

# **Consultation on the transposition of EC INSPIRE Directive 2007/2/EC into UK law.**

## **Response from the Association for Geographic Information**

### **Summary**

The AGI is pleased to provide the following response to the consultation on the transposition of INSPIRE into UK law. AGI supports the general principles of INSPIRE on data access and sharing and is keen to assist with implementation to ensure success.

### **1. Introduction**

The Association for Geographic Information (AGI) is the umbrella organisation for those with an interest in geographic information (GI). Membership comprises both individuals and organisations, including government departments and agencies, local authorities, other national organisations, educational institutions, utilities, commercial software companies and data suppliers. The mission of the AGI is to maximise the use of GI for the benefit of the citizen, commerce and good governance. AGI is actively involved in development of INSPIRE as a registered Spatial Data Interest Community (SDIC), carrying out detailed technical reviews and providing comments on draft documents. AGI also has some of its members serving on the INSPIRE Drafting Teams.

Defra has published a consultation seeking views on the way in which they and the devolved administrations of Northern Ireland, Scotland and Wales propose to transpose INSPIRE into UK law. This is the response from AGI, approved by the elected Council of the Association.

### **2. General**

AGI supports the general principles of INSPIRE on data access and sharing. However, we are concerned that the transposition consultation document emphasises potential derogations rather than the positive outcomes of successful implementation.

Adherence to the principles of INSPIRE is more important than following the Directive to the letter. Indeed some of the articles are unclear, because of the use of non-standard terminology, or giving different meaning to widely used terms. The most important aspects are the availability of common reference geographies, with standard definitions and common lifecycles, and the provision of services to discover what data sets are available.

It is important that there is coherent UK implementation that will be seamless to the user, irrespective of devolved government issues. Users and data providers will require clear guidance on what they are expected to do to meet the requirements of the Directive. To this effect, creation of simple demonstrators will be beneficial.

AGI is keen to assist with implementation to ensure success. We can provide expert advice, for example on metadata, data specifications and standards, and communication with the user community through publications, seminars, conferences, education and training, etc.

### **3. Transposition**

#### **3.1 Definition of ‘public authority’**

AGI believes that the term ‘public authority’ should be defined as widely as possible to avoid organisations, for example utilities and railways, that are not strictly government bodies, but carry out some legal mandate either directly or on behalf of another government body, attempting to excuse themselves from the provisions of the regulations. There is great merit in public authorities following the INSPIRE proposals for purposes of general information management and provision, regardless of whether or not they are strictly within the remit of the Directive.

#### **3.2 Derogations**

##### **(a) Limitations on the application of INSPIRE to local authorities**

AGI supports the intention to limit the scope of the Statutory Instruments so that they apply only to District Councils or above in England and Wales and their equivalents in Northern Ireland, Scotland and Wales. Although INSPIRE only applies in circumstances in which such local authorities are legally required to collect or disseminate spatial data sets, we believe that there are greater benefits to be had by applying the principles to all local authority spatial data.

##### **(b) Limitations on provision of network services**

AGI supports the proposal to adopt the wider limitations for public access to spatial data sets and view, download, transformation services and services allowing spatial data services to be invoked, together with any associated e-commerce services where they would adversely affect:

- the lawful confidentiality for the proceedings of public authorities;
- international relations, public security or national defence;
- the course of justice;
- the confidentiality of personal data;
- the interests of any person supplying information on a voluntary basis; or
- the protection of the environment.

However care needs to be taken that limitations on the grounds of:

- confidentiality of commercial or industrial information; or
- intellectual property rights;

are not used as (invalid) excuses to restrict the provision of information.

### **(c) Limitations on data access and sharing**

AGI supports the adoption of derogations on data access and sharing between public authorities when this would compromise the course of justice, public security, national defence or international relations (Paragraph 30).

## **4. Impact Assessment**

AGI is in general agreement with the contents of the Impact Assessment. However, we would make the following points:

- The document suggests that the private sector will have little interest in the implementation of INSPIRE. AGI believes that this is a mistaken view, and that given the right encouragement, the private sector would be very interested and able to participate, especially through the provision of services.
- The main issues concerning successful implementation are organisational rather than technical or even financial.
- The most important objective is breaking down barriers to data sharing, for example restrictive licensing, unjustified IPR claims and arguments between organisations.
- The main benefits of INSPIRE are in the application of better information to decision making rather than reducing costs of duplicate data capture and processing.
- The overall benefits of data sharing should greatly outweigh the costs.
- Most of the costs can be subsumed into general data management costs. Much of the activity would be carried out anyway, and standardisation of the procedures should lead to efficiency savings in provision of services. Following best practice over the implementation period should cover virtually all extra costs.

## **5. Other Issues**

### **5.1 Definitions**

Paragraph 11 states that the Directive should only apply to the reference (source) version of the data set, from which copies have been derived. This may make sense if copies are 'pure', but what about 'derived data'?

### **5.2 Metadata**

AGI has long recognised the values of metadata, and has run the gigateway discovery metadata service for several years. We are keen for data suppliers to create metadata and have produced guidelines on this, available free of charge from the gigateway website.

### **5.3 Network Services**

The INSPIRE Directive offers examples of several services, and some of these are quoted in the consultation document. However, the services should not be limited to these examples. For example, paragraph 17 states the minimum search criteria for discovery services. It is

not clear what is meant by “quality and validity” of spatial data sets in this case. Searching by temporal dimension (e.g. observations over a given time period) is more useful than searching on “conditions applying to the access and use” of spatial data sets and services.

#### **5.4 Data access and sharing**

AGI would like to emphasise the importance of Paragraph 29, in which it is stated that where charges are made (for supply of data sets and services), these should be kept to a minimum and a reasonable return on investment, and should be provided free of charge to institutions and bodies to fulfil Community reporting obligations.

#### **5.5 Monitoring and reporting**

A key function of the Co-ordination Unit (paragraph 34) is to 'ensure effective compliance'. This should be aimed primarily at ensuring benefits to the UK Location Programme with INSPIRE compliance seen as a by-product. A major issue will be how to assess conformance to the various specifications. Will there be a central conformance testing service or will there be a scheme for self-certification? The current INSPIRE data specifications contain very weak conformance statements which allow considerable leeway. Consideration will also need to be given to ascertaining acceptable levels of quality for data sets, and deciding what happens when a data set does not conform.

***Submitted by:***

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