Institutional Arrangements In Geoinformation Management: Influence of Legal and Policy Issues

UNRCCA
August 19, 2013
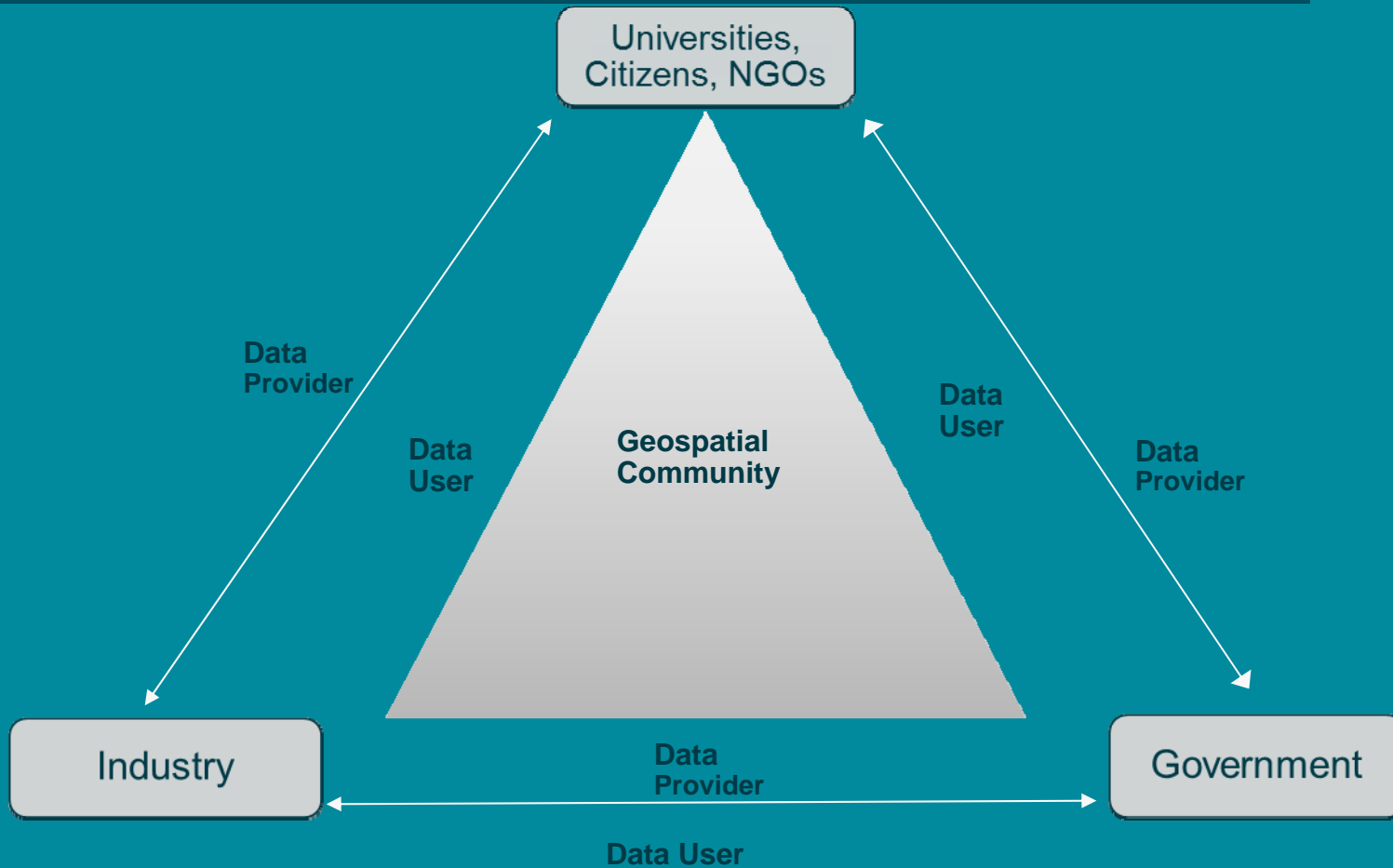Kevin D. Pomfret
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Geospatial Technology Is Now Pervasive

Creating A New Geospatial Community

Geospatial Community

- An international ecosystem that collects/uses/stores/distributes geoinformation.
  - Cuts across technology platforms, industry groups and user communities.
- All segments of community are contributing to community's growth
- Products and services increasingly being developed based upon aggregation all types of data collected from diverse sources.
- **As a result policies/laws that impact the collection, impact, and distribution in one segment will impact others.**
  - **Traditional stovepipe approaches are obsolete/detrimental**

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Has Happened Almost Overnight
## St. Peter's Square - 2005

St. Peter's Square - 2013

Policy/Legal Communities Have Failed to Keep Up

- A number of policy/legal issues impact the collection/use/storage/distribution of geoinformation
  - Privacy
  - Intellectual Property
  - Licensing
  - National Security
  - Open Data
  - Liability
- Policy/legal communities don't understand geospatial technology, geoinformation, and/or the geospatial community
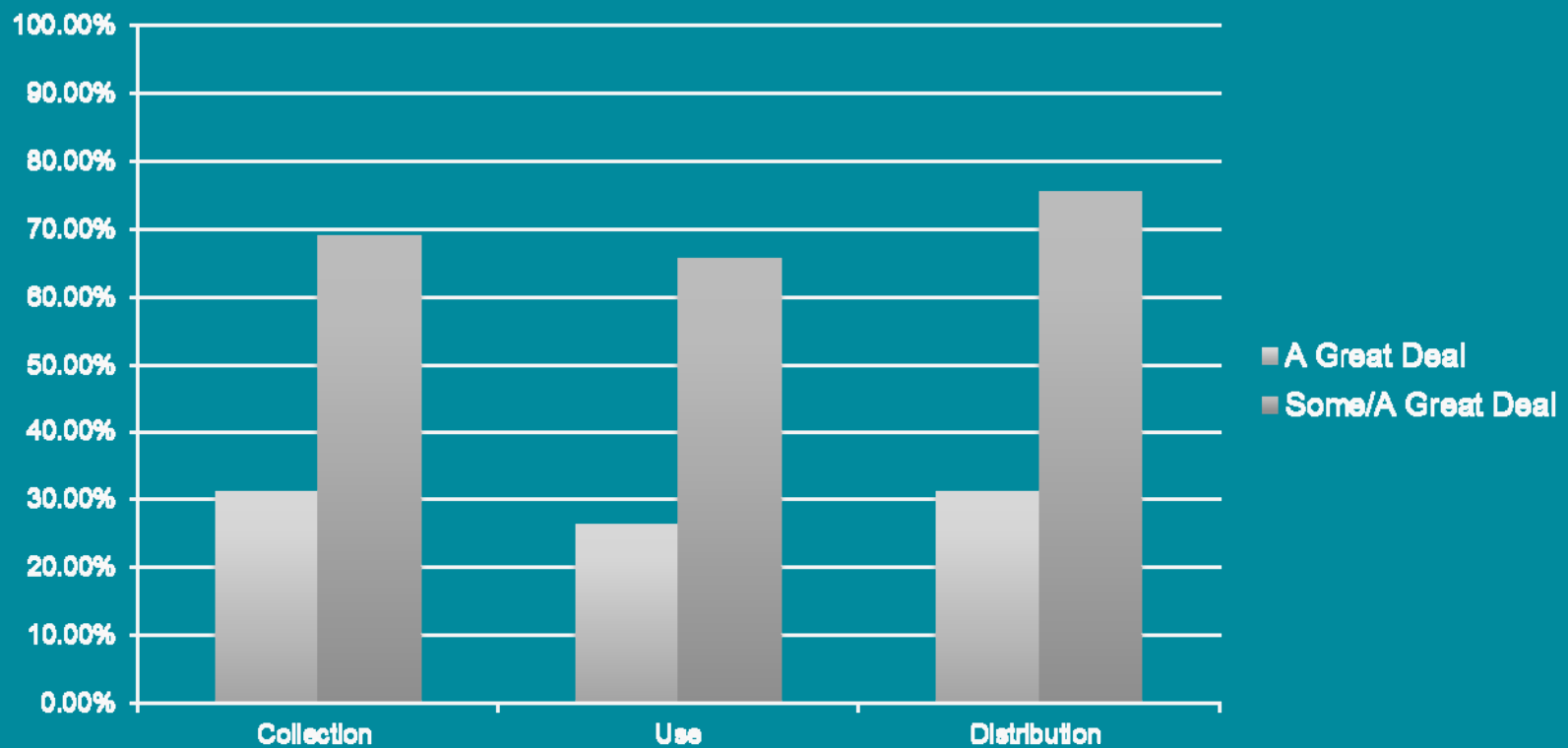- Uncertainty makes it increasingly difficult to collect/use/store/distribute geoinformation
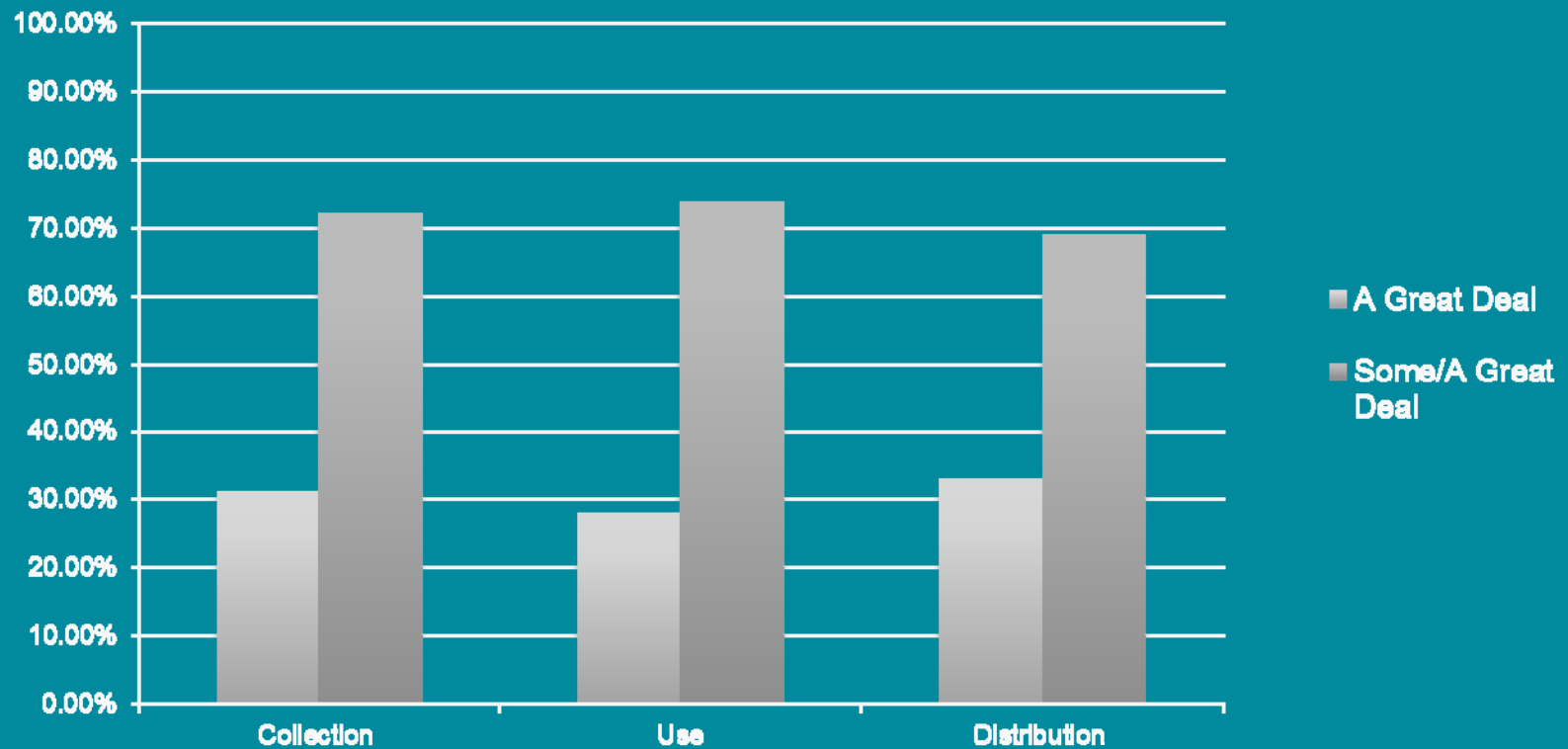
Impact of Privacy Concerns
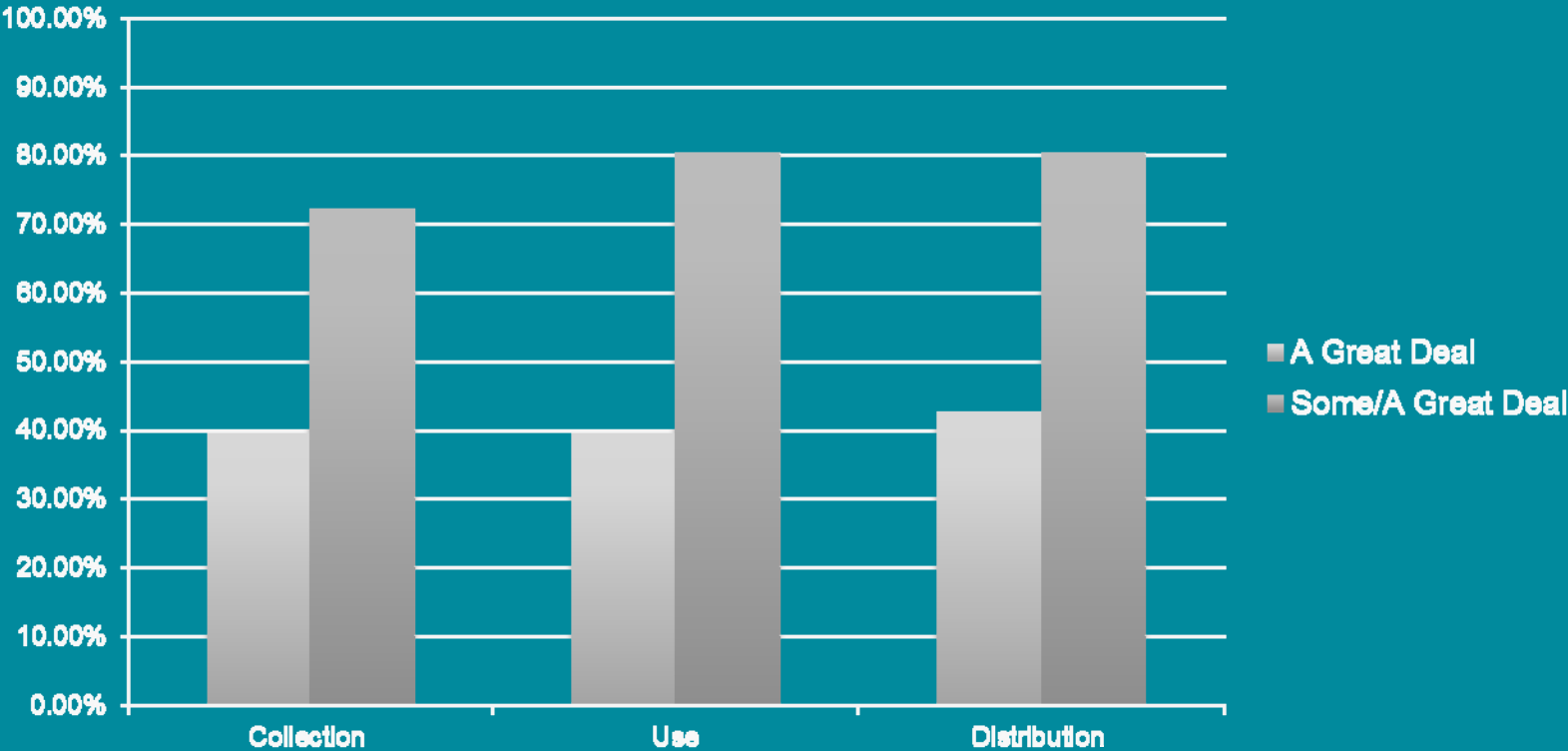
Impact of
Licensing/Data Sharing Restrictions
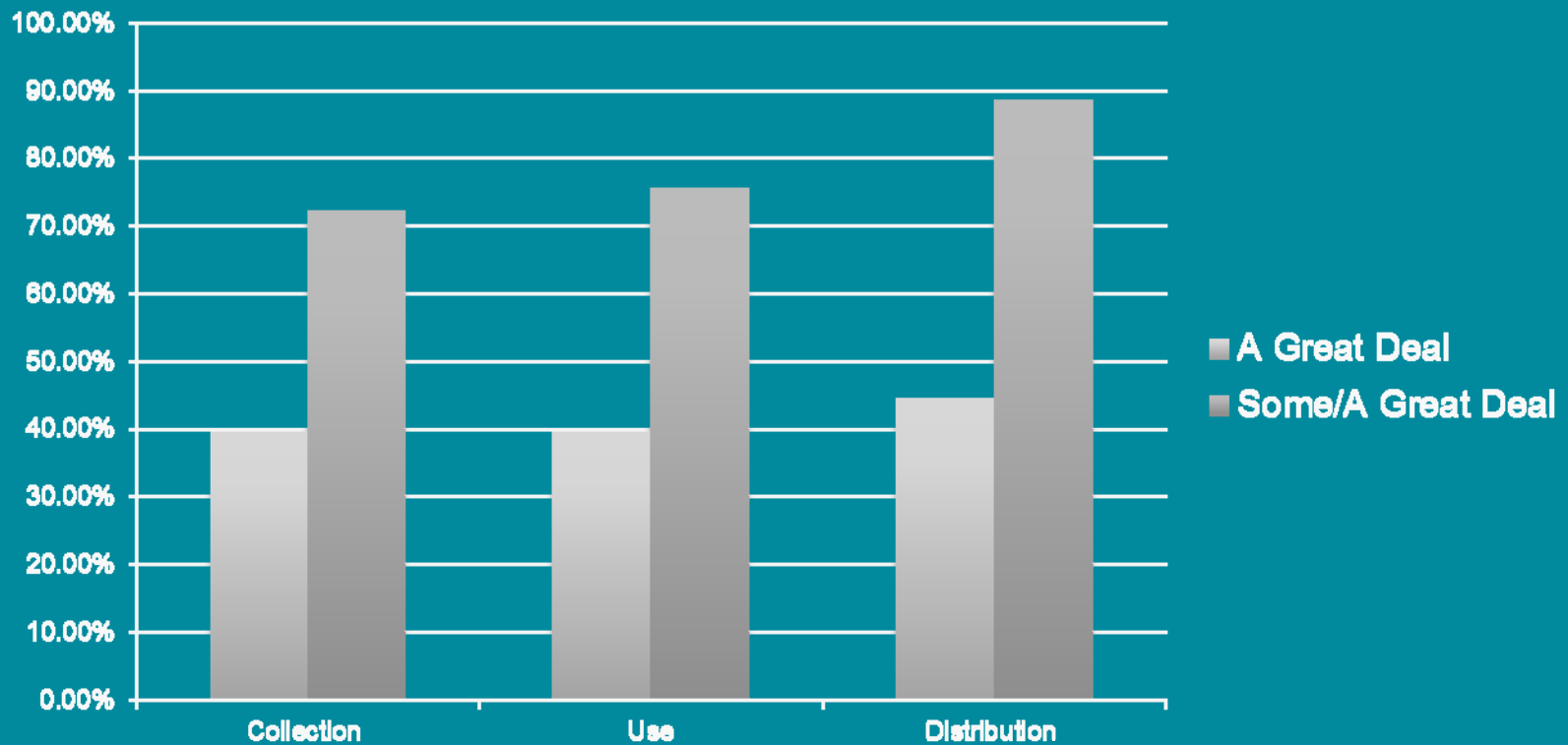
Impact of Liability Concerns

Impact of Homeland/National Security Policies

Broader Impact of Legal/Policy Uncertainty

- Private sector's ability to collect/use/store/distribute geoinformation

- Crowdsourcing, NGO's, Researchers

- Nation's sharing data by to address transnational issues:
  - Global Map for Sustainable Development
  - Climate Change
  - Geodetic Reference Framework
  - Disaster Response

Developing Proper
Institutional Arrangements

- Understand which laws/policies/regulations are having an impact within each nation.
  - Begin with key issues that impact "legal interoperability"
- Raise awareness of full value of geoinformation in society and economy
  - Within government, private sector and society
  - Policy often balancing perceived risks versus potential benefits
- Create forums that include all relevant stakeholders to create institutional arrangements that recognize the role of entire geospatial community

What Will Likely Happen if Proper Institutional Arrangements are Not Created?

- Policies/laws will develop without full community input
- Will likely be broadly worded with a number of unintended consequences.
    - Privacy Laws
    - Restrictions on Drones
    - Laws Regarding Data Quality
    - National Security Directives and Policies
    - Proposed "Convention on Geoinformation"
- Full value of geoinformation will not be realized
    - Policies often about balancing benefits vs. perceived risk

Lawyers Will Try To Impose Own Institutional Arrangements

- Convention on Geoinformation initiated by **International Bar Association**.

- Intended to apply to **all geoinformation**, collected from whatever source, for whatever purpose.

- Trying to address in **one document** a number of complex issues that are critical to the geospatial community – such as **privacy, data quality, intellectual property rights, and national security**.

- Would result in a number of **new regulations and burdens** on industry and some governments with respect to the collection/use/distribution of geoinformation.

- Would increase **potential liability risks** for industry and (possibly some government agencies) and would also likely **dampen the willingness** of individuals to contribute geoinformation (also due to liability concerns).

Potential Impact of Bad Laws/Policies/Regulations

- Increased costs and expenses to collect/use geoinformation
- Longer roll-out times for new products/services
- Lawsuits may increase
- As a result . . .
  - Geoinformation will be harder to collect/use/distribute
  - Demand/Market for geospatial products/services could decrease
- This will impact the entire geospatial community
- How do you measure **opportunity costs** of not collecting/using geoinformation?