

Slovakia-Legal Framework

Legal framework

The legal framework on GI in Slovakia is determined by a number of different laws and decrees. The most important Acts include

1. Act No. 162/1995 on the Real Estate Cadastre and the Entries of Ownership and Other Rights to the Real Estates (The Cadastre Act) as amended by the Act No. 222/1996 Coll., the Act No. 255/2001 Coll., the Act No. 419/2002 Coll. and the Act No. 173/2004 Coll.

2. Act No. 215/1995 on Geodesy and Cartography as amended by the Act No. 423/2003 Coll and the Act 346/2007. In this Act, the Primary Database for Geographic Information System is considered to be the core geo-referenced data set for building the State Information System by the public authorities. In this legislation the following issues are dealt with: maintenance, liability, funding and the obligations imposed on users and producers. By the amendment of 2003, an institutional framework that brings together the government, the government institutions and the local administrations, was starting to be developed. In 2007, the Act was amended to implement the requirements of the PSI directive.

3. Decree of GCCA No. 79/1996 by which the Act No. 162/1995 on the Real Estate Cadastre and the Entries of Ownership and Other Rights to the Real Estates (The Cadastre Act) is executed as amended the Decree No. 72/1997 Coll. , the Decree No. 533/2001 Coll. and the Decree No. 467/2004 Coll.

4. Decree of GCCA 178/1996 by which the Act of the National Council of the Slovak Republic on Geodesy and Cartography is executed

5. Act No. 275/2006 on Information Systems of Public Administration.

6. The Act No. 205/2004 on collecting and disseminating environmental information and on amendment and supplementation of certain acts.

7. Act No. 3/2010 transposing the INSPIRE directive. The responsibility for the transposition was assigned to the Ministry of Environment by Decision 845/2007 of the Slovak government from 3 October 2007

8. Government decree of the Slovak Republic No. 540/2002 establishing the Cadastral Portal, which enables authorized access to land registry data via the Internet. The INSPIRE Directive

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has been transposed into Slovak law by Act No 3/2010 on the National Infrastructure for Spatial Information (the NISI Act – NIPI in Slovak), which entered into force on 1 February 2010. The INSPIRE technical implementing rules are EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2011 Slovak Republic K.U.Leuven (SADL) 17 directly applicable. Act No 215/1995 on geodesy and cartography, as amended, which is implemented by Decree of the Geodesy, Cartography and Cadastre Authority of the Slovak Republic No 300/2009 defines standards like the parameters of binding coordinate systems and localisation standards for maps.

Public-private partnerships (PPPs)

PPPs are quite common practice in the Slovak Republic, especially in the sectors of building industry, architecture and others. In the GI-sector the PPPs are considered to be very useful in the development of an SDI. In the Slovak Republic PPP has mainly been applied in the next areas:

all geodetic surveys for a creation of survey sketches for the GCCA purposes,

Land Title Consolidation (ROEP) for the GCCA purposes,

Land Consolidation Project for the GCCA purposes and realization of the

Land Consolidation for the purposes of the Ministry of Agriculture SR,

aerial photos for the purposes of the Ministry of Agriculture SR – system IACS A number of private companies have formed the Slovak Association for Geoinformatics (SAGI), of which the mission is to support the use and development of geographic information in Slovak Republic, including geographic information systems, remote sensing and related fields. Policy and legislation on access to public sector information (PSI)

The right of access to PSI is implemented by the NC SR Act No. 211/2000 on the Free Access to Information of 2000, entering into force in January 2001. It sets broad rules on disclosure of information held by the public organisation. Together with the Act, a Decree of the Ministry of Finance on Calculation Costs related to the providing of Free Access to Public Information has been implemented (ePSIplus National Report Slovakia. This freedom of information legislation relates to the GI sector in general but it does not relate to the GI datasets and to the data from the Cadastre of the Real Estates, which cannot be obtained on the basis of the Free Access to Information law. The transposition of directive 2003/98/EC on re-use of PSI was transposed by an amendment of this Act in August 2005, and by an amendment to the Act on Geodesy and

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Cartography. Since September 2007 the Cadastral Information provides free information on Land Information System. Registered users are entitled to search the cadastre data over the whole territory of SK, on the basis of full registration and agreement concluded with the operator. Full registration is intended for authorized users such as state organs, bodies active in criminal proceedings, executors, notaries, tax offices etc., which prove a legitimate interest based on the provisions of the body of laws of the Slovak Republic. EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2011 Slovak Republic K.U.Leuven (SADL) 18 Non-registered users have the right to search the cadastre data in the extent of one cadastral district.

Legal protection of GI by intellectual property rights

Currently the Slovak Copyright Act is fully in line with the EU legislation. The Slovak Copyright Act (the NC SR Act No. 618/2003) based on the European Commission Database Directive 96/9/EC and Directive 2001/29/EC on copyright in the information society was implemented into Slovak legislation. Works of cartography in analogue or any other form are explicitly protected. The strategy for the SDI does not contain specific copyright provisions. The Act on the Slovak Copyright, the Act on the Budgetary Regulation, the Act on the State Information System, and the Act on the Administrative Charges are applied in this case. Most of the GI is accessible on the basis of a written contract. In the case of information supply via the Internet, a click-use license is considered to be a valid agreement. Restricted access to GI further to the legal protection of privacy Since the year 1998 the legal protection of privacy has been enacted in the SR legal framework (the NC SR Act No. 52/1998). The Act on the Protection of Personal Data was approved in July 2002 (the NC SR Act No. 428/2002). It limits the conditions of the collection, disclosure and use of the personal information by government agencies and private enterprises either in electronic or analogue form. It specifies the duties of access, the accuracy and the correction, security, and confidentiality on the data processor. The Act also created an Office for Personal Data Protection to supervise and enforce the Act. The legal protection of privacy is incorporated into the Act on the Real Estate Cadastre and Entries for Ownership and Other Rights to the Real Estates and in the Act on Geodesy and Cartography. The specific provisions in relation to privacy contain forbiddance to publish the personal identification numbers on-line. Directive 2002/58 on privacy and electronic communications has been transposed into national legislation (the Act No. 610/2003).

Licensing framework

Measures for sharing spatial data and services can be defined as legislative, conceptual, and coordinating measures. Legislative measures:- the transposition of the INSPIRE Directive into

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the NISI Act Before the NISI Act came into force, data sharing was organised by means of agreements between institutions e.g. agreement between the Ministry of the Interior and Ministry of EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2011 Slovak Republic K.U.Leuven (SADL) 19 Defence, agreement between the MoEnv SR and the Ministry of Defence, agreement between the MoEnv SR and the Geodesy, Cartography and Cadastre Authority.

Conceptual:

- approval of the National eGovernment Concept and the Concept for the Development of Information Systems for the MoEnv SR and other Ministries
- the Government Policy Statement in support of interoperability
- the preparation of special generally binding legislation – an implementing decree for the NISI Act

Coordinating measures:

- the establishment of the NISI Coordination Board – the coordination of the activities of responsible authorities
- the coordination of the work of working parties

For access to the Cadastral Portal, a difference is made between registered and nonregistered users. The former can use data from the entire territory of the country, based on an agreement. Such use is intended for users such as state organs, bodies active in criminal proceedings, executors, notaries, tax offices etc. The latter users do not have to conclude an agreement, but can only search in the extent of one cadastral district (see <https://www.katasterportal.sk/kapor/faq.do>). This is in line with the policy of the Ministry of the Environment that environmentally oriented data created with state funds should be available without restrictions, upon registration and acceptance of copyright terms (Martin Tuchyna, Establishment of spatial data infrastructure within the environmental sector in Slovak Republic, 2006)

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UN-GGIM Knowledge Base

<http://ggim.un.org/knowledgebase/KnowledgebaseArticle51536.aspx>