



Policy, Legal & Regulatory Issues And Challenges Impacting Geospatial Information Management

The Solomon Islands Case

Jimmy Ikina (Surveyor General)
Ministry of Lands, Housing & survey

Background

- Early 1990s - First ever geospatial datasets created from existing hard copy maps and aerial imagery for Forest Inventory purposes
- Late 1990s - Solomon Islands Institutional strengthening of Land Administration (SIISLAP) introduced digital land administration
- 2002 - Government of Solomon Islands & Government of Australian signed MOU for Aerial Survey and Mapping of the entire country – 50k topo, 5k ortho-phomaps & DTM
- 2003 - Defense Imagery & Geospatial Organization (DIGO), Australia begin aerial survey and mapping
- 2006 - [Intellectual Property Deed](#) between Government of Solomon Islands (GSI) and Government of Australia (GOA) signed
- This is where we begin to know about the essence of [Policy, Legal and Regulatory Issues & Challenges Impacting Geospatial Information Management](#)

Policy

The policy on geospatial information based on;

1. Special Map Request Form

Client fills a form with contact details and nature of the request to the Surveyor General for approval. If approved

2. End User License Agreement (between MLH&S and User)

Elements includes the following where parties agree on the following;

- Non commercial
- Use
- Ownership
- Notices
- Warranty
- Indemnity
- Confidentiality

Schedule

- Purpose
- Data details
- Currency
- Format
- Estimated Quality
- Supplier & Recipient Sign

Samples

Special Map Request Form

To: The Surveyor General
Ministry of Lands, Housing and Surveys
P.O. Box 638 Harare
PH:29156 / 23365 Fax:27298
Email: ys@mls@lands.gov.zw

From: Name: GISENE WHEELER Date: 15/6/11
Designated Position: GEOTHERMAL DEVELOPMENT MANAGER
Company/Department/Organisation: KENTON ENERGY PTY LTD
Address: _____
Telephone: +263 924 8601 FAX: _____
E-Mail Address: gise@kentonenergy.com

Description of request:
SAYO MOUNTAIN TABLES ON CONTOURS (30m), ROADS AND TRACKS, VEGETATION, BUILDINGS, VILLAGES, DTM, (also DTM)

Approved Not Approved For SO Signature: [Signature] Date: 16/6/11

Comments:
Copy to be given to [Signature]

Fax or mail this completed form to Surveyor General at the address above.
Your request will be processed and if successful you will be contacted to arrange an interview to further discuss the request.

END USER LICENCE AGREEMENT
FOR THE SUPPLY OF DIGITAL DATA
FOR NON-COMMERCIAL PURPOSES

THIS END USER LICENCE AGREEMENT entered into on 17 day of June, 2011

BETWEEN: Ministry of Lands, Housing and Surveys (hereinafter called "the Supplier")
AND: KENTON ENERGY PTY LTD (hereinafter called "the Recipient")

WHEREAS
The Supplier is custodian, or is the agent for the data detailed in the Schedule and has agreed to grant permission to the Recipient, to use the data for non-commercial purposes as specified in the course of the Recipient's ordinary business.

THE PARTIES AGREE AS FOLLOWS:

NON-COMMERCIAL
Non-commercial means that the Recipient will:
a) not make the data available to third parties by sale or otherwise; and
b) not sell products derived from the data; and
c) not use the data to derive income or gain a financial return.

USE
The data may be used by the Recipient for the non-commercial purpose specified in the course of the Recipient's ordinary business. Neither the data nor enhanced product produced from the data are to be provided or sold to other parties without the prior written consent of the Supplier.

OWNERSHIP
The Supplier is, or is the agent for, the absolute owner of all intellectual property rights including copyright in the data. The Recipient acknowledges that this agreement confers upon the Recipient no proprietary rights whatsoever in the data.

NOTICES
The Recipient shall ensure that the appropriate acknowledgment and copyright notice is prominently displayed on all copies made of the data or enhanced products produced from the data.

WARRANTY
The Supplier gives no warranty as to the condition, quality or fitness of the data for the Recipient's requirements. The Recipient is responsible for ensuring that the data supplied meets its own individual needs.

INDEMNITY
The Recipient acknowledges that it shall use the data as described in the Schedule at its own risk and agrees that the supplier shall not be liable for any loss or damage arising from the direct or indirect use of the data.

CONFIDENTIALITY
The Recipient shall take all reasonable steps to ensure that all employees, contractors, consultants, students and other persons having access to the data keep the data confidential and do not disclose or use the data for any purpose other than in accordance with the agreement.

SCHEDULE
PURPOSE
The non-commercial purpose for requiring the data must be clearly stated. For example:
a) if for use on a project specify the project name in full.
b) if for use not on a project specify fully the usage to which the data will be put.

Geothermal Energy Prospecting at Save Island (Central Province)

DATA DETAILS
The following details define the data to be transferred (supplied):
Coverage: (Specify the coverage name and the geographic area, eg Province, SI)
Save Island only (Central Province)

Currency: (Specify the currency of the data, eg, date of capture, date of last update)
2003

Format: (Specify the format eg Microsoft, PDF, image, other)
MapInfo Table files + Image + JPEG

Estimate Quality: (Specify as clearly as possible, the quality specification for the data)
To Spec. Specification

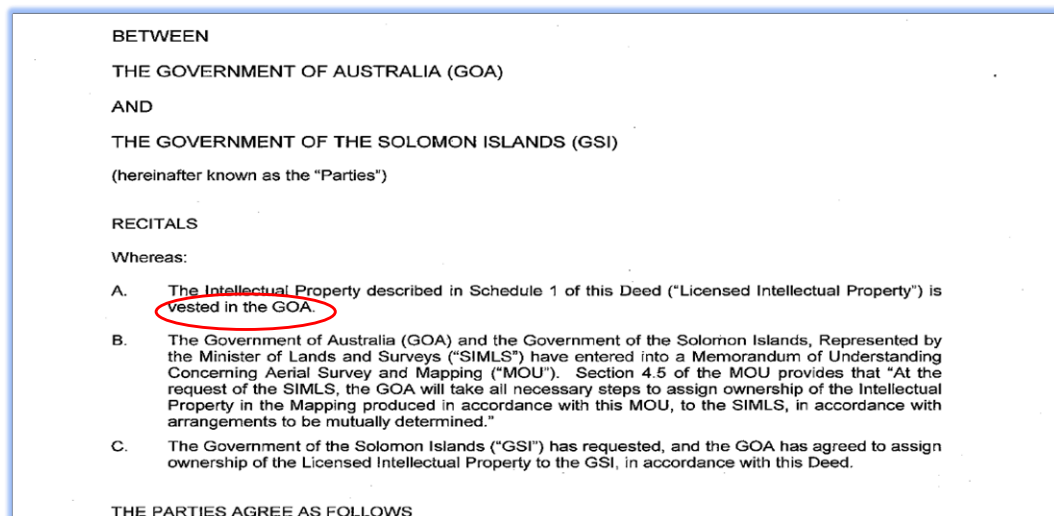
SUPPLIER
Signed for and on behalf of
[Signature] by
(Signature of Authorized Officer)
Imvanyo IJANI (Assistant Surveyor General)
(Name & Position of Authorized Officer)

RECIPIENT
Signed for and on behalf of
[Signature] by
(Signature of Authorized Officer)
GISENE WHEELER (Geothermal Development Manager)
(Name & Position of Authorized Officer)

Legal & Regulatory Challenges & Issues

- Legal?, Regulatory challenges & Issues
 - All geospatial data/ information captured for the Solomon Islands Government and paid for by the government or a donor is owned by the government SIG
 - Intellectual Property not fully understood – Legal language
 - All captured data and deliverables not received or some data missing or held back back
 - eg. New Choiseul Bay Township Topo-Survey not received, LIDAR data for new Nat. Referral Hospital Relocation and other hospital sites Project not yet received.
 - Illegal use gov't geospatial data by others e.g. logging Companies - how to address that
 - Geospatial information can be easily copied and transferred through available media

An example of IP document misinterpreted by others, especially political figures or other critics



Hem nomoa

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Tagio Tumas