

Turkey-Legal Framework

Legal framework

Turkey is currently working on implementing a strategy for the NSDI and preparing a proposal for a law on the spatial data infrastructure. The Prime Ministry for State Planning and Organization proposed a number of Action Items in the course of the e-Transformation Turkey Initiative during 2005 and 2006, to prepare the set-up of the NSDI:

Action Item 47 (A Preliminary Work to setup the National GIS / NSDI) (Dec 4, 2003 –Feb 2005): this action item included a survey of stakeholders, the identification of problems and recommendations. The study was executed by the General Directorate of Land Registry and Cadastre, in cooperation with public bodies, universities, the private sector and the municipalities (G. Yalcin, B. Erkek, S. Bakici and N. Ahn, Through Spatial Data Infrastructure in Turkey, http://www.fig.net/pub/fig2009/papers/ts01b/ts01b_yalcin_etal_3460.pdf).

Action Item 36 (Policy & Strategy Document of the National GIS/NSDI) (May 2005 –Feb 2006). The goals of this item were to determine standards for classification data, metadata, producing, storing and sharing data; to prepare a strategy document, and to determine the requirements for the legal framework. This action item led to the following SDI vision: “to allow geospatial data users in the country on-line access to quality and up-to-date geospatial information they need for their geo-related decision support processes, projects and applications”. It identified responsibilities for the different data categories, and gave recommendations on standards and metadata. It proposed an independent national Committee for NSDI, and a special SDI unit within the National Mapping and Cadastral Agency. A strategy in 6 stages was proposed:

- o STAGE 1: Realize legal regulation covering Policy, data content and organizational responsibilities for the NSDI.
- o STAGE 2: Develop the National Spatial data Exchange Standard (UVDF) in compliance with ISO standards.
- o STAGE 3: Let the institutions prepare geospatial metadata for their area of responsibility and present at their metadata portals.
- o STAGE 4: Let the NSDI Organizational Infrastructure (e.g. Committee or Unit) prepare geospatial data standards according to the NSDI policy and strategy document (i.e. Action Item 36 –Report) EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2011

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- o STAGE 5: Let the institutions prepare geospatial data for their area of responsibility.
- o STAGE 6: Let the institutions present their data their data portals according to the legal framework defined at Stage 1.

Action Item 75 (Creating National GIS Infrastructure/ NSDI) - (Jul 2006 –Dec 2007) was the result of the National Information Society Strategy and its Action Plan for 2006-2010. Its objective was the establishment of the Geographic Information Infrastructure. Next to these Action items, the following instruments are also important:

Municipality Law 5216 and Metropolitan Law 5272 oblige municipalities to build GIS and urban GIS

Interoperability circular 2005: this contains standards to build information systems in all central and local public institutions (A. Aydinoglu, W. Quak, T. Yomralioglu, Some Spatial Data Management Issues towards Building SDI,

http://www.i3mainz.fhmainz.de/FIGWorkshop/programme2Dateien/TS%206.2_Aydinoglu.etc._Some%20Spat

2005 Cadastre law: this law gives a mandate to create the Turkish NSDI.

Public-private partnerships (PPPs)

PPPs between the public and the private sector for the operation of the cadastre are accepted in theory, but are not fully operational yet. The government is working together with the company Turksat to develop the Turkish SDI.

Policy and legislation on access to public sector information(PSI)

The Turkish law on the right to information dates from October 9, 2003. The object of the law is to regulate the procedure of the right to information according to the principles of equality, impartiality and openness that are the necessities of a democratic and transparent government. Next to the Act, a circular on 'The exercise of the right of petition and access to information' was issued by The Prime Ministry in 2004 (see

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<http://www.epractice.eu/en/document/288415>).

The law on the right to information gives natural and legal persons the right to obtain information from public institutions and private organisations that qualify as public institutions.

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Legal protection of GI by intellectual property rights

Turkey has had a modern copyright law since 1951. It was amended in 1995 in order to harmonize it with European Union copyright principles. The amended Copyright Law contains a number of significant improvements: expanding the term of protection to 70 years, broadening coverage to include software, and sharply increasing penalties for infringement. However, further amendments are needed to bring the law into compliance with TRIPs, Berne. In 2001, the Copyright law was amended in order to make it more compliant with international conventions.

Restricted access to GI further to the legal protection of privacy

Section Five of the 1982 Turkish Constitution is entitled “Privacy and Protection of Private Life”. Article 20 of the Turkish Constitution deals with the “Privacy of the Individual’s Life”, whilst article 22 deals with the “Secrecy of communication”. The Turkish Ministry of Justice has been working on data protection legislation for several years without success. In mid 2003, a draft law on the protection of personal data (Kisisel Verilerin Korunmasi Kanunu Taslagi) was completed. It is based on the 1981 Council of Europe Convention and Directive 95/46 on the protection of personal data. The draft was sent to the National Assembly in 2008, and it is still pending (<http://www.epractice.eu/en/document/288415>). The By-law on privacy in the telecommunications sector was adopted in 2004 and the By-law on electronic communication security in 2008.

Licensing framework

GISEE (2004, p.30) states that the use of small and medium scale data (presumably the data provided by the GCM) requires permission from the military. No more recent information has been found.

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<http://ggim.un.org/knowledgebase/KnowledgebaseArticle51537.aspx>