

## Italy-Legal Framework

### Legal framework

Law n.68 of the 2/2/1960 assigns the mandate for the collection of Geographic Information to the five National Mapping Agencies :

# Agenzia del Territorio of the Ministry of Finance (former Cadastral Agency);

# The Navy Hydrographical Institute (IIM);

# The Italian Military Geographical Institute (IGM);

# The Air Force Geo-topographical Information Centre (CIGA);

# The National Technical Services (STN).

The 1996 GIS agreement (Intesa Stato-Region ed Enti Locali per la realizzazione dei Sistemi Informativi Geografici di interesse generale” (Agreement between the State, Regions and Local Authorities for the implementation of Geographic Information Systems of general interest) (amended in 2000) was an important step in the development of the Italian NSDI. The agreement was signed by various Ministries, the Regions and some other Local Authorities with the objective to set-up the Italian NSDI, to increase the availability of geographic data and to stimulate harmonisation by the adoption of specifications. Partners in the agreement included the Ministry of Environment, Land Protection and Sea, Ministry of Interior, the Ministry of Finance, the Ministry of Defence, Ministry of Treasury, Budget and Economic Planning, Public Works, Health, Agriculture, Food and Forestry, Transport and Navigation Regional Affairs, AIPA:the Authority for Information Technology in Public Administration, the National Institute of Statistics; furthermore: the Municipalities (ANCI), Provinces (UPI) and Mountain Communities (UNCHEM), Companies for the management of public services (CISPEL) and the Conference of Presidents of Regions and Autonomous Provinces, The Italian e-Government policy and legislation has also been important for the development of the NSDI. The decree creating the Codex for Digital Administration (“Codice dell’Amministrazione Digitale”) was adopted in 2005 and entered into force on 1 January 2006. It is a general decree on e-Administration with articles specifically referring to GI. As was mentioned before, article 59 establishes the “Comitato per le regole tecniche sui dati territoriali” (Committee for technical specifications on GI) and the “Repertorio Nazionale dei Dati Territoriali” (National GI Repository).

Next to its technical tasks, the Committee should also create rules on the sharing of spatial data

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at the national and the sub-national level. In 2007, the Committee and the Agenzia del Territorio (the new Cadastral Agency) created technical and economic rules for the sharing of cadastral data between public bodies, compliant with article 59 of the Codex. EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2011 Italy K.U.Leuven (SADL) 24 The INSPIRE Directive was translated into national law by Decreto Legislativo 27.01.2010 n. 32; main objectives: public access to data and services, construction of an efficient SDI and re-use of data. The Ministry of Environment, Land Protection and Sea is appointed as the responsible authority for the implementation and is supported by the The Institute for Environmental Protection and Research.

### Public-private partnerships (PPPs)

The CTC manages to interact with private sector companies working in the data production sector. This is especially true for data production at regional and municipal level. At these levels, data production has traditionally been carried out by private companies under technical coordination of the public authorities.

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

There is a general law for cost-free access to PSI (Act no. 241 of 7 August 1990) that provides for general access to government documents, although access in many cases depends on the existence of a legal interest. The specific conditions for access are regulated by the ministry involved. Regional law mentioned in document (“Disciplina generale sulla tutela e l'uso del territorio (L.R. 20, 24 marzo 2000)”) states ‘Every participant of the Planning Conference for the Regional/Urban planning must share their data with rules compliant to “Atto di indirizzo e coordinamento tecnico per l'attuazione della L.R. 20 (Direttiva A-27)”’ Directive 2003/4 on access to environmental information has been transposed into Italian legislation by Decreto Legislativo 19 agosto 2005, n. 195, "Attuazione della direttiva 003/4/CE sull'accesso del pubblico all'informazione ambientale". Directive 2003/98 on the re-use of PSI has been implemented by the Act of 24 January 2006, n. 36, "Attuazione della direttiva 2003/98/ce relativa al riutilizzo di documenti nel settore pubblico". The Codex for Digital Administration (Codice dell'Amministrazione Digitale), previously mentioned, was then updated to be consistent with the implementation of the PSI Directive.

The Codex foresees, in a generalized way, that any data managed by a public administration, with limited exceptions and whilst respecting personal data protection rules and for reasons of public security and national defense, can be accessed and re-used by any other public administration for the execution of their tasks, and this without any costs (excepted if

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"exceptional costs" may occur). However, Article 9, paragraph 8 states that data "may" be in a form preventing their re-use for commercial purposes. Paragraph 8 foresees the possibility of derogating from the free data and services offered and ensures that public authorities may, for reasons of self-funding, ensure access on payment of fees from users. Art. 10 states guaranteed free access, exchange and then re-use of environmental data and related services between public authorities, without new or increased burden on public finances, precluding any limitation and obstacle to let this happen. For spatial data sets EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2011 Italy K.U.Leuven (SADL) 25 already acquired, the date of entry into force of the decree, under conditions of license, public authorities are authorized to provide data sets and services provided for the second license.

Even here, however, it is possible to derogate from the gratuity and, through appropriate orders to be issued, public authorities can be authorized to levy charges for the provision of spatial data to other public authorities. The European Commission made a complaint against Italy by a letter of formal notice for not transposing the directive correctly. Early 2010, the Italian authorities announced changes to the law, in order to make it compliant with the directive. The law is currently under consideration by the Parliament. The decree of the Director of the "Agenzia del Territorio": decree November 13th, 2007 is available on the website of DigitPA at URL [http://www.digitpa.gov.it/sites/default/files/normativa/Decreto%2013\\_11\\_2007.pdf](http://www.digitpa.gov.it/sites/default/files/normativa/Decreto%2013_11_2007.pdf)

states that the cadastral database, including administrative, cadastral, graphic and map information related to all cadastral parcels, are made available to Public Administrations. The decree defines the way Public Administrations can use cadastral data in accordance with the laws on privacy and on the re-use of data and cadastral information. Access to cadastral data is free of charge, except for exceptional costs if any related to the implementation and supply of special services related to special needs.

### Legal protection of GI by intellectual property rights

The Italian Copyright Act of 1941 has been amended several times throughout the years. The Database Directive 96/9/EC was implemented into Italian law by Decree no. 169 of 6 May 1999. Legislative Decree No. 68 of 9 April 2003 has implemented Community Directive No. 2001/29 on the harmonization of certain aspects of copyright and related rights in the information society. The Decree came into force on 29 April 2003. No copyright exists in the texts of official acts of the state or public administrations (e.g. laws and judicial decisions). The State and local government can however be copyright owners of works created and published under their name, account and at their expense. But it only enjoys a 20-year period of protection on its own creations. The state may of course renounce the right to royalties if it wishes to assure maximum

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public access. Photographs that are original are subject to normal copyright. All other photographs are covered by article 88 of the Copyright Act. The photographer has the exclusive right to reproduce, publish and sell the photographs taken by him or her. The exploitation right on non-original photographs lasts twenty years after production.

Restricted access to GI further to the legal protection of privacy

The Italian Data Protection Act of 1993 was updated by Act no. 675 of 31 December 1996 (Tutela delle persone e di altri soggetti rispetto al trattamento dei dati personali) to comply with European Directive 95/46/EC. This Act entered into force on 8 May 1997. EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2011 Italy K.U.Leuven (SADL) 26 Italy has transposed Directive 2002/58 on privacy and electronic communications in 2003.

UN-GGIM Knowledge Base

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