

Cyprus-Legal Framework

Legal framework

The INSPIRE Directive has been transposed into national law: Legal act: μ ###, number: #. 43(#)/2010; Official Journal: Cyprus Gazette, number: 4241, Publication date: 14/05/2010 The Council of Ministers Decision no. 41.657 of 1994 established the Land Information Council, which consists of 11 permanent members and is chaired by the Director General of the Ministry of Interior. The director of DLS has a leading role in the preparation of the strategic plan, data exchange standards, pricing policies etc. The Land Information Council can make recommendations to government departments and organised bodies before making agreements.

Public-private partnerships (PPPs)

The Cypriot commercial information market is small and relatively undeveloped. Private commercial firms are partially involved in spatial data capture projects through commonly agreed procedures and contracts.

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

The Republic of Cyprus has ratified the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (“the Aarhus Convention”) by passing Law No.33(III)/2003. Further, the Parliament of Cyprus passed the Law on Public Access to Information Related to the Environment of 2004 - No.119(I)/2004 for the purposes of harmonising its legislation with Directive 2003/4/EC on public access to environmental information. According to Law No.119(I)/2004, public authorities are obliged to make available environmental information held by or for them to any applicant at his request, and without his having to state or prove an interest. Directive 2003/98 on the re-use of public sector information was transposed in November 2006 by Law No 132 (I)/2006. Spatial data maintained by DLS is currently considered as property of DLS and the Government, and is not readily available to the public without official permission. Cadastral and topographical spatial and legal/fiscal information exported from the Land Information System databases are currently distributed in digital form to other Government Departments and semi-government organizations upon their request. Spatial cadastral, topographical, legal and fiscal data can be accessed by officially applying to DLS Director. Citizens do not directly get access to the cadastral data, but they can get a Certificate of registration of Immovable Property. Other geographic data such as aerial photographs and topographical datasets are provided both in raster and vector form to interested persons or organizations. EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2011 Cyprus K.U.Leuven (SADL) 18

Cyprus-Legal Framework

Legal protection of GI by intellectual property rights

The Cyprus Law relating to Copyright is set out in the Copyright and Neighbouring Rights Law of 1976 to 2006 (Law No. 59/1976, as amended by Laws 63/77, 18(I)/1993, 54(I)/1999, 12(I)/2001, 128(I)/2002, 128(I)/2004 and 123(I)/2006). The amendment of 2004 included the 2001 Copyright Directive into Cypriot law. The Copyright Act does not contain any specific protection for maps or geographic data, but it does protect photographs. All works created by or under the direction or control of the Government are explicitly protected by copyright.

Restricted access to GI further to the legal protection of privacy

The Constitution of Cyprus contains the following articles related to privacy in Appendix D, PART II. Article 15 guarantees that "every person has the right to respect for his private and family life." Article 16 guarantees that "every person's dwelling house is inviolable" and Article 17 guarantees that "every person has the right to respect for, and to the secrecy of, his correspondence and other communication if such other communication is made through means not prohibited by law" and "there shall be no interference with the exercise of this right except in accordance with the law and only in cases of convicted and unconvicted prisoners and business correspondence and communication of bankrupts during the bankruptcy administration." The protection of personal data is regulated by Law 138(I) of 23 November 2001 on the Protection of Personal Data. It is based on the Data Protection Directive of the EU. Directive 2002/58 on privacy and electronic communication was transposed in national law in June 2004, in the Regulation of Electronic Communications and Postal Services Law. The National Land Information System was designed in such a way to provide several security levels and to provide access to several groups of authorized users. Confidential information is kept only for internal DLS use and access is restricted.

Licensing framework

Digital spatial geographic data is provided under terms and conditions. A specific set of terms governs the supply of digital cadastral plans, digital topographic information, and digital legal/fiscal records. The user is not allowed to copy, digitize, reproduce or transfer the data without the permission of the director of DLS. He can only use them for his own purposes within the agreement and is not allowed to provide the maps or part of them to any other persons or organizations. For large projects which involve the bulk supply of digital geographic data, separate agreements are signed between the interested parties and the Director of DLS. Standard licences are currently being set up to harmonise the description of conditions for different groups of stakeholders.

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UN-GGIM Knowledge Base

<http://ggim.un.org/knowledgebase/KnowledgebaseArticle51524.aspx>