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

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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
Has Happened Almost Overnight
St. Peter’s Square - 2005
St. Peter’s Square - 2013
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

- Collection
- Use
- Distribution

- A Great Deal
- Some/A Great Deal

For Collection, Use, and Distribution, the percentage of respondents expressing concern is shown in the bar graph. The categories 'A Great Deal' and 'Some/A Great Deal' indicate the level of concern.
Impact of Licensing/Data Sharing Restrictions

- Collection: A Great Deal
- Use: Some/A Great Deal
- Distribution: Some/A Great Deal
Impact of Liability Concerns

![Bar diagram showing the percentage of respondents who agree with liability concerns in collection, use, and distribution phases.]

- A Great Deal
- Some/A Great Deal

- Collection
- Use
- Distribution
Impact of Homeland/National Security Policies

![Impact of Homeland/National Security Policies](image)
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?