

Lithuania-Legal Framework

Legal framework

Since the mid-90s, there have been significant developments to develop a legal framework related to GI, including e.g. legislation establishing the registers on land and property (1996) and the responsibilities of NSGC (1997); legislation on the State registers (1996) and the population census (1997). A milestone for the development of GIS in Lithuania was the “Law on Geodesy and Cartography” which was adopted in 2001. The purpose of this law is to regulate the management of geodetic, topographic, and cartographic activities; the principles of creating databases of the GI systems and their integrity; the ownership of the geodetic control and cartographic material; and the main rights and duties of state and municipal institutions and enterprises involved in map production, geodetic survey, gathering of data, its record keeping, and use in the field of geodesy and cartography. EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2011 Lithuania K.U.Leuven (SADL) 19 During 2007 – 2010, a new version of the Law on Geodesy and Cartography was prepared which includes the transposition of the INSPIRE directive and Directive 2006/123/EC on services in the internal market. The new law contains a definition of the Lithuanian SDI (LISI), and regulates public access to spatial data and services (unless other legislation applies). On 27 April 2010, the Parliament of the Republic of Lithuania amended the (new) Law of the Republic of Lithuania on Geodesy and Cartography establishing the procedure for access to spatial data via the Lithuanian spatial information portal (LSIP). This law supplements the previous version of the Law with provisions on the use of LISI and LSIP. It covers the following issues:

- LISI spatial data themes;
- LSI portal regulations;
- LISP safety regulations;
- Security rules for the LSIP-management of digital information
- Continuity of LSIP activities
- LISI technical requirements
- Procedure for preparing and providing LISI metadata
- Procedures for monitoring LISI and preparing/submitted reports to the European Commission.

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The Law of the Republic of Lithuania on Geodesy and Cartography defines the following conditions for the use and supply of spatial data sets via the LSIP:

- Access to spatial data via the Lithuanian spatial information portal must be public, unless access to spatial data is otherwise defined in other laws.
- Spatial data sets and services needed by European Union authorities, public authorities and municipalities for carrying out public tasks or submitting reports in accordance with European Union environmental legislation must be provided free of charge.
- State cadastre and register management bodies as well as state and municipal authorities managing spatial data sets have the right to restrict access to spatial data sets via the LSIP if this is written in other laws.
- Users of the spatial data sets and services of LISI must agree to the conditions established by spatial data and service suppliers or their authorised distributors.
- Spatial data set suppliers may be state cadastre and register management bodies or state or municipal authorities managing spatial data sets. Persons wishing to create value-added products using data from state cadastres, registers, georeferenced spatial data sets or spatial data sets and thematic spatial data sets must be entitled to do so in accordance with the procedure established by spatial data set suppliers. Value-added products must be supplied to users by authorised distributors in accordance with the procedure established by spatial data set suppliers.
- In accordance with the procedure set in legal acts, access to spatial data sets and/or services via the LSIP must be provided to Member States' public authorities and enterprises and organisations that provide public services. EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2011 Lithuania K.U.Leuven (SADL) 20
- Regarding payment services, the service provider must ensure that users from the Republic of Lithuania and other Member States are able to use e-commerce services. During the LIGI project, GIS-Centras prepared typical documents describing the conditions of supply and use of spatial data in Lithuania:

1. Agreements on the granting of distribution rights on spatial data products and on supply of spatial data products to the LISI. This is an agreement between the LSIP manager and a spatial data supplier. It presents the main terms, the legal basis of provision of spatial data and services

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via LSIP, the procedure for distributing spatial data services, the data supplier payment, the rights and obligations of the parties as well as the general procedure for providing spatial data and services to users. The annexes of the agreement contain structured forms with explanations for entering the descriptors of spatial data or services provided.

2. Model agreements on the use of spatial data and services. They set the main conditions for using spatial data and services based on which the LSIP manager makes licence agreements with the end users of spatial data and services. They provide for methods of approving licence agreements by a physical signature, electronic signature and clicking upon checking the person's identity. The licence agreement sets the procedures for providing spatial data and related services to users, the purpose and conditions for use as well as the payment procedure.

3. Conditions for using LSIP-services. These services are publicly applicable and free of charge. They are constructed more simply than licence agreements. Finally, the Ministry of Agriculture and National Land Service under the Ministry of Agriculture (NLS) are responsible for a strategy implementing INSPIRE in Lithuania. There are some internal planning documents, which are used for communication to state data stakeholders and responsible authorities, but those documents are not approved as legal acts.

Public-private partnerships (PPPs)

There are no real PPPs established in the domain of spatial data infrastructures in the Republic of Lithuania.

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

On 2 July 1996 the Law on the Provision of Information to the Public (no. I-1418) was passed. The latest amendment to this law was made in July 2006. Article 6 of this law states that "Every individual shall have the right to obtain from State and local authority institutions and agencies and other budgetary institutions, public information regarding their activities, their official documents (copies), as well as private information about himself" and "State and local government institutions must, in accordance with the procedure established by the Law On the Right to Obtain Information from State and Local Government Institutions and other laws, furnish public information as well as EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2011 Lithuania K.U.Leuven (SADL) 21 private information held by them, except in instances specified by laws, when private information is not to be divulged." A version on the Law on State Registers has been in force since August 2004. The state registers are an important part of official public information. Currently the Law affects to more than 90 databases. In the

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near future this number of registers could increase to around 160. The law on State Registers defines the order of establishing, creation, managing, liquidation and distribution of the state registers. All data of the state registers are public and available for any citizen or legal person if it is not restricted by other specific laws. The data are available via Internet or could be downloaded by data flow channels. There is no standard license. The details of the distribution of the data of every register are described in the regulations of the register adopted by a Government Decree. The list of registers is available at www.registrai.lt. Lithuania has transposed Directive 2003/4 on access to environmental information.

Directive 2003/98 was transposed by the law of 10 November 2005 on Obtaining Information from Central and Local Government Institutions (Nr. X-383 of 10 November 2005). The law concerns the right of private companies and citizens to obtain information from central and local government and the re-use of it. The law defines the rights and modalities to use the information resources of public sector and also determines the obligation of central and local government to provide this kind of information to all concerned. There are currently no valid official agreements.

Legal protection of GI by intellectual property rights

The Law on Copyright and Related Rights (Act no. VIII-1185) was enacted on 18 May 1999, entering into force on 9 June 1999 (amendments were introduced by the Act of 20 July 2000 - no. VIII-1886). The Copyright Act was a major step forward for the legal regime in Lithuania. It was drafted taking into consideration the EU directives and provisions of the Bern and Geneva Conventions. In the last decade Lithuania has transformed its copyright law from the old Soviet-style one into a system that complies to a large extent with modern bilateral and multilateral standards. Chapter 4 of the Copyright Law contains special provisions on the legal protection of databases (*sui generis* right). The 2001 directive on copyright in the information society has been incorporated in Lithuanian legislation. Article 34 of the recent Law on Geodesy and Cartography of June 2001 contains special provisions regarding the copyright protection of GI. This article stipulates the following:

“The Republic of Lithuania shall be the copyright holder of the exclusive economic rights to official maps and digital databases financed from the state budget and foreign assistance for the Republic of Lithuania. The authorised institution shall, within the limits of its competence, administer the exclusive economic rights of the authors to official maps and georeferenced databases. EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2011 Lithuania K.U.Leuven (SADL) 22 The municipalities shall be the copyright holders of the exclusive economic rights of the authors to topographic maps, plans and georeferenced databases

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financed from the municipal budgets and shall, within the limits of their competence, administer the exclusive economic rights of the authors. For the use of official maps and georeferenced databases, publishing of thematic maps or development of institutional digital databases, with the exception of their use for defence needs, an author's fee shall be charged and a copyright licensing agreement shall be made with the user. The remuneration received as the author's fee shall be used for adjustment of official maps and georeferenced databases. The rights to cartographic works, thematic and other maps and databases shall be protected following the procedure under law. Original works of thematic cartography shall be regarded as research work and their publication shall be recognised as scientific publications.” Closely linked to article 34 are the stipulations made in article 7 on the ownership of geodetic, topographic and cartographic materials. Article 35 stipulates with regard to the procedure on the use of geodetic, topographic and cartographic materials: “Geodetic, topographic and cartographic materials and georeferenced data shall be public and available to any natural and legal persons and enterprises without the status of a legal person. The authorised institution and executive institutions of the municipalities shall provide to the consumers geodetic, topographic and cartographic materials and georeferenced data following the procedure established by the authorised institution and executive institutions of the municipalities. Fees for the materials and data shall be charged in the manner stipulated by laws.”

Restricted access to GI further to the legal protection of privacy

Lithuania enacted its Law on Legal Protection of Personal Data in 1996. This law has been amended several times throughout the years. The latest amendment dates from 22 January 2002, as to ensure the compliance of the act with the EU Directives on data protection. Directive 2002/58 on privacy and electronic communications still has been transferred into national law. The Law on the Public Registers of 13 August 1996 (no. I-1490) determines the rights and duties of the institutions responsible for the management of public registers, the institutions directing their activities and exercising supervision over them, the rights and duties of the legal and natural persons providing data to the public registers as well as using the data of public registers, and the protection of these rights. It also determines the rights and duties of legal and natural persons whose data constitutes the object of the public registers and the protection of said rights. Referring to article 23, section 4 of the Law on Geodesy and Cartography public institutions, responsible for administration of state registers, cadastres, state and EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2011 Lithuania K.U.Leuven (SADL) 23 municipal institutions, responsible for management of spatial datasets have rights to limit an access to spatial datasets via LSIP if such described in other laws.

Licensing data framework

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The Law on Geodesy and Cartography lists a number of geodetic, topographic and cartographic activities that should be carried out. These activities are subject to licensing, and the licences for these activities shall be issued by the National Land Service. The National Land Service arranges the concession of licences for cadastral survey products, topography, geodesy and cartography activities. It administers the funds provided for these purposes. Regarding LSIP, data sets are available under a licensing policy that allows a large part of the procedure to be performed in an automated way (see section 2.3.1). Standard agreements and licences are developed for different groups of stakeholders, with a description of the use conditions. LSIP lists the terms and conditions of the use of the data. It also presents the privacy statements describing the LSIP usage in general. Each spatial data set or service in LSIP is delivered to the end user by signing a licence agreement. Signing can be achieved in several ways: analogue (physical) signature, electronic signature or accepting license conditions on-line.

UN-GGIM Knowledge Base

<http://ggim.un.org/knowledgebase/KnowledgebaseArticle51531.aspx>