Role of National Legal and Policy Frameworks on Geospatial Information

International Workshop on Legal and Policy Frameworks for Geospatial Information
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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

The Role of National Legal/Regulatory Frameworks

• 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:
  o UN Principles of Remote Sensing
  o INSPIRE
  o UN Disaster Charter
• Others are not:
  • Berne Convention
  • United Nations Convention on Contracts for the International Sale of Goods
  • Bi-lateral Trade agreements
  • General Protection of Data Regulations
  • Privacy Shield

National

• Different types of instruments to consider:
  o Laws
  o Regulations
  o Policies
• Some are geo-specific:
  o FEDERAL LAW NO. 431-FZ OF DECEMBER 30, 2015 ON GEODESY, CARTOGRAPHY AND SPATIAL DATA AND THE INTRODUCTION OF AMENDMENTS INTO CERTAIN LEGISLATIVE ACTS OF THE RUSSIAN FEDERATION
  o OMB Circular A-16 (United States)
  o 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 Combination of All

- 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 Combination of All

- 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 “Geo-divide”
  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.
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 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

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**Alternative: Bottom’s Up Approach**

- **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.
Discussion Items

• What international legal and policy arrangements impact your geospatial information management?

• What regional legal and policy arrangements impact your geospatial information management?