

Ireland-Legal Framework

Legal framework

The need for a legal framework is one of the issues addressed in the Irish Spatial Data Infrastructure Consultation Document mentioned above. However, until now no compassing legal framework has been developed. The transposition of the INSPIRE directive has been prepared. The directive will be transposed under the 1972 European Communities Act. On 30 July 2010 John Gormley TD, the Minister for Environment, Heritage and Local Government, signed Statutory Instrument No382 which brought into effect on 1 August 2010 the transposition of the INSPIRE Directive.

Public-private partnerships (PPPs)

The Irish Government has a policy of encouraging PPPs in certain sectors. However, no PPP structure currently exists in relation to the ISDI

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

Access to public sector information is organised by the Freedom of Information Act 1997, as it was amended in 2003. This Act regulates access to public sector information with several exclusions. Access to publicly held information is nationally free of charge. However, government departments may charge for the time taken to extract the information requested. Under this act, anyone is entitled to apply for access to records not otherwise publicly available. Requests have to comply with a number of formalities. They have to be in writing, although e-mails are also acceptable. If information is desired in a particular form, this should be mentioned in the application. Applications should be as detailed as possible to ensure that the staff of the Department where access is requested, is in a position to identify the records being sought. Directive 2003/4 on access to environmental information was transposed into Irish law by the European Communities (Access to Information on the Environment) Regulations, S.I. EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2010 Ireland K.U.Leuven (SADL) 15 133 of 2007. Directive 2003/98 on re-use of PSI was transposed by Statutory Instrument no. 279 of 2005, "European Communities (Re-use of Public Sector Information) Regulations 2005". Under these regulations, there is no obligation for the public sector bodies to make their information available. If they decide to do so, they have to follow the Regulations.

Legal protection of GI by intellectual property rights

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The Irish Copyright Act of 1963 was replaced by the Copyright and Related Rights Act 2000. It protects works that are original and expressed in a certain form. Copyright protection expires 70 years after the death of the author. No specific measures are taken concerning the protection of geographic or photographic works. The Government can also be a copyright holder, but its copyright expires fifty years after the work was made. The Directive on the legal protection of databases was incorporated in the Copyright Act 2000. It also implemented the main terms of the then draft Directive 2001/29 on the Harmonisation of Certain Aspects of Copyright and Related Rights in the Information Society. On 19th January 2004 Ireland transposed Directive 2001/29 into Irish law by the law enacting the European Communities (Copyright and Related Rights) Regulations 2004.

Restricted access to GI further to the legal protection of privacy

The Irish Government adopted the Data Protection Act in 1998 in order to transpose the European Directive on data protection of 1995 into national legislation. The Act addresses personal data in the area of information gathering, retention and use of collected personal information. It states that computer users must observe the data protection principles when using a computerised file containing personal information. Data held in hard copy is not covered by the Act. Directive 2002/58 on privacy and electronic communications has been transposed into Irish law on 6 November 2003. Next to the Data Protection Act, the Freedom of Information Act also provides for a number of protective measures for certain categories of information. Exemptions are made to the general rule of access to records of public authorities that are not publicly available. These exemptions include personal information, information obtained in confidence, and commercially sensitive information. The Land Registry has its own policy on privacy. Its documents can only be consulted by the registered owner of the property, any person authorized by the registered owner and a limited number of other persons authorized by the Land Registration Rules 1972. A request can also be made under the Freedom of Information Act, but when it concerns a record holding personal information, the request will only be granted with the consent of the subject. EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2010 Ireland K.U.Leuven (SADL) 16

Licensing framework

According to the PSI Regulations, a public sector body may allow for re-use of documents without conditions or may impose conditions, where appropriate through a license, dealing with relevant issues. Such conditions cannot unnecessarily restrict possibilities for re-use and cannot be used to restrict competition. Any applicable conditions for the re-use of documents have to be non-discriminatory for comparable categories of re-use. The Minister has to ensure that standard

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licenses for the re-use of documents, which can be adapted to meet particular license applications, are available in digital format and can be processed electronically. There is no unified licensing framework. The geo-data providers have their own licensing policies. Ordnance Survey Ireland provides data to public customers via outlets throughout the country, through an agent network and via online ordering. For reproducing maps in publications such as books, flyers, academic publications, etc., an application form has to be filled out. Terms and conditions and a price list can be found on the website (<http://www.osi.ie/en/alist/copyright.aspx>). Separate annual licences are available for architects, engineers and surveyors, for auctioneers, estate agents and valuers, and for solicitors and legal firms. Finally, a separate licence is available for Internet use. For business and industry use of data sets (including government), distinctions are made between annual licences and project licences. Specific conditions apply to academic and research use (http://www.osi.ie/en/alist/digital_licence.aspx). The Irish Geological Survey moved towards making its data freely available for any type of use in 2009. The data is delivered in a zip-file together with a data licence agreement. The data is for exclusive use of the user and cannot be passed on. The source of the data must be acknowledged and where data are used in manipulated or value-added form as a commercial product, a royalty may be owned.

UN-GGIM Knowledge Base

<http://ggim.un.org/knowledgebase/KnowledgebaseArticle51523.aspx>