

Legal framework

The Infrastructure for Spatial Information Act was adopted by the Parliament in December 2008 and entered into force on 15 May 2009. The Act sets the framework for the further development of the Danish SDI. KMS is now assigned to manage the infrastructure for spatial information in Denmark. The Act contains two additions to the provisions stemming from the INSPIRE directive. Firstly, the Danish minister for the Environment can extend the scope of the Act to data outside of the Annexes of the INSPIRE directive, after negotiations with the minister responsible for these data.

Secondly, the Minister can also determine, in collaboration with other public sector parties, which data should be used as the foundation and the official sources for mapping and registration (KMS, Infrastructure for spatial data in Denmark 2009).

Also in 2009, agreements for the use of spatial data were concluded with central government (National Geodata Agreement) and with all municipalities (Municipal Geodata Agreement). These agreements took effect from 2010.

The Danish policy on spatial data infrastructures is closely linked to the eGovernment policy. The rules and guidelines for spatial data should help increase their value for eGovernment policy.

Public-private partnerships (PPPs)

The Danish SDI has a history of successful public-private cooperation. For instance, the digital national topographic database TOP10DK was created as a PPP in 2000; and the digitization of the Cadastre in the 1990s took place in cooperation between the public and the private sector.

Cooperation between the public and the private sector is considered very important for the development of the Danish NSDI. The public bodies specify the data requirements, conduct data quality assurance and distribute the data. The private companies collect the data and contribute technical solutions for accessibility (Jesper Jarmbæk, The Danish Way: Development of the Danish Spatial Data Infrastructure through Binding Collaboration,

<http://www.gsdi.org/gsdi11/papers/pdf/179.pdf#>

KMS offers maps and data via an API called Map Supply

<http://www.kortforsyningen.dk/>

The Cadastre has formed partnerships with a number of companies that develop applications for users.

EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2011 Denmark

K.U.Leuven (SADL) 15

Policy and legislation on access to public sector information(PSI)

The general right of access to government held information is laid down in Act no. 572 of 19 December 1985 on Access to Public Administration Files (Lov om offentliggørelse af forvaltningen). Public administration in the sense of this Act means all public bodies of central and local government, excluding Parliament and the Courts. Utility companies are also subject to the Access Act, but other private sector companies with public tasks generally are not. There are various grounds for denying access, for instance confidentiality of the files in question and privacy. More important, access may be limited out of consideration for public financial interests, which includes the interest of public sector bodies that undertake activities of a commercial nature.

Directive 2003/4 and the provisions of the Aarhus Convention have been included in the Access to Environmental Information Act.. Directive 2003/98 on the re-use of PSI has been implemented by Law no. 596 of 24 June 2005. The Law was amended by Act no. 551 of 17 June 2008, which entered into force on 1 July 2008. The amendment widened the law and included Parliamentary and Court .

In June 2008, this analysis prompted the government's economic committee to pass a new agreement on financing central government authorities' access to geodata and services from the National Survey and Cadastre. The new framework took effect at January 1, 2009. This agreement grants all ministries full access to geodata and relevant services from the National Survey and Cadastre. Rather than paying traditional usage fees, each ministry will pay a fixed annual contribution based on its use and needs. The agreement underlines the National Survey

and Cadastre's role as the central government's infrastructure organisation for maps and geodata. The framework provides all ministries and agencies, universities and elementary- and secondary-schools and with access to the majority of the Cadastre's geodata holdings, as well as access to these geodata over the Internet through the Digital Map Supply.

The main provisions:

- # The whole of central government will have access to data from the National Survey and Cadastre, increasing the data's value.

- # Whole of central government will help finance the data's maintenance.

- # Each ministry's payment is fixed according to its estimated geodata benefit, and the payment encompasses all institutions within the ministry.

- # The central government's procurement of geodata will be better coordinated. EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2011 Denmark K.U.Leuven (SADL)

16

Elements covered by the agreement:

- # Topographical data collections

- # Reference network data

- # The Danish Digital Elevation Model

- # Property register maps and data

- # Nautical chart data

- # Web services for retrieving and displaying geodata, including the Digital Map Supply In a similar agreement between the local authorities and KMS, municipalities have since 2010 free access to a range of major spatial data and spatial data services from the National Survey and Cadastre. Under the 2002 agreement on 'Better access to public data', the Building and Dwelling Register (BBR) address data are made available to public and private users, including for

Denmark-Legal Framework

commercial purposes at the cost of distribution only. The objective of the agreement was to establish a broad and intensive use of the official Danish address data in both the public and private sector. The BBR address data are made available as a download service through the Public Information Server (OIS) and as an online network service using Address Web Services (AWS). The latter is offered by the Ministry of Economics and Business Affairs in cooperation with KMS, which makes the spatial AWS services available as SOAP and Web Map Services (WMS).

The Danish Nature and Environment Portal is a joint public-sector partnership between the Ministry of the Environment, Local Government Denmark and Danish Regions. The aim is to support the environmental public bodies to fulfil their responsibilities, ensure a uniform and updated core of environmental data, promote digital procedures in the environmental area and strengthen communication with the public.

Legal protection of GI by intellectual property rights

The Copyright Act became effective as of 1 January 1996. This Act consolidated and systematically modernised Danish copyright legislation, replacing the old Copyright Act from 1961. The main Act (Act no. 395 of 14 June 1995) has already been amended several times (Act no. 295 of 24 April 1996 and Act no. 1207 of 27 December 1996). The EU Database Directive was incorporated into the Danish Copyright Act by Act no. 407 of 26 June 1998. The current provisions are now found in Consolidated Act no. 706 of 29 September 1998.

Section 9 of the Copyright Act provides that laws, administrative orders, legal decisions and similar official documents are not subject to copyright. This exemption does not extend to works appearing as independent contributions in the documents (e.g. a EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2011 Denmark K.U.Leuven (SADL) 17 copyrighted map that is part of an administrative decision on urban development).

Although these works may be copied together with the rest of the document that is not subject to copyright, in further exploitation the rights of the copyright owner must be respected. There is a special situation about old topographic maps, where KMS has a time unlimited copyright.

Until 1995, photographs were protected by the Photography Act. This Act has been repealed and the protection of photographs has been incorporated into the Copyright Act. A photograph may enjoy protection either as an actual copyrighted work or as a photographic picture. The difference lies both in the material provisions on legal protection and in the timeframe. The right to a photographic picture lasts 50 years from the end of the year in which the picture was taken,

Denmark-Legal Framework

whereas a copyrighted work enjoys protection for 70 years after the year of the author's death. All objects made by the aid of the reaction of light-sensitive material shall be considered as a photographic picture. Denmark has implemented the 2001 Directive on copyright in the information society.

Restricted access to GI further to the legal protection of privacy

Directive 95/46/EC was implemented into Danish legislation by the Act on the Processing of Personal Data (Act no. 429) of 31 May 2000 (Lov om behandling af personoplysninger), which entered into force on 1 July 2000. This Act substitutes the Public Authorities' Registers Act and the Private Registers Act, both of which became law on 1 January 1979. The Danish Data Protection Agency exercises surveillance over processing of data to which the Act applies. Denmark has implemented Directive 2002/58 on privacy and electronic communications with a framework of regulations.

Licensing framework

Data from KMS is accessible to the public via Digital Map Supply. For downloading purposes, the KMS website makes a distinction between professional users and other users. For the former, several products are delivered via web-services, online services, CD-ROM, DVD and photocopies. Other users are referred to resellers of paper maps. In 2009 and 2010, agreements were concluded between KMS and the central government and between KMS and the municipalities. Under the National Geodata Agreement, all ministries, agencies, universities and elementary and secondary schools get access to KMS data, such as topographic data, reference network data, DEM, cadastral data and nautical charts. They get access to the web services and Digital Map Supply. A EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2011 Denmark K.U.Leuven (SADL) 18 coordination forum is established to manage the Agreement (Jesper Jarmbæk, The Danish Way: Development of the Danish Spatial Data Infrastructure through Binding Collaboration, <http://www.gsdi.org/gsdi11/papers/pdf/179.pdf>). Under the Municipal Geodata Agreement, the local authorities obtain access to the data and web services of KMS. KMS also has agreements with the Armed Forces and the regions. In January, the National Geodata Agreement came into effect, and all ministries gained access to the National Survey and Cadastre's geodata and web services. A similar Municipal Geodata Agreement was reached with Local Government Denmark in 2009, and will come into effect in 2010. The National Survey and Cadastre and the Armed Forces have an existing agreement on geodata and web services access; the country's five regions have also inherited the geodata

Denmark-Legal Framework

access agreements that were held by the former counties. This agreement supported an increased interest in the application of spatial data to new areas including health, environment, defence and emergency management.

Meanwhile, municipalities continue joining a number of collaborative efforts. These include the development of unified nationwide topographic data through FOT Denmark and the acquisition of the Danish Digital Elevation Model, which was produced and quality-controlled in accordance with official requirements. The Danish Digital Elevation Model was purchased in 2007 with user rights for all central government bodies and is today one of the services which may be accessed under the National Geodata Agreement. At the end of 2010, also 89 of the country's 98 municipalities had obtained user rights for the Danish Digital Elevation Model.

UN-GGIM Knowledge Base

<http://ggim.un.org/knowledgebase/KnowledgebaseArticle51514.aspx>