

Czech-Legal Framework

Legal framework

Next to the strategic documents for the NGII programme, which were adopted by the state administrative bodies, regional and local governments, and professional unions and the private sector, the following legal instruments should be mentioned. First, Law 183/2006 Sb. on landscape planning and building regulations – in force since 1 January 2007 – imposes the development and updating of “spatial analytical data records”, which have the character of spatial data derived from primary sources and expected (even though it is not explicitly required in the law) to be available in digital form. Next, the amendment of the State Statistical Act (act no. 89/1995 Sb o státní statistické služb#) in 2006 imposed the development of system of statistical registers including a territorial Register of census districts and buildings. The INSPIRE directive was transposed by an amendment of Act No. 123/1998 Coll. On the Right of Access to Environmental Information (Aarhus Convention) and entered into force in November 2009. The executive regulation is currently in preparation. At the same time the Act on the Right of Access to Environmental Information was amended, Act No. 200/1994 Coll. On surveying was also changed.

Public-private partnerships (PPPs)

There is no tradition of PPP's. Nevertheless their usefulness and necessity are now considered to be obvious. Good examples can be found in several areas, e.g. in the cooperation and functioning of CAGI and Nemoforum. Concrete examples of broader importance are e.g. the cooperation between public and private institutions and organizations in the production of the information system of the cadastre and real estates or the cooperation between the Czech Ministry of Informatics and the Czech Association for Geoinformation.

Policy and legislation on access to and re-use of public sector information (PSI)

In general terms, access to information is regulated by the law on free access to information on public administration activities and actions (Act no. 106/1999), which entered into force in January 2000. The Act gives citizens the right to ask for any information connected with the functioning and dealing of the state administrative bodies, local self-governing authorities and certain other official institutions. Act 106/1999 is based on the Freedom of Access to Environmental Information Act (123/1998 Sb.). This act regulates the compulsory availability to the public of a range of information and adopts the Aarhus Convention and Directive 2003/4 on access to environmental information. Act 106/1999 also implements the PSI directive, by an amendment of 2006. EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2010 Czech Republic K.U.Leuven (SADL) 16 The transposition of INSPIRE has amended the

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Act on Freedom of Access to Environmental Information, ensuring that citizens do not need any specific application to access the free of charge maps, and imposing technical parameters on the spatial data. Searching data on the Geo-Portal is free of charge, while charges are made for download, analysis and specific actions.

(see http://www.epsiplatform.eu/news/news/czechs_to_get_access_to_spatial_info_maps)

Legal protection of GI by intellectual property rights On 1 December 2000 the Copyright Act (Law no. 121/2000 of 7 April 2000 on Copyright, Rights Related to Copyright and on the Amendment of Certain Laws) came into effect. Article 3 of the Copyright Act determines that copyright protection does not apply to an official work, such as legal regulations, decisions, public charters, publicly accessible registers and the collection of their records, and also official drafts of an official work and other preparatory official documentation including the official translation of such work, Chamber of Deputies and Senate publications, memorial chronicles of a municipality (municipal chronicle), state symbols and symbols of a regional self-governing unit, and other such works where there is public interest in their exclusion from copyright protection. On the other hand, the act gives traditionally copyright to cartographic products. A related important copyrighted area is the protection of databases schemas. The Czech Copyright Act of 2000 was discussed in the Parliament in 2005-2006 in order to complete the implementation of the EU Copyright Directive and the EU Enforcement Directive. The amendments were adopted in summer 2006.

Restricted access to GI further to the legal protection of privacy

The individual's privacy is safeguarded by article 7(1) of the 1993 Charter of Fundamental Rights and Freedoms. Article 10 provides the right to human dignity, protection from unauthorized interference in person and family life, and misuse of his or her personal information. Article 13 prohibits the violation of "letters and other papers and records" held privately or communicated through the mail or other means. Act no. 101 of 2000 on Personal Data Protection came into force on 1 June 2000. It is based on the EU Data Protection Directive as part of the Czech Republic's efforts towards membership of the EU. The new act creates an Office for Personal Data Protection as an independent supervisory body. The "Act on Information Society Services" (ISS Bill) implements Article 7 of Directive 2000/31/EC and Article 13 of Directive 2002/58/EC. EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2010 Czech Republic K.U.Leuven (SADL) 17

Licensing framework

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Datasets produced and managed by the public administrations are available under very different conditions depending on the bodies and authorities themselves. No general approach or regulations exist yet. Besides licensing, general trade agreements and other approaches can be found. In general every transfer is considered as a special trade case and no general and prefabricated licenses are available in advance (exceptions exist). The geodata portal offers map services for on-line access to data and a business module for direct ordering of digital data files and map services, and printed maps of the Land Survey Office. Orders can be made electronically after registering on the website. Different license agreements are available for personal use and any other use. The agreements have to be printed, signed and sent between the Land Survey and the customer, and then the data are delivered, either by e-mail, download from the server, personal withdrawal or regular mail. For the INSPIRE geoportal, one universal licence will be applied that will regulate the use of the data and services.

UN-GGIM Knowledge Base

<http://ggim.un.org/knowledgebase/KnowledgebaseArticle51525.aspx>