

Latvia-Legal Framework

Legal framework

Before the INSPIRE directive, Latvia had already been working on the establishment of a legal framework for geographic information for a couple of years. However, before the adoption of the law implementing the INSPIRE directive, an earlier draft Law on Geospatial Information was attempted, but this was never adopted because no final agreement could be reached between the organizations involved. The Law on the State Land Service was adopted in 1992, and adapted by the Cabinet of Ministers Order No.674 “On Reorganisation of the State Land Service” of October 18, 2005. As a result, the geodesy and cartography function was taken over by the Latvia GeoInformatic Agency (LGIA), and the surveying work was delegated to a new public limited company – Latvian State Surveyor. Currently, the operation of the SLS is regulated by the regulations of the Cabinet of Ministers No. 439 “Regulations on the State Land Service” of May 30, 2006. SLS has many agreements on data exchange with several public institutions, such as the Ministry of the Interior, the State Forest Service, the Construction, Energy, and Housing State Agency, the Register of Enterprises, the Central Statistical Bureau, the Centre of Emergency and Disaster Medicine, the Electronic Communication Office, the State Education Development Agency and the Environment, Geology and Meteorology Agency, the Population Register of the Office of Citizenship and Migration Affairs, the state agency “Latvian Geospatial Information Agency” and the State Inspection for Heritage Protection. Agreements also exist with more than 400 local governments.

On December 1, 2005, the Parliament reviewed in the final reading and adopted the Law on the State Cadastre of Real Properties as proposed by the experts of the SLS, thus completing the process of more than ten years of drafting a law that would ensure the coordinated administrative, organisational and technical functioning of the State Cadastre of Real Properties and would enable obtaining, registration, maintenance and use of updated textual and spatial data. Pursuant to the Law on State Administration, the state and local government institutions may cooperate both on a specific occasion or permanent bases signing interdepartmental agreements or cooperation agreements. This cooperation model is applied also to ensure permanent cooperation for shared use of geospatial information. Thus, for instance, Latvian Geographic Information Agency has signed an interdepartmental agreement with State Land Survey on the exchange of geographic information, the Ministry of Defence has signed an interdepartmental agreement with the Ministry of Interior for regular delivery of geographic information to bodies reporting to the Ministry of Interior, the Latvian Geographic Information Agency has signed a cooperation agreement with the Rural Support Service for delivering up-to-date geographic information enabling a unified administration of Single Area Payments, and the State Land Survey has signed separate interdepartmental agreements with other government institutions enabling the data provision from the National real estate cadastral information system. EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring

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2011 Latvia K.U.Leuven (SADL) 16 The Ministry of Defence is involved in developing the Cabinet Regulations on the mandatory content of regulations governing the use of geographic data sets and procedures for obtaining a permit. These Cabinet Regulations intend to introduce the use of licences enabling government or local authorities to perform all activities related to geographic data necessary for performing their tasks and functions and to simplify and fasten the permits delivery. These Regulations are binding on government as well as local authorities and enterprises designated as holders of geographic data sets and promote the shared use of these resources. The Ministry of Regional Development and Local Government Affairs has prepared Regulations regarding the national geoportal (not approved as yet) which will be used as the basis for organising the cooperation between the administrator of the geoportal and holders of the geographic data sets in order to ensure the availability of these data sets and metadata at the geoportal.

A true legal framework for the NSDI was established by the Law on Geospatial Information, which transposes the INSPIRE directive, was published on 30 December 2009 in the Official Journal and entered into force on 13 January 2010. The law is broader than INSPIRE and is considered as the national law for geodesy, cartography and geospatial information. This law has completely transposed the provisions of the INSPIRE directive and established basic principles for obtaining, maintaining and using geographic information, specifying, for instance, provisions for mandatory storage of metadata for spatial data sets, standard regulations for the use of spatial data sets indicating the most significant national geospatial reference data, etc. The law contains numerous delegations to cabinet regulations that are necessary to ensure that the implementation of the national spatial data infrastructure is technically successful. The majority of these regulations are to be complete by 2011.

Public-private partnerships (PPPs)

There is a cooperation between public and private organizations. For instance, it was intended to create the national geoportal in cooperation with the private sector which should be operational in 2012.

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

The law on Freedom of Information was adopted by the Saeima (Parliament) in October 1998 and signed by the State President in November 1998. It guarantees public access to all information in “any technically feasible form” not specifically restricted by law. Information can only be withheld if specifically provided by a statute; e.g. information for internal use of an institution; commercial secrets; information about the private life of an individual, certification,

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examination, project, tender and similar evaluation procedures. Individuals may use it to obtain their own records. Latvia has transposed both Directive 2003/4 on the access to environmental information and Directive 2003/98 on the re-use of PSI. The transposition of the PSI directive was done by an EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2011 Latvia K.U.Leuven (SADL) 17 amendment of the Freedom of Information Act, which entered into force in October 2006. This act was complemented by Cabinet Regulation No. 940 “Regulation on the Charged Services of Information Provision”, and Cabinet Regulation No. 338 “The Procedure of Granting an Exclusive Right to Reuse of Information and Publication of Information on Granting of Such Right”.

Legal protection of GI by intellectual property rights

The Latvian Government has joined the Bern Convention and signed the TRIPS Agreement in 1998. Major intellectual property protection legislation is in effect since 1993. A new copyright act dates from 2000 and is in force since 2002. The current law corresponds with WIPO Copyright, TRIPS, and the European directive on the legal protection of databases. The Directive of 2001 regarding copyright in the information society was implemented into the Latvian Copyright Act by the Statutory Instrument No. 16 of 2004 [European Communities (Copyright and Related Rights)] Regulations 2004. The law is in force since 22 April 2004. The term of copyright protection is seventy years after the author’s death, while database protection is granted for fifteen years after the database is formed. Geographical maps, plans, sketches, and moulded works which relate to geography, topography and other sciences, are explicitly mentioned as protected works. During the transposition of the INSPIRE directive, the intellectual property rights on geographic data and the related exceptions were considered to be most problematic. With the help of the Ministry of Culture, a solution was found, and the intellectual property rights of geographic data owners will be governed according to the Copyright law.

Restricted access to GI further to the legal protection of privacy

Article 96 of the Latvian Constitution explicitly recognizes the right to privacy by stating that everyone has the inviolable right to private life, home and correspondence. Article 17 of the Constitutional Law on Rights and Obligations of a Citizen and a Person secures the privacy of communications subject only to a judge’s order. A law on data protection was adopted by the Parliament on 23 March 2000. It is based on the EU directive on the processing of personal data and the Council of Europe Convention nr. 108. Latvia has implemented Directive 2002/58 on privacy and electronic communications with a framework of regulations. Latvia is a member of the Council of Europe and signed the Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data on 11 February 2000. It has signed and ratified the

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European Convention for the Protection of Human Rights and Fundamental Freedoms.

Licensing framework

The general rules for data sharing in the Law on Geospatial information have not been developed into licensing policies yet. During 2010, rules of the Cabinet of Ministers were developed that serve as a background for the development of a common approach to data sharing in Latvia. EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2011 Latvia K.U.Leuven (SADL) 18 Licensing of datasets provided by SLS is based on individual contracts. Data, including cadastral data and the national address registry, is available to any interested person, taking into account privacy requirements. They are distributed on paper and in digital form. Some data are available freely on the website of the SLS, while for larger data sets a subscription agreement has to be arranged with SLS. Other examples of access and licensing policies can be found in the Agriculture Data Centre, the Land Parcel Identification Register, the State Register of Forests, the State Fire and Rescue Service, and Latvian Geographic Information Agency.

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