

Croatia-Legal Framework

Legal framework

In 1999, the Law on State Survey and Real Estate Cadastre was adopted and followed by implementing rules on the procedure for topographic surveys, the production of state maps and the state geodetic administration. In addition, the Parliament adopted the State Survey and Real Property Cadastre Programme for 2001-2005. In 2007, the State Geodetic Administration prepared a new law on State Survey and Real Property Cadastre (Official Gazette no. 16/2007) and new Rules and Regulations on Topographic Survey and State Map Production (Official Gazette no. 109/2008). The law on State Survey and Real Property Cadastre contains a separate chapter on SDI e.g. SDI-definition, data content, necessary services, institutional framework, metadata, ...). As during the adoption procedure of the law, the draft INSPIRE directive was available, the SDI chapter of the law was attuned to some of the provisions of the directive. However, not all provisions of the directive are included in the Law yet. This will be done in a next step. The law defines the NSDI as a set of measures, standards, specifications and services within the framework of e-government for enabling the effective collection, management, exchange and usage of the geo-referenced spatial data that are subject to the law. Under the law, the bodies that are part of the NSDI are responsible for the regular maintenance of their spatial data sets and services and have an obligation to make their sets and services available to the national geoportal. The law sets up an NSDI Council, Committee and Working Groups. In May 2007, the Croatian Government appointed the 15 members and the president of the council (Official Gazette no. 16/2007). EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2011 Croatia K.U.Leuven (SADL) 12

Public-private partnerships (PPPs)

Topographic mapping was performed during the 1990s in cooperation with the private sector. Recently, PPPs have been developed on the basis of the law on State Survey and Real Property Cadastre. A large part of the data production is outsourced to the private sector.

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

The Croatian Act on the Right of Access to Information was adopted in October 2003, on the basis of Article 88 of the Constitution. Under the Act, all information possessed, disposed of or controlled by bodies of public authorities have to be available to any interested beneficiary of the right to information. This right of access to information covers the right to seek and receive information and the obligation of public bodies to make access to the requested information possible or to publish information when there is no special request for them. Any domestic or foreign natural or legal person can obtain access to public information. Access to State Survey

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and the Real Property Cadastre data and documents, print-outs, aerial images and other documents is regulated separately by the law on State Survey and Real Property Cadastre.

Legal protection of GI by intellectual property rights

The Copyright and Related Rights Act (O.G. 167/2003) replaced earlier legislation of 1999 and entered into force on 30 October 2003. The Act protects original intellectual creations in the literary, scientific and artistic domain, having an individual character, irrespective of the manner and form of its expression, its type, value or purpose. Photographic and cartographic works, drawings, plans, sketches and tables are explicitly protected. Copyright is excluded for official texts in the domain of legislation, administration, judiciary (acts, regulations, decisions, reports, minutes, judgments, standards, and the like) and other official works and their collections, which are published for the purpose of officially informing the public. Next to copyright, databases are also protected by a separate right of the producer of the database, in line with the provisions of the 1996 database directive.

Restricted access to GI further to the legal protection of privacy

Article 37 of the Croatian Constitution states that “everyone shall be guaranteed the safety and secrecy of personal data. Without consent from the person concerned, personal data may be collected, processed and used only under conditions specified by law. Protection of data and supervision of the work of information systems in the Republic EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2011 Croatia K.U.Leuven (SADL) 13 shall be regulated by law. The use of personal data contrary to the purpose of their collection shall be prohibited” The Croatian Act on Personal Data Protection is based on the constitution and dates from 2003 (Official Gazette, no. 103/2003). It has been brought in line with the European directive 95/46/EC on the processing of personal data. Two other acts should also be mentioned:

the Regulation on the method of maintaining records on personal data filing system and the form of such records (Official Gazette, No. 105/04); and # the Regulation on the manner of storing and special measures of technical protection of the special categories of personal data (Official Gazette, No. 139/04)

Licensing framework

Under the law on State Survey and Real Property Cadastre, a working group has been set up on spatial data sharing policies, with the task to coordinate, develop and maintain an interoperable

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and customisable licence model that allows the spatial data providers to define and publish access conditions for their data and services. Draft versions of agreements templates for data exchange between public bodies and for access and re-use by third parties are developed.

UN-GGIM Knowledge Base

<http://ggim.un.org/knowledgebase/KnowledgebaseArticle51539.aspx>