

## Iceland-Legal Framework

### Legal framework

In May 2011, the Act on the Infrastructure for Digital Spatial Data was adopted. The law stipulates what has to be implemented (data, metadata and services) and how this has to be organised (role LMI, coordinating structure, elaboration of an implementation plan, etc.). This legislation is based on a decision of the EEA countries to implement the INSPIRE Directive (Agreement on the European Economic Area, as amended by the EEA Joint Committee No. 55/2010 from 30 April 2010). The act also stipulates the changes to existing legislation. More in particular to Article 4 of Act no. 103/2006, on land surveying and basic mapping (see further). The activities and responsibilities of the National Land Survey of Iceland were laid down in a law of 1997 (Law no. 95/1997), with subsequent amendments in December 1998 and December 2000). The law covers the field of surveying and mapmaking, including provisions for the control of the Ministry of Environment and the purpose of the LMI as a governmental institution. A new law on land surveying and basic mapping was approved by the Icelandic Parliament on June 3, 2006. This law dealt with the role and tasks of NLSI and stipulated a.o. that NSLI withdraw from its competitive operations and that the institute has to sell its stock of maps and CDs before January 1, 2007. The law states that the tasks of the National Land Survey of Iceland are:

# To advise the Ministry for the Environment in NLSI's operational fields and as regards policy making in land surveying and official basic mapping.

# The structure and maintenance of reference materials and accessible geodetic reference systems and height reference systems for the whole of Iceland.

# To take the initiative in the making and applying of standards in a geographic information system (GIS).

# To make, maintain and disseminate digital layers on a scale of 1:50.000 and on smaller scales.

# To provide access to data which NLSI keeps in its databases.

# To register and disseminate information about spatial data in Iceland.

# To engage in professional co-operation with universities, institutes, businesses and international organizations in accordance with the tasks of the institute. The Act on the Infrastructure for Digital Spatial Data added following task to this list:

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# To oversee execution of the Act on infrastructure for spatial data, incl. taking responsibility for operations, maintenance and technological development of spatial data. EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2010 Iceland K.U.Leuven (SADL) 16

### Public-private partnerships (PPPs)

The LMI determines on an individual basis whether a project should be handled in-house,

or by a sub-contractor after advertising for bids. As a good example of a successful collaboration, the municipality of Reykjavík, in cooperation with the state telecommunication company, has been developing and running LUKR, the Reykjavík GIS, since 1988.

### Policy and legislation on access to public sector information

The Icelandic Freedom of Information Act no. 50 of 1996 applies to state and municipal administration and to the activities of private parties insofar as they have been entrusted with official power to take decisions regarding people's rights or obligations. Directive 2003/4 on access to environmental information has been transposed by Act No 23/2006 on the right to environmental information

(<http://web.eftasurv.int/details.aspx?memberState=ISL&ecRef=2003/4>). The Freedom of information Act was amended in 2006 to incorporate the provisions of directive 2003/98 on the re-use of public sector information. In 2009, the Prime Minister announced the establishment of a working group to review the Act in order to consider the expansion of access to public sector information, and possibly extend the scope of the Act to private bodies that are fully owned by the Icelandic government (see

[http://www.epsiplatform.eu/news/news/iceland\\_review\\_information\\_act](http://www.epsiplatform.eu/news/news/iceland_review_information_act)).

### Legal protection of GIS by intellectual property rights

The Copyright Act no. 73 of 29 May 1972 has been amended by Act no. 78 of 30 May 1984, Act no. 57 of 2 June 1992 and Act no. 145 of 27 December 1996. Act no. 60 of 19 May 2000 inserted article 50, which provides legal protection for databases. The last amendments of the Copyright Act took effect in 2006 (Act on amendments to the Copyright Act No 73/1972 with later amendments, no.

9/2006 <http://web.eftasurv.int/details.aspx?memberState=ISL&ecRef=2001/29>), when the 2001/29/EC directive on the harmonization of certain aspects of copyright and related rights in

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the information society was transposed. Article 49 of the Copyright Act offers special legal protection to photographs. Article 8 of the law on land surveying and basic mapping stipulates that the State owns all rights acquired by the LMI. The institute protects the interests of the State in the areas of copyrights and utilisation rights regarding all materials that it has acquired, processed or published in connection with the surveying, mapping or photographing of Iceland. In addition, matters concerning copyrights are also contained within copyright bill, no. 73/1972, with later amendments. Article 9 stipulates that the LMI communicates information and provides access to data in its archives. Regarding original material derived from outside the institute, further distribution of such material shall be preceded by an agreement with the original source. It is permitted to grant utilisation rights for all EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2010 Iceland K.U.Leuven (SADL) 17 information in the areas of surveying and mapping that is stored in the LMI's archives, under the conditions that the source is credited and that the credibility of the information is not compromised. The new Act on the Infrastructure for Digital Spatial Data does not impact the authorities' copyrights on spatial data which appertain to the law. Digital spatial data owned by parties others than those explicitly mentioned in the law will be subject to it if the owner of the information has received permission to connect it to the geoportal, cf. Article 5, on the basis of this law.

Restricted access to GI further to the legal protection of privacy

The data protection principles of Directive 95/46/EEC have been implemented into Icelandic law by means of the Data Protection and Handling of Personal Information Act no. 77 of 2000. On 1 January 2000 this Act came into force. Its last amendment dates from 2003 (Act no. 46/2003). Directive 2002/58/EC was transposed by the Electronic Communications Act no. 81 of 25 July 2003 (<http://www.pta.is/upload/files/Electronic%20Communications%20Act%202003.pdf>).

Licensing framework

The Information department of the LMI handles operations in the area of disseminating information to the community, the sale of data and the handling of publishing licenses. The publishing of maps, aerial photographs and other materials is allowed upon written permission and the payment of royalty fees. The largest source of income for the LMI in 2008 from the sale of data was the sale of subscriptions to the IS 50V database, with 25 new subscribers. The users can subscribe to the entire database, or select the areas and layers that they need (National Land Survey, Annual Report 2008, Next, aerial photographs can also be purchased, either by downloading the photographs or by buying copies on a CD.

UN-GGIM Knowledge Base

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<http://ggim.un.org/knowledgebase/KnowledgebaseArticle51522.aspx>