Role of National Legal and Policy Frameworks on Geospatial Information

International Workshop on Legal and Policy Frameworks for Geospatial Information

Objective

• What is the Impact of Legal and Policy Frameworks on Geospatial Information Management?
The Role of National Legal/Regulatory Frameworks

- Legal and policy frameworks consist of a variety of instruments:
  - Treaties
  - Laws
  - Regulations
  - Policies
  - Agreement
  - Norms

- Must consider all levels of legal and policy instruments
  - International
  - Regional
  - National
  - Others
    - Local
    - Industry
International/Regional

- Typically treaties and multi-lateral agreements
- **Some are geo-specific:**
  - UN Principles of Remote Sensing
  - INSPIRE
  - UN Disaster Charter
- **Others are not:**
  - Berne Convention
  - Bi-lateral Trade agreements
  - General Protection of Data Regulations
  - Privacy Shield

National

- **Different types of instruments to consider:**
  - Laws
  - Regulations
  - Policies
- **Some are geo specific:**
  - OMB Circular A-16 (United States)
  - Surveying and Mapping Law of the People's Republic of China
National

• Others are not, for example:
  • Export laws
  • Procurement laws
  • Product liability laws
  • Privacy laws

Others

• Local
  • State of Florida's Drone Law

• Industry
  • Industry standards

• Court decisions
  • Common law jurisdictions
Complete Legal and Policy Framework is A Mix

- Act 2010:1767 on geographic environmental information.
- Act 2010:1768 amending Act 2009:400 on public access to information and secrecy;
- Ordonnance 2010:1771 amending Ordonnance 2009:946 on the tasks of the National Land Survey;
- Ordonnance 2010:1770 on spatial environmental information.

Complete Legal and Policy Framework is A Mix

- Directive 2003/4 on access to environmental information and Directive 2003/98 on the re-use of PSI have been transposed into Swedish law.
- Swedish Copyright Act dates from 1960 (Law no. 729 of 30 December 1960, as last amended in 2009).
- 1993 Act on the Protection of Land Information
- Personal Data Act (1998:204)
Why it is Important to Get It Right

• If geospatial community is not active in development of legal and policy framework around geospatial information management:
  • It will likely be created by others who do not understand geo.
    o Geospatial Convention
    o Open Data Policies
  • Could create a “Geodivide”
    o Between countries with vibrant geospatial ecosystems and those that do not.

Geo-Divide Winners

• Citizens in these societies will live in safer smart cities, with cutting-edge infrastructure and open and transparent governments.
• These governments will use geospatial technology to deliver more efficient and timely services while still protecting their citizens from unwarranted government intrusion.
• Effective use of geospatial technology will provide increased public safety and allow such nations to better prepare for and respond to natural disasters.
• ‘Location-enabled’ societies will be the leaders globally on transnational issues, such as protecting natural resources, understanding climate change, addressing poverty and preventing the spread of infectious disease.
• The adoption of geospatial technologies will enhance the contour of the relationship between the government and their citizens.
Geo-Divide Losers

- Lack of geospatial data available due to overly burdensome collection, use and transfer laws and policies.
- Collection of many types of geospatial data by private businesses will be limited due to heavy regulation, data transfer restrictions or inadequate protection of intellectual property rights.
- Companies will be unwilling to store or use geospatial data in these countries due to liability concerns.

Proposed Convention on Geoinformation

- Proposed by International Bar Association (IBA).
- Proposed Convention identified many of the key issues, including:
  - Privacy
  - Data quality
  - Intellectual Property Rights
  - Provenance
  - Use as Evidence
  - National Security
Proposed Convention on Geoinformation

• But geospatial community – including UN-GGIM – strongly condemned.
• Criticisms included:
  o “Top Down” approach;
  o Overly broad definition of geospatial information
  o Failed to appreciate complex nature geospatial ecosystem:
    o Would have required significant changes in existing laws and policies
      Difficult to integrate proposal into existing laws and regulations
• IBA pulled

Impact of Laws Such As Proposed Convention on Geoinformation

• Likely to create a “Geodivide”.
  o Many member nations will ignore, a few will adopt as is.
• Impact for geospatial community if adopted:
  o Increased regulation;
  o More expensive to collect and use geoinformation;
  o Increased liability risk for geoinformation providers/users:
    • Regulators
    • Lawsuits
• Impact for global community:
  o Would be harder to obtain datasets necessary to address critical transnational issues
Alternative: Bottom’s Up Approach

- **Goal:**
  - A legal and regulatory framework that supports geospatial information management within a member nation.

- **Stakeholders conduct a comprehensive review of laws and regulations:**
  - Technology platforms:
    - Mapping, remote sensing, geodesy, cartography, land management
    - Drones, satellites, ground-based sensors,
    - Smart cities, intelligent transportation systems, IoT
  - Legal disciplines:
    - Intellectual property rights
    - Privacy,
    - National security
    - Liability

**Proposed Outcomes**

- Identify gaps between the existing legal and regulatory environment and best practices from around the world.
  - Specific laws and policies to be updated/revised (and if necessary created);
  - Cultural issues impacting geospatial information management at the national level; and
  - Capacity-building
    - Any capacity needs from a legal and regulatory standpoint (e.g. training of lawyers).

- Each member nation uses findings to implement according to own cultural standard, economic imperatives and legal system.