
Economic and Social Council

13 July 2017

Committee of Experts on Global Geospatial Information Management

Seventh session

New York, 2-4 August 2017

Item 8 of the provisional agenda*

Legal and policy frameworks, including issues

Related to authoritative data

Legal and policy frameworks, including issues related to authoritative data

Note by the Secretariat

Summary

The present paper contains the report of the Secretariat, prepared with the assistance of the Centre for Spatial Law and Policy, on the legal and policy issues to be considered in developing a framework to support global geospatial information management in the public and private sectors, including issues related to authoritative data, for consideration by the Committee of Experts on Global Geospatial Information Management.

At its sixth session, held in New York from 3 to 5 August 2016, the Committee of Experts adopted decision 6/105, in which it noted a number of legal and policy issues that confirmed the essential need for all legal and policy frameworks that could have an impact on geospatial information to be developed in partnership with the geospatial and legal communities and with regard to other related areas of work of the Committee. The Committee of Experts welcomed the convening of the International Forum on Policy and Legal Frameworks for Geospatial Information Management in Kuala Lumpur on 18 and 19 October 2016, in collaboration with the Regional Committee of United Nations Global Geospatial Information Management for Asia and the Pacific. In its report, prepared with the assistance of the Centre for Spatial Law and Policy, the Secretariat updates the Committee of Experts on the issues that have an impact on the requisite legal and policy frameworks and on the outcomes of the International Forum. In the declaration issued at the Forum, participants called for the establishment of a working group to enable the global geospatial community to engage in discussions on policy and legal issues that could have an impact on the collection, licensing and use, privacy, provenance and accessibility of geospatial information. In its report, the Secretariat also describes the production of a new compendium on the licensing of geospatial information and updates the Committee of Experts on interactions with the International Bar Association.

* E/C.20/2017/1

I. Introduction

1. At its sixth session, convened in New York in August 2016, the Committee of Experts adopted decision 6/105 in which it noted a number of legal and policy issues that confirmed the essential need for all legal and policy frameworks that could have an impact on geospatial information to be developed in partnership with the geospatial and legal communities, and with regard to other related areas of work of the Committee.

2. The need to address legal and policy issues that impact geospatial information has become more critical as innovative and creative applications arising from new and emerging technologies and devices can be disruptive to existing policy, legal and regulatory frameworks. Examples include, the acquisition and application of geospatial information from unmanned aerial systems, smart cities initiatives, the internet of things, autonomous vehicles and pervasive mobile applications. These technologies and applications are being used to consume and produce services and information at an increasing pace and volume. Some of these technologies, devices and applications can be perceived as being intrusive. The associated legal and policy communities are struggling to keep pace with this rapid innovation and commensurate adoption.

3. The Committee has recognised the need for increased multi-channel public education and awareness on these legal and policy issues across professional and stakeholder communities. In this respect, geospatial professionals have a greater requirement to understand the legislative and regulatory processes and the creation of laws and their implications on geospatial information, while the legal profession and legislators need to understand the wider use and benefits of geospatial information.

4. This present report, prepared with the assistance of the Centre for Spatial Law and Policy, updates the Committee of Experts on the efforts, progress and issues that have an impact on legal and policy frameworks for geospatial information management, including the outcomes of an International Forum on Policy and Legal Frameworks for Geospatial Information Management, and the subsequent establishment of a working group to enable the global geospatial community to engage in discussions on legal and policy issues that could have an impact on the collection, licensing and use, privacy, provenance and accessibility of geospatial information. The report also describes the production of a new compendium on the licensing of geospatial information and updates the Committee of Experts on interactions with the International Bar Association. The Committee is invited to take note of the report and to express its views on how to address legal and policy issues, including those which relate to authoritative data. Points for discussion and decision are provided in paragraph 23.

II. International Forum on Policy and Legal Frameworks for Geospatial Information Management

5. Pursuant to decision 5/107 made at the fifth session of the Committee of Experts in August 2015, the Committee successfully convened the International Forum on Policy and Legal Frameworks for Geospatial Information Management¹ in Kuala Lumpur, Malaysia, on 18 and 19 October 2016. The Forum was convened in collaboration with the Government of Malaysia, through the Department of Survey

¹ International Forum on Policy and Legal Frameworks for Geospatial Information Management: <http://ggim.un.org/Kuala%20Lumpur%20Forum.html>

and Mapping Malaysia (JUPEM), Ministry of Natural Resources and Environment, and the Regional Committee of United Nations Global Geospatial Information Management for Asia and the Pacific.

6. The International Forum provided a unique opportunity and platform for an informed dialogue and discussions to better understand the policy, legislative and legal processes and implications pertaining to the availability and accessibility of geospatial information. With participants from more than thirty countries in attendance, and representing the geospatial information, legal, policy and regulatory communities, including those from industry and academia, there was unanimous consensus that the issue being addressed is relevant, timely and important.

7. Participants acknowledged the increasing need for geospatial information management practitioners to better understand policy, legal and regulatory processes and their implications. The Forum considerably raised awareness and recognized that:

(a) Legal and policy issues impact geospatial information management at the local, national and thus international levels, and must be addressed and balanced within any national strategies, policies and legislations;

(b) Significant legal and policy challenges regarding geospatial information remain and must be addressed, including issues related to the timeliness, availability and accessibility, privacy and security of data, and open data;

(c) Rapidly changing societal access to databases and information that are geospatially enabled, together with creative and innovative autonomous data collection, processing and analysis tools, demands geospatial practitioners to confront policy, legal and regulatory challenges upfront rather than later; and

(d) Good and effective legal and policy frameworks evolve over time and should respond to societal progress and technological developments, especially as machine-learning environments become more prominent.

8. The outcome of the productive and insightful debates, discussions and deliberations of the Forum were reflected in the “Kuala Lumpur Declaration on Policy and Legal Frameworks for Geospatial Information”² which was issued at the conclusion of the Forum, and later adopted by the Regional Committee for United Nations Global Geospatial Information Management for Asia and the Pacific (UN-GGIM-AP) at its Fifth Plenary Meeting, also convened in Kuala Lumpur, Malaysia.

9. The Declaration provided the Committee of Experts and the global geospatial information management community a feasible path forward, including to:

(a) Consider establishing a working group to explore legal and policy frameworks for geospatial information, with participants from both the geospatial and legal communities;

(b) Develop a strategy and plan of action on legal and policy issues in order to begin the advocacy and engagement process, inclusive of a guide to the licensing

² Kuala Lumpur Declaration on Policy and Legal Frameworks for Geospatial Information:
http://ggim.un.org/docs/meetings/KL_Forum_2016/Kuala%20Lumpur%20Declaration%20on%20Policy%20and%20Legal%20Framework%20for%20Geospatial%20Information.pdf

and dissemination of geospatial information that can provide guidance to Member States; and

(c) Contribute to developing capacity within Member States on the legal and policy issues that impact the collection, use, storage and dissemination of geospatial information.

III. Establishing a Working Group on Legal and Policy Frameworks for Geospatial Information Management

10. At its third annual meeting, convened in New York at UN Headquarters in December 2016, the UN-GGIM Expanded Bureau³ welcomed the successful convening of the International Forum on Policy and Legal Frameworks, the adoption of the Kuala Lumpur Declaration on Policy and Legal Frameworks for Geospatial Information, and welcomed these developments. Given the significant progress with key stakeholders, including the consensus achieved at the International Forum in Kuala Lumpur in October 2016, the Expanded Bureau, in an effort to expedite progress, approved the establishment of a working group to explore legal and policy frameworks for geospatial information management, and to determine modalities and terms of reference for approval at this seventh session of the Committee of Experts.

11. In consultation with the Expanded Bureau and relevant experts, the Secretariat has prepared a concept note for the proposed Working Group on Legal and Policy Frameworks for Geospatial Information Management. The primary objective of the Working Group is to provide a forum for dialogue and coordination between Member States, the United Nations system, and other international organisations and experts, with a view to encourage enhanced global cooperation in addressing legal and policy issues in geospatial information management. It is envisioned that the Working Group would seek to:

(a) Play a leading role in raising awareness and highlighting the importance of sound legal and policy frameworks for geospatial information management in order to promote development, innovation, production consumption, and distribution of geospatial information in the midst of rapidly changing societal norms towards access to Big Data and other types of information;

(b) Proactively explore appropriate legal and policy frameworks for geospatial information management, taking into consideration that good legal and policy frameworks will evolve over time, and respond to associated societal progress and technological developments; and

(c) Support the Committee of Experts in the development of norms, principles and guides, including any regional capacity development initiatives, to significantly increase the availability and accessibility of geospatial information so as to create high-quality, timely and reliable products and services from geospatial information to address the global development agendas and other critical local, national, regional and international issues.

³ Report of the UN-GGIM Expanded Bureau Meeting, 7-9 December 2016: <http://ggim.un.org/docs/meetings/UN%20GGIM%20Expanded%20Bureau%20meetings/Bureau%20Meeting%20Report%20Dec%202016%20Final.pdf>

12. The Secretariat, noting the Expanded Bureau's effort to expedite progress towards the establishment of this Working Group, collaborated with the Centre for Spatial Law and Policy to develop proposed Terms of Reference and, after consultation with a number of Member States and stakeholders that had expressed keen interest in the Working Group, subsequently worked towards an initial composition of the Working Group. The proposed Terms of Reference and initial expressions of interest for the Working Group on Legal and Policy Frameworks for Geospatial Information Management are provided in Annex I and II respectively to this present report. In addition, the concept note and rationale for the establishment of the Working Group is provided as a background document to this agenda item.

13. Legal and policy frameworks in geospatial information management will be an integral component of global geospatial information management, supporting the availability and accessibility of comprehensive location-based information in helping Governments develop strategic priorities, make decisions, and measure and monitor outcomes. The establishment of the Working Group ensures that the global geospatial community is able to be proactively engaged with legal and policy issues relating to the collection, use, privacy, provenance and, accessibility of data; as well as issues related to the use of unmanned aircraft systems, sensors and scanners and other potentially intrusive devices; and the production and consumption of location-based information in emerging applications such as autonomous vehicles.

IV. Compendium on the licensing of geospatial information

14. One of the priority needs arising from the International Forum on Policy and Legal Frameworks for Geospatial Information Management was the development and preparation of guides for the licensing and dissemination of geospatial information that are able to provide guidance to and direction for Member States. Therefore, at its annual meeting in December 2016, the Expanded Bureau welcomed the Secretariat's initiative to embark on a consultancy process, with the support of the UN-GGIM China Trust Fund Project, to explore the development and preparation of a compendium on the licensing of geospatial information. It was envisaged that such a compendium would be targeted towards professionals within the global geospatial community whom do not have legal training, but require a better and more informed understanding of geospatial information licensing arrangements, especially as many organizations within the geospatial community are both providers and consumers of geospatial information.

15. The development and preparation of the compendium was facilitated by a consultant appointed by the Secretariat in early 2017 with specific terms of reference guided by the Expanded Bureau. The first draft of the compendium was reviewed by a number of cross-industry experts including, lawyers from government and industry, representatives from national geospatial information authorities, city and government officials, and industry and philanthropic organizations. The draft was later extended to the Expanded Bureau, a number of Member States and stakeholders, including those from the legal profession and industry, for a further round of review and consultation. The reviews and consultations with these expert representatives provided valuable feedback, comments and additional insights that aided in the preparation of the compendium.

16. The compendium seeks to provide guidance on standard legal and licensing terms as they relate to geospatial information licenses so that organizations are better suited to adopt geospatial information license for their own geospatial information, with due

consideration for their contexts, circumstances and objectives. It is also intended to help foster understanding on the rights and obligations that organizations are agreeing to abide by when entering into a geospatial information licensing arrangement. The compendium will provide geospatial information management practitioners with useful guidance on legal considerations relating to the sharing and dissemination of geospatial information and is intended for information purposes and not be construed as legal advice. The draft final version of the “Compendium on Licensing of Geospatial Information” is provided to the Committee of Experts as a background document to this agenda item.

17. The goal is for both providers and consumers of geospatial information to be better educated on these important issues so that they can make more informed decisions. However, the compendium is not intended as a set of best practices, but seeks to serve as a foundation for the development and sharing of good practices in the future. The Working Group on Legal and Policy Frameworks for Geospatial Information Management, when established, should take this initiative forward, including the finalization of the compendium.

18. A next step for the Working Group to consider is the development and preparation of training curricula and materials in support of regional and sub-regional training seminars or workshops in this area. The delivery of such training seminars or workshops will afford both providers and consumers of geospatial information at the national and sub-national level to be better informed and educated, thus further improving the capacity of Member States in addressing legal and policy frameworks, including issues related to authoritative data and to significantly increase the informed availability and accessibility of geospatial information.

V. Interactions with the International Bar Association

19. At its fifth session, convened in New York in August 2014, the Committee of Experts, in making decision 5/107, recognized the concerns expressed by Member States regarding a proposed convention on geoinformation by the International Bar Association. The Committee agreed that the convention, as indicated and provided at that time, was not reflective, did not provide an understanding of how geospatial information is utilized, and did not balance perceived legal and policy risks with the numerous benefits associated with the many critical uses of geospatial information, and that mechanisms needed to be identified to find this balance. The Committee supported the convening of an international forum on legal and policy issues and frameworks at an appropriate time in 2016, as a means towards facilitating a more informed dialogue on the identified issues, including national policies.

20. To this end, the International Forum on Policy and Legal Frameworks for Geospatial Information Management was convened in Kuala Lumpur in October 2016, and which representatives from the International Bar Association were invited to attend and participate. At that time, valuable and productive discussions were held between the International Bar Association, members of the Bureau and the Secretariat. Subsequently the Secretariat, as requested by the Committee, has continued to reach out and engage the International Bar Association regarding their work on the proposed convention on geoinformation, as well as the Committee’s proactive efforts in addressing legal and policy issues that impact geospatial information.

21. Through this engagement the International Bar Association has gained a much better understanding of how geospatial information is utilised, and that there is a need

to balance perceived legal and policy risks with the numerous benefits associated with the many critical uses of geospatial information. The International Bar Association, sharing the views of the Committee of Experts that it is vital to achieve a legal and policy framework which is capable of withstanding the dynamically changing context and application of geospatial information, has expressed its intention to work closely and in concert with the Committee of Experts and Member States towards a meaningful, effective and sustainable policy, legal and regulatory framework. In this regard, the International Bar Association has formally confirmed, in December 2016, that it is no longer proceeding with the proposed convention on geoinformation, and wishes to instead build a productive, collaborative and trusted relationship with the Committee of Experts and Member States.

22. The Committee of Experts is to note that International Bar Association wishes to support the legal and policy efforts of the Committee as a member of the proposed Working Group on Legal and Policy Frameworks on Geospatial Information Management, when the Working Group is established by the Committee.

VI. Points for discussion

23. The Committee of Experts is invited to:

- (a) Take note of the report of the Secretariat on legal and policy frameworks, including the updates and the background documents provided;**
- (b) Endorse the Working Group's establishment, Terms of Reference and initial composition as proposed, and encourage the participation and contribution of Member States to the Working Group, noting the need for appropriate expertise and good geographic representation;**
- (c) Taking note of the advanced progress of the Compendium on Licensing of Geospatial Information, provide guidance on the Working Group's initiative to develop and prepare training curricula and materials in support of regional and sub-regional training seminars or workshops in this area; and**
- (d) Express its views on the interactions with the International Bar Association, including the termination of the proposed convention on geoinformation, and provide further guidance if required.**

ANNEX I

Proposed Terms of Reference for the Working Group on Legal and Policy Frameworks for Geospatial Information Management

1. Mandate

- 1.1 The establishment of the UN-GGIM Working Group on Legal and Policy Frameworks for Geospatial Information Management will be considered by the United Nations Committee of Experts on Global Geospatial Information Management (UN-GGIM) at its Seventh Session in August 2017.

2. Objectives

The objectives of the Working Group are to:

- 2.1 Play a leading role in raising awareness and highlighting the importance of sound legal and policy frameworks for geospatial information management at the highest levels in order to promote development, innovation, production consumption, and distribution of geospatial information in the midst of rapidly changing societal norms towards access to Big Data and other types of information;
- 2.2 Explore appropriate legal and policy frameworks for geospatial information management proactively, taking into consideration that good legal and policy frameworks will evolve over time, and respond to societal progress and technological developments; and
- 2.3 Support the Committee of Experts in the development of norms, principles and guides, including any regional capacity development initiatives, to significantly increase the availability and accessibility of geospatial information so as to create high-quality, timely and reliable products and services from geospatial information to address the Sustainable Development Goals and other critical local, national, regional and international issues.

3. Functions

The functions of the Working Group will be to:

- 3.1 Provide a forum for dialogue and coordination between Member States, the United Nations system, and relevant stakeholders with a view to:
 - i) Encourage enhanced global cooperation in addressing legal and policy issues in geospatial information management;
 - ii) Engage issues relating to the collection, use, privacy, provenance and accessibility of data, including issues related to the use of unmanned systems, smart cities and potentially intrusive sensors and devices;

- iii) Consider and provide guidance on potential legal and policy implications associated with delivering timely and reliable geospatial data that is required to be nationally disaggregated by a number of metrics including, income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics in support of national development priorities and the 2030 Agenda for Sustainable Development;
 - iv) Consider and develop mechanisms to enable effective and efficient governance, sharing and application of geospatial information and its integration with other information, including from volunteered sources, towards a national integrative information system for the accomplishment of national development aspirations as well as common goals for sustainable development regionally and globally;
 - v) Develop and provide guidance on sound legal and policy frameworks for geospatial information management including, initially, working on issues for the licensing of geospatial information to promote data availability and sharing; and
 - vi) Develop guidance and support for regional capacity development initiatives related to legal and policy frameworks for geospatial information management.
- 3.2 A key undertaking is to develop and implement a strategy for advocacy and engagement processes on legal and policy issues among relevant parties; and
- 3.3 Propose work programs, informed by broad global consultation, to address the main area of focus identified by Member States while ensuring that there are no overlaps or duplication of initiatives.

4. Membership, Composition and Term of Office

- 4.1 The Working Group will comprise representatives nominated by Member States from their geospatial, statistical and legal communities who are knowledgeable and experienced in the work of the Group. To ensure broad expertise and effectiveness, subject matter experts from the United Nations system, international organisations and the wider legal and information technology communities should be drawn into the Group as appropriate.
- 4.2 The Working Group will select two members as co-Chairs and any other position as deemed necessary to support the work of the Group. The co-Chairs will serve for two (2) years and should the work continue beyond two (2) years, the Working Group may retain existing co-Chairs or elect new co-Chairs for another two (2) years. In normal circumstances, co-Chairs should not serve more than two consecutive two (2) year terms.

4.3 Should the need arise, the Working Group may establish sub-groups or task teams to work on particular aspects of its work programme. All sub-groups or task teams must have defined deliverables, delivery milestones and are established with a fixed duration. All sub-groups or task teams must bring its task to a satisfactory conclusion by no later than the annual session of the Committee of Experts.

4.4 The Working Group will liaise, as required, with international organisations that have an interest in legal and policy matters in geospatial information management and invite their nominated experts as observers.

5. Reporting Procedure

5.1 The Working Group will report to the United Nations Committee of Experts on Global Geospatial Information Management at its annual session and will include the preparation of written reports and background documents as required.

6. Frequency of Meetings

6.1 The Working Group will operate virtually and meet when the opportunity arises in concurrence with related UN-GGIM events.

7. Governance

7.1 The UN-GGIM Bureau may review and evaluate the work of the Working Group from time to time, may proposed to UN-GGIM revision of the terms of reference based on the accomplishments of the Working Group and any new items that UN-GGIM would like the Working Group to address.

8. Secretariat

8.1 The United Nations Statistics Division, Department of Economic and Social Affairs, will serve as the permanent Secretariat of the Working Group. It will provide the day-to-day management and coordination when necessary, and undertake internal and external communication on behalf of the Working Group.

8.2 The co-Chairs will coordinate, monitor and report on the activities of any sub-group or task teams to the UN-GGIM Bureau and the Secretariat.

8.3 In co-operation with the co-Chairs, the Secretariat will coordinate and assist with the organisation and preparation of the agenda for the meetings of the Working Group, issue notices and any other support activities deemed necessary.

(June 2017)

ANNEX II

**Working Group on Legal and Policy Frameworks
for Geospatial Information Management**

Expressions of Interest for Initial Composition

- 1) China
- 2) Finland
- 3) Malaysia
- 4) Mexico
- 5) Sweden
- 6) Centre for Spatial Law and Policy
- 7) International Bar Association
- 8) UN-GGIM: Private Sector Network (Deloitte)
- 9) UN-GGIM: Private Sector Network (PrecisionHawk)