAN DEZE INFORMATIE INDIEN EN VOORZOVER DE WET NIET ANDERS BEPAALT.

Licentie

HET WERK (ALS HIERONDER OMSCHREVEN) WORDT TER BESCHIKKING GESTELD OVEREENKOMSTIG DE VOORWAARDEN VAN DEZE CREATIVE COMMONS PUBLIEKE LICENTIE ('CCPL' OF 'LICENTIE'). HET WERK WORDT BESCHERMD OP GROND VAN HET AUTEURSRECHT, NABURIGE RECHTEN, HET DATABANKENRECHT EN/OF ENIGE ANDERE TOEPASSELIJKE RECHTEN. MET UITZONDERING VAN HET IN DEZE LICENTIE OMSCHREVEN TOEGESTANE GEBRUIK VAN HET WERK IS ENIG ANDER GEBRUIK VAN HET WERK NIET TOEGESTAAN.

DOOR HET UITOEFENEN VAN DE IN DEZE LICENTIE VERLENDE RECHTEN MET BETREKKING TOT HET WERK AANVAARDT EN GAAT DE GEBRUIKER AKKOORD MET DE VOORWAARDEN VAN DEZE LICENTIE, MET DIEN VERSTANDE DAT (DE INHOUD VAN) DEZE LICENTIE OP VOORHAND VOLDOENDE DUIDELIJK KENBAAR DIENT TE ZIJN VOOR DE ONTVANGER.




DE LICENTIEGEVER VERLEENT DE GEBRUIKER DE IN DEZE LICENTIE OMSCHREVEN RECHTEN MET INACHTNEMING VAN DE DESBETREFFENDE VOORWAARDEN.

Digital Elevation Models

Data Sets Matching Search Criteria

<i>Data Set Title:</i>	ASTER Global Digital Elevation Model (GDEM)	EuroDEM
<i>Abstract:</i>	grid of elevation postings: 1 arc second, app. 30 meter resolution	grid of elevation postings: app. 60 meter resolution,
<i>Price:</i>		
<i>Use conditions:</i>		
<i>Contributor:</i>	METI and NASA	EuroGeographics and European National Mapping Agencies

Digital Elevation Models

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<i>Abstract:</i>	grid of elevation postings: 1 arc second, app. 30 meter resolution	grid of elevation postings: app. 60 meter resolution,
<i>Price:</i>		 €710,000 (five year period)
<i>Use conditions:</i>		
<i>Contributor:</i>	METI and NASA	EuroGeographics and European National Mapping Agencies

Welkom op het nationaal georegister

Het nationaal georegister is een 'gouden gids' voor het zoeken, vinden en ontsluiten van online geo-informatie in Nederland.

1-10/11 resultaten

1 2 > >>

Relevantie

Samenvatting

Sorteren

Populariteit

100%



Ecologische Hoofdstructuur

Vanwege de grote hoeveelheid informatie is deze over 6 kaarten verdeeld. Elke kaart bevat een bepaald thema met daarin meerdere kaartlagen. Deels zijn deze thema's overlappend. U zult zien >



89%



Wijken en buurten

geometrie van alle wijken en buurten in de gemeente Breda.



84%



Perceel Identificatie Productie Omvang 2006

PIPO (Perceels Identificatie Productie Omvang) percelen zijn gebaseerd op TOP10_Vector percelen. Het bestand bevat voor het grootste deel landbouwpercelen plus enkele niet landbouwpercelen. >



80%



Natura 2000 gebieden

De Europese Unie heeft een zeer gevarieerde en rijke natuur, die van grote biologische, esthetische en economische waarde is. Om deze natuur te behouden heeft de Europese Unie het initiatief >



78%



Wijken en Buurten

Het originele Bestand Wijken en Buurten bevat geometrie van alle gemeenten, wijken en



> Disclaimer

GeoRSS.nl

Conclusion

- Many alike licences
- Work-in-progress to harmonise existing licences
- Join us at: <http://www.gsdi.org/standingcomm>

Legal (and Policy) Aspects

- *Access to geo-information*
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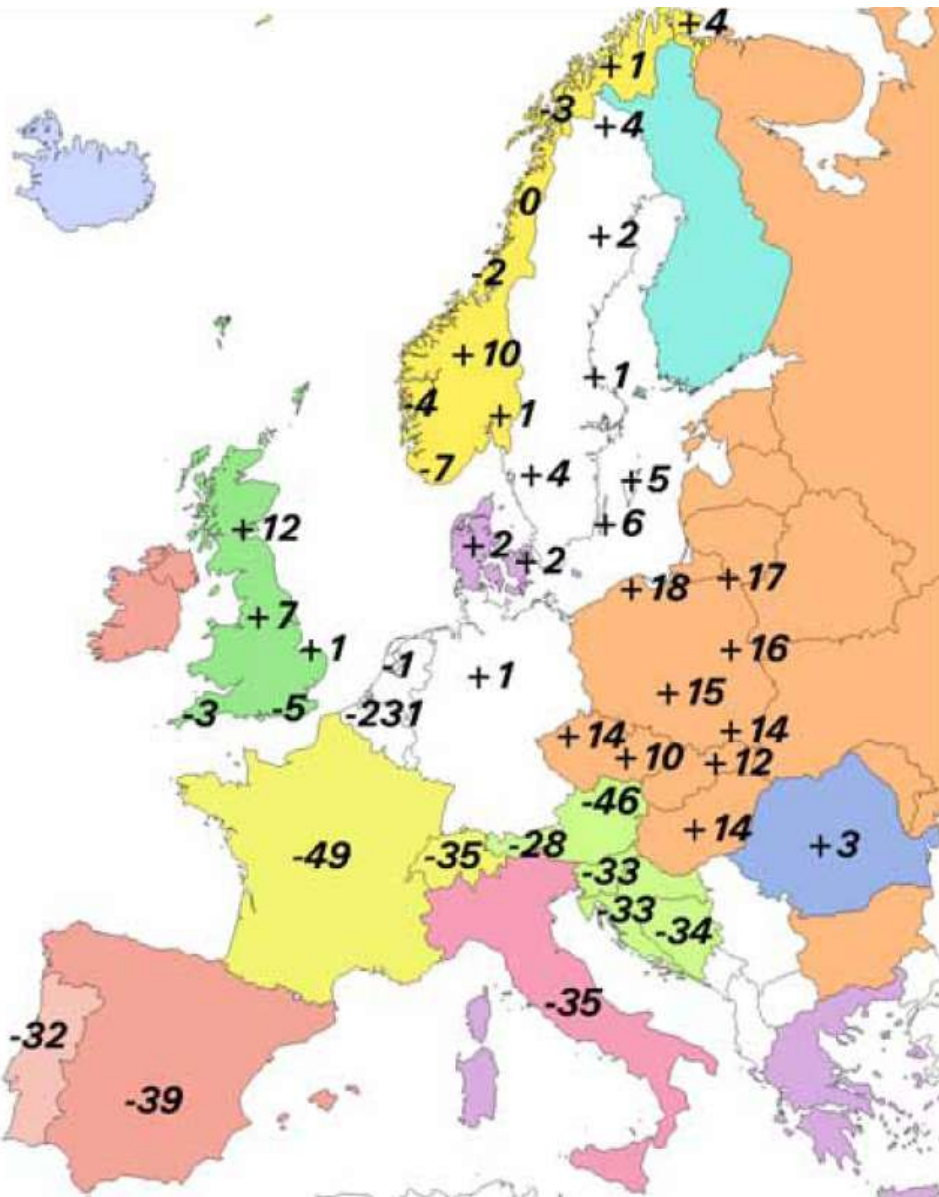
Legal aspects of geo-data: INSPIRE

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sea-level differences (in cm, source BKG)



- 14 jan'04: Bridge near Laufenburg collapsed due to altitude measurement difference of 0.54 m between Swiss and German side
- Source www.laufenburg.ch

Aim of the infrastructure

- To compile, execute and evaluate EU policy measures
- To facilitate enforcement at all levels
- To provide the citizens with information

INSPIRE: What does it include?

- INSPIRE lays down general rules for the establishment of an infrastructure for spatial information in Europe to support environmental policies and policies that affect the environment
- This infrastructure shall be based on infrastructures for spatial information established and operated by the Member States.
- INSPIRE requires also specific implementing rules to be adopted through a committee procedure representing Member States

Themes (annex I and II)

Annex I:

- Coordinate reference systems
- Geographical grid systems
- Geographical names
- Administrative units
- Addresses
- Cadastral parcels
- Transport networks
- Hydrography
- Protected sites

Annex II:

- Elevation
- Land cover
- Orthoimagery
- Geology

Themes (annex III)

- Statistical units
- Buildings
- Soil
- Land use
- Human health and safety
- Utility and Government services
(*water supply, sewage,..*)
- Environmental monitoring facilities
- Production and industrial facilities
(*water abstraction,..*)
- Agricultural and aquaculture facilities
- Population distribution –
demography
- Area management/restriction/
regulation zones & reporting units
- Natural risk zones
- Atmospheric conditions
- Meteorological geographical features
- Oceanographic geographical features
- Sea regions
- Bio-geographical regions
- Habitats and biotopes
- Species distribution
- Energy resources
- Mineral resources

INSPIRE Components

- Metadata
- Spatial data sets and spatial data services
- Network services and technologies
(discovery, view, download, link, transform,
and the EU geo-portal)
- Agreements on sharing, access, and use
- Coordination and monitoring mechanisms

INSPIRE applies to

This Directive shall cover spatial data sets which fulfil the following conditions:

- (a) they relate to an area where a Member State has and/or exercises jurisdictional rights;
- (b) they are in electronic format;
- (c) they are held by or on behalf of any of the following:
 - (i) a public authority, having been produced or received by a public authority, or being managed or updated by that authority and falling within the scope of its public tasks;
 - (ii) a third party to whom the network has been made available in accordance with Article 12;
- (d) they relate to one or more of the themes listed in Annex I, II or III.

This Directive does not require collection of new spatial data.

Lowest level of government only if laws or regulations require collection or dissemination of GI.

Metadata required

Member States shall ensure that metadata are created for the spatial data sets and services corresponding to the themes listed in Annexes I, II and III, and that those metadata are kept up to date.

Services required

1. Member States shall establish and operate a network of the following services for the spatial data sets and services for which metadata have been created in accordance with this Directive:
 - (a) **discovery services** making it possible to search for spatial data sets and services on the basis of the content of the corresponding metadata and to display the content of the metadata;
 - (b) **view services** making it possible, as a minimum, to display, navigate, zoom in/out, pan, or overlay viewable spatial data sets and to display legend information and any relevant content of metadata;
 - (c) **download services**, enabling copies of spatial data sets, or parts of such sets, to be downloaded and, where practicable, accessed directly;
 - (d) **transformation services**, enabling spatial data sets to be transformed with a view to achieving interoperability;
 - (e) services allowing spatial data services to be **invoked**.

Access to services

- Discovery services: free of charge
- Viewing services: free of charge, unless such charges secure the maintenance of spatial data sets and corresponding data services, especially in cases involving very large volumes of frequently updated data.
- Where public authorities levy charges for the viewing, downloading, invoke services Member States shall ensure that e-commerce services are available. Such services may be covered by disclaimers, click-licences or, where necessary, licences.

Member states may limit public access

- where such access would adversely affect international relations, public security or national defence (discovery services)

Member states may limit public access

where such access would adversely affect any of the following (other services):

- (a) the confidentiality of the proceedings of public authorities, where such confidentiality is provided for by law;
- (b) international relations, public security or national defence;
- (c) the course of justice, etc;
- (d) the confidentiality of commercial or industrial information, [..]
- (e) intellectual property rights;
- (f) the confidentiality of personal data [..]
- (g) the interests or protection of any person who supplied the information requested on a voluntary basis [..]
- (h) the protection of the environment (location of rare species).

INSPIRE Govt data sharing art.17 (1)

- Each Member State shall adopt measures for the sharing of spatial data sets and services between its public authorities [..].
- Those measures shall enable those public authorities to gain access to spatial data sets and services, and to exchange and use those sets and services, for the purposes of public tasks that may have an impact on the environment

INSPIRE art. 17 (2)

- The measures provided for in paragraph 1 shall preclude any restrictions likely to create practical obstacles, occurring at the point of use, to the sharing of spatial data sets and services.

INSPIRE art. 17 (3)

Member States may allow public authorities that supply spatial data sets and services to license them to, and/or require payment from, the public authorities or institutions and bodies of the Community that use these spatial data sets and services. Any such charges and licenses must be fully compatible with the general aim of facilitating the sharing of spatial data sets and services between public authorities. Where charges are made, these shall be kept to the minimum required to ensure the necessary quality and supply of spatial data sets and services together with a reasonable return on investment, while respecting the self-financing requirements of public authorities supplying spatial data sets and services, where applicable. Spatial data sets and services provided by Member States to Community institutions and bodies in order to fulfil their reporting obligations under Community legislation relating to the environment shall not be subject to any charging.

Art. 17:8

- Member States shall provide the institutions and bodies of the Community with access to spatial data sets and services in accordance with harmonised conditions. **Implementing rules** governing those conditions, [..], shall be adopted [..].

Implementing Rule Data and Service Sharing (IR 268/2010)

- Provides framework for access to INSPIRE data for the institutions and bodies of the Community with access to spatial data sets and services in accordance with harmonised conditions.
 - *Conditions applicable* to the Community institutions and bodies in compliance with this Regulation shall be expressed in metadata [..]

Implementing Rule Data and Service Sharing (IR 268/2010)

- 1. Where an institution or body of the Community requests the provision of access to a spatial data set or service, the Member States shall also make available, upon request, information for evaluation and use, on the mechanisms for collecting, processing, producing, quality control and obtaining access to the spatial data sets and services, where that additional information is available and it is reasonable to extract and deliver it.
- 2. Where requested, offers [..] shall include the basis for charges and the factors taken into account.
- Member States shall provide access [..] without delay and at the latest within 20 days after receipt of a written request.

Reporting

Member States shall send every three years to the Commission a report including summary descriptions of:

- (a) how public sector providers and users of spatial data sets and services and intermediary bodies are coordinated, and of the relationship with the third parties and of the organisation of quality assurance;
- (b) the contribution made by public authorities or third parties to the functioning and coordination of the infrastructure for spatial information;
- (c) information on the use of the infrastructure for spatial information;
- (d) data-sharing agreements between public authorities;
- (e) the costs and benefits of implementing this Directive.

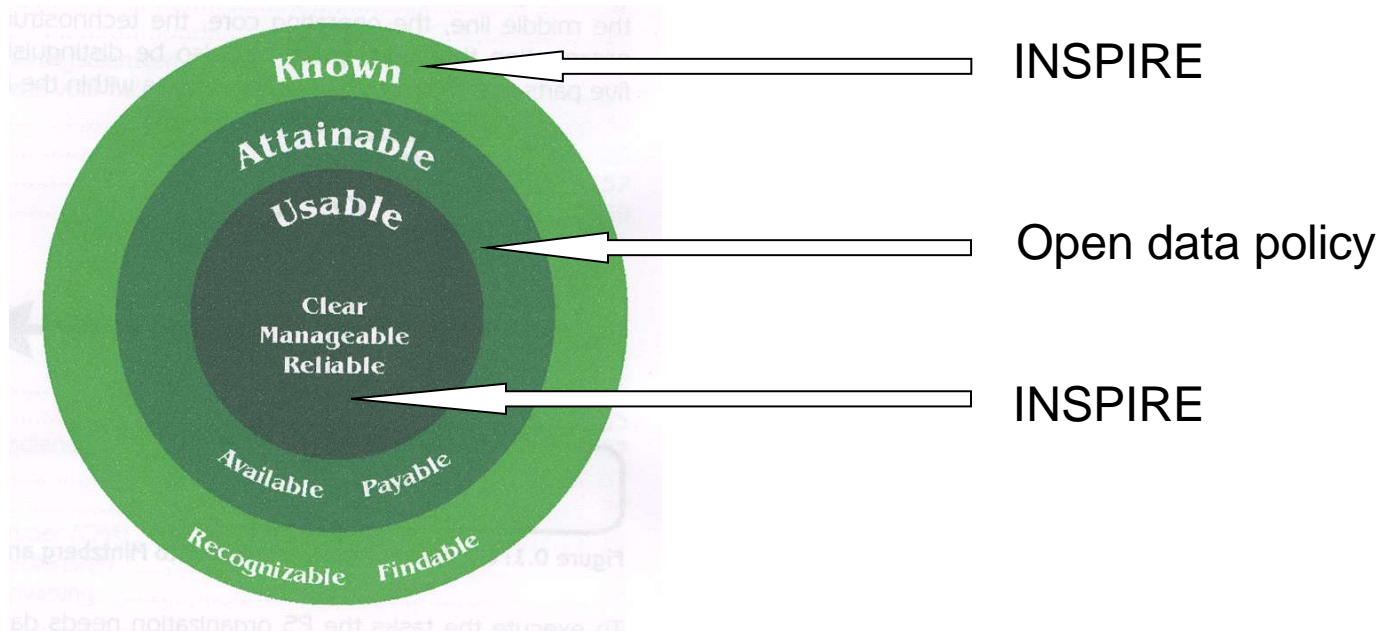
Monitoring (yearly)

- Monitoring of the existence of metadata
- Monitoring of the conformity of metadata
- Monitoring of the geographical coverage of spatial data sets
- Monitoring of the conformity of spatial data sets
- Monitoring of the accessibility of metadata through discovery services
- Monitoring of the accessibility of spatial data sets through view and download services
- Monitoring of the use of network services
- Monitoring of the conformity of network services

INSPIRE

- Pro-active publication of GI falling under the 34 INSPIRE themes
 - Access through one-stop-shop (at EU level..) and
 - Access through INSPIRE services
 - Interoperability through harmonised GI
 - Transparency through metadata
-
- Key for success of open government data policy

INSPIRE



INSPIRE

<http://inspire.jrc.ec.europa.eu/>

Legal aspects of geographic data

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Legal aspects of geo-data: privacy

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