

Legal framework

The Government of the Republic Act lists the institutions which have executive power and defines the area of government for every ministry (e.g. for the Ministry of the Environment, the performance of tasks relates to land and databases containing spatial data, the management of the use, protection, recycling and registration of natural resources, the management of meteorological observation, nature and marine research, geological, cartographic and geodetic operations, the maintenance of the land cadastre and water cadastre, ...). The executive agencies under each Ministry are also listed in the Act, e.g. the Land Board under the Ministry of the Environment. Every Ministry or Executive Agency has a statute which concretizes its area of activities and functions. The statute of the Ministry of the Environment can be found on its homepage (<http://www.envir.ee>) Its functions include managing the use of natural resources and environment and nature protection, land related activities, keeping state registers. The statute of the Land Board can be found on <http://www.maaamet.ee>, and includes tasks in the field of land cadastre and geodesy and cartography. The Estonian Environment Information Centre (<http://keskkonnainfo.ee>) maintains the environmental register and classifiers, maintains environmental monitoring data, the dumping site register and data of protected sites and environmental resources.

The Database Act (last amended in 2007 and incorporated in the Public Information Act) provides procedures for possession, use and disposal of state and local government databases, provides general principles of maintenance of databases belonging to the state, local governments and persons in private law, and for release and use of their data. EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2011 Estonia K.U.Leuven (SADL) 18 General national registers are maintained (listed only spatial data related) regarding (Par.25) the population (residents) of the state, immovable property and other significant subjects. General national registers are established by corresponding Acts. State registers are established by a regulation of the Government of the Republic. The Act also defines supporting systems for the maintenance of databases:

1. The classification system;
2. The geodetic system;
3. The system of address details;
4. the system of security measures for information systems;

5. the data exchange layer of information systems.

6. the administration system of the State Information System.

Use of support systems for the maintenance of databases is mandatory upon maintenance of all state and local government databases. The Regulation on Geodetic System was passed 5 Feb. 2004 and entered into force 21 Feb. 2004 (see 2.3.3) and the Regulation on imposing of the system of address details was passed 20 December 2007 and entered into force 1 January 2008. ELB has started to establish a central address data management system. Under the Regulation, this management system is functional from 1 January 2009. The Regulation on the data exchange layer of information systems (passed 19 Dec. 2003, entered into force 1 Jan. 2004) impose common principles for managing and operation of the internet based technical and technological environment for secure data exchange (XRoad, spelled as 'crossroad', in Estonian X-tee).

X-Road (<http://www.ria.ee>) enables to use databases registered in the State Register of Databases through a unified interface. Through X-Road citizens are able to view their personal data, public authorities can use targeted services (juridical unified administration of matters, editing data) and legal entities have a unified portal for interaction with public authorities. Databases including spatial components and joined with X-Road are among others the system of address details, Constructions Register, Title Book, Register of Objects of Cultural Heritage, Land Cadastre, Land Cadastre and Municipal Lands Register of the City of Tallinn. The INSPIRE directive was transposed by the adoption and amendment of several Acts. For an overview, see http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:72007L0002:EN:NOT#FIELD_E.

Public-private partnerships (PPPs)

The ELB maintains several spatial databases (geodetic network, topographic maps, special maps), but it has only very small production capabilities (aerial works, photogrammetry) and a majority of the works (building and measuring of geodetic networks, cartographic production, software development) are outsourced through public procurements. The Department of Land Cadastre of ELB registers land and maintains the EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2011 Estonia K.U.Leuven (SADL) 19 Land Cadastre. All actual land surveying works are however carried out by private surveyors or companies at landowners' own expense.

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

The Public Information Act (RT I 2000, 92, 597) was passed on 15 November 2000 and it came into force on 1 January 2001. The Act covers state and local agencies, legal persons in public law

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and private entities that are conducting public duties including educational, health care, social or other public services. The Act also includes significant provisions on electronic access. The Database Act was consolidated into the Public Information Act on 4 December 2007 and entered into force on 1 January 2008. The Act establishes the State Information System. Cadastral data are public and everyone has right to access the data, except the data about ownership. The right to use data is free of charge for state agencies and local governments. EU Directive 2003/4 on access to environmental information and EU Directive 2003/98 on the re-use of PSI have been implemented into Estonian law.

Legal protection of GI by intellectual property rights

The Copyright Act was passed 11 November 1992 (RT 1992, 49, 615; RT I 1999, 36, 469) and entered into force on 12 December 1992. The last amendments were made in 2007. In §4(17) of the Copyright Act it is stipulated that copyright exists in photographic works, whereas in §4(18) it is stipulated that copyright exists in cartographic works (topographic, geographic, geological, etc. maps, atlases, models). According to §5 of the Copyright Act legislation, administrative documents (acts, decrees, regulations, statutes, instructions, directives) and court decisions, and official translations thereof, are not protected by copyright law. Chapter VIII of the Estonian Copyright Act provides for special legal protection of databases. This chapter was inserted by the Act of 9 December 1999. The copyright and ownership of data and publications produced by ELB's order belong to the Land Board.

Restricted access to GI further to the legal protection of privacy

The 1992 Estonian Constitution includes several statements on privacy. Article 22 states that "Everyone has the right to the inviolability of private and family life. State agencies, EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2011 Estonia .U.Leuven (SADL) 20 local governments, and their officials shall not interfere with the private or family life of any person, except in the cases and pursuant to procedure provided by law to protect health, morals, public order, or the rights and freedoms of others, to combat a criminal offence, or to apprehend a criminal offender." Article 42 protects against the governmentauthorized collection or storage of personal data without the citizen's consent. The Personal Data Protection Act was passed on 12 February 2003 and entered into force on 1 October 2003. It was amended in Dec. 2007.

Licensing framework

Data from the Estonian Land Board can be viewed free of charge. Downloading is regulated by a

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Decree from the Ministry of Environment. A licence has to be signed, based on templates that can be found on the ELB website

(<http://geoportaal.maaamet.ee/eng/Ordering-Data/Ordering-digital-map-datasetsp325.html>). The licence, together with an order form, has to be sent to the ELB. The data can be downloaded via ftp. Short term licences are concluded for one year and long-term licences for seven years. Four types of licence templates are available:

Type 1: viewing, printing up to A3 for internal use

Type 2: allowed use under type 1 + making derivative works, large scale hard copy printing, for internal use

Type 3: allowed use under type 2 + selling derivate works without the original data

Type 4: allowed use under type 3 + selling derivative works together with the original data (without the possibility to extract the latter).

UN-GGIM Knowledge Base

<http://ggim.un.org/knowledgebase/KnowledgebaseArticle51526.aspx>