

Arbeitsgemeinschaft der Vermessungsverwaltungen der Länder der Bundesrepublik Deutschland AdV

Der Vorsitzende



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Green Paper - Public Sector Information: A Key Resource for Europe

1 Introduction

The answers to the questions asked in the Green Paper on Public Sector Information are given by the AdV.

The AdV Germany is the national working committee of the Federal States in Germany in matters of Land Surveying, Mapping and Basic Data of Geoinformation. The AdV improves data usage, exchange and geodata transfer by standardising the national data of geoinformation in accordance with CEN and ISO and guarantees a high nationwide standard of homogenous data of topographic objects (map scale : 1:10 000 to 1: 1 000 000), real estate lots (scale 1: 500 to 1: 5 000, coverage 100 % of the Federal Republic of Germany) as part of the multipurpose land cadastre and maintained in an electronic database, named ALB and ALK.)

The answers are concerning the special situation of geographic data, acquired and processed by the Federal States of Germany according to the Public Land Surveying and Real Estate Cadastre, Civil Topographic Mapping and Cartography as a fulfilment of statutory tasks, including local cadastral authorities.

The operation of surveying, mapping and real estate cadastre is mandatory for the Federal States. The land register and the real property cadastre are official registers. They are funded by the state and financed by tax and cofinanced by fees. The fundamental structure of the Public surveying authorities and the surveying and mapping activities initiated by law regulations are defined as Public goods and therefore financed by the state's budget.

Today Governments think of diminishing the subsidies for surveying and mapping and for the derivation of geographic information. The users should co-finance the use of geographic information according to the potential economic value of the data.



2 Answering the Questions

2.1.1 Which definition of public sector is the most appropriate in your view?

We prefer the functional consideration. The results of land surveying, the records of the real estate cadastre, the data of Public Digital Cartography and Topography are being used by most Federal and State authorities as basis for all regional and land – related information systems. The use of these official basic data is codified by law or prescribed by instruction of the ministry.

2.1.2 What categories of public sector information should be used in the debate?

A) Rules and Standards

- Laws,
- statutory orders,
- administrative regulations
- judgments,
- technical rules

B) Statistical Information

- Population
- Economy
- Education
- Nature and environment

C) Geospatial Data

- Geoinformation (Topographic, Cartographic, Real Estate, Geodetic networks, Satellite Positioning Service, Photogrammetric pictures with geodetic network)
- environmental information
- Mineral resources

D) Scientific Information

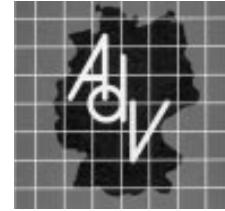
- Research
- Standardisation

E) Data of Public Service and Administrative Process

- Organisation and tasks of Public Authorities, Civil Service
- To improve Public services for the citizen

How to do an application?

Which kind of documents, and enough documents?



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2.2 Do different conditions for access to public sector information in the Member States create barriers at European level?

If so, what elements are concerned: requirement of an interest, exemptions, time, format, quantity?

What solutions can be envisaged?

Freedom of information on the one side combined with the call for data access at low cost or restricted access to public information in particular order of data protection combined with requirements of market principles are the points of conflict and dominate the actual discussion. The access to geographic information and its use should be regulated on the same basis all over Europe because of the great economic importance. A European catalogue of groups of Public data and of rules for information access on these public data would harmonise data processing and overcome nation barriers for information interchange.

A working concept for realising this goal has to take into account the degree of sensibility of personal data, proof of legitimate interest for getting the information, conditions with regard to terms, format and quantity of data.

2.3 Could the establishment of European meta-data (information on the information that is available) help the European citizens and businesses in finding their way in the public sector information throughout Europe?

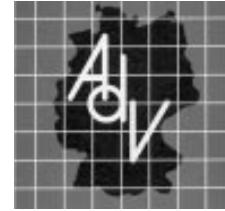
If so, how could this best be realised?

What categories of content should directories of public sector information resources contain?

The building up of metadata is demanded. Metadata create transparency with regard to availability and quality of available datasets. With the help of metadata one is able to compare datasets more easily. The role of the citizen as a participant in the information market is strengthened. The degree of comparison of data promotes the competition under the information services by means of metadata.

The creation of a metadata information system should encompass the following action:

- definition of Public information categories (see 2.2)
- development of a concept for a homogeneous Europe wide metadata information system , (numbers of decentralised – e.g. national solutions connected via internet should be allowed)
- development of a strategy to integrate already existing metadata
- development of a strategy to ensure a homogeneous metadata capturing and delivery during future production of public information data in Europe



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2.4 What bearing do different pricing policies have on the access to and exploitation of public information?

Does this create differences in opportunities for citizens and businesses at European level?

There are three different forms possible for financing an information system:

- Financing by taxes, which means, that there is no connection between the tax payer's activity and the grant, the public authority gets for preparing the statistical or property information.
- Financing by fees, which means, that the user of data has to pay for the information service and that there is a certain dependence between the height of the fee and the cost for the service.
- Financing on the basis of full cost recovery.

Public information should mainly be financed by taxes and only partly by fees because these kinds of information are following legal standards and are needed for administration and governmental work. These data in general do not fit to other commercial data of geoinformation. For customising these data, financing on the basis of full cost recovery should be necessary.

In Europe there has to be a consense what kind of data have to be tax financed, financed by fees or by cost recovery.

2.5 To what extent and under what conditions, could activities of public sector bodies on the information market create unfair competition at European level?

The basic support of the population with an efficient information structure has to be safeguarded politically. The governments have to provide rules on which the fees and charges for data access must be set up. These rules have to be published, so that the information market which has just started becomes a certain transparency. The EU should demand the publishing of fees and charges guidelines for information access and the publishing of metadata. The market itself then will give reliable estimation of economic value of information and buyers and sellers can arrange a balance of price and costs.

2.6 Do different copyright regimes within Europe represent barriers for exploitation of public sector information?

Ownership and Copyright of Public Data must be clearly adressed in the EU. Regulations concerning legal ownership of data need to be codified.

2.7 Do privacy considerations deserve specific attention in relation to the exploitation of public sector information?

In what way could commercial interests justify access to publicly held personal data?

The EU guideline on Data protection has to be accepted by all members of the EU. The publishing of information from the Public sector with personal references to agencies for commercial use has to be taken into account. Legal and administrative records of real estate



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ownership (Land register (Grundbuch) and Automated Real Estate Register, ALB), computerized data of cadastral maps (like the Automated Real Estate Map, ALK) are containing personal data.

2.8 To what extent may the different Member States' liability regimes represent an obstacle to access or exploitation of public sector information?

The status of Public data, published by state authorities according to laws, statutory orders, administrative regulations guarantees reliability and certain currency. If there are metadata centres the status of official data could be mentioned. Liability is ensured by administrative regulations and civil law (Staatshaftung)

2.9 To what extent are the policies pursued by the EU institutions in the field of access and dissemination of information adequate?
In what way can they further be improved?

Solutions that improve the use of public information should be strengthened. The law making process to achieve data usage and harmonising national standards by CEN standards should be accelerated. The competitive disadvantage of US (and most military) standards of information interchange should be balanced by the European Information Industry and the EU.

2.10 Which actions should be given priority attention at European level?

Convergence of fundamental information law

Definition of Public information categories

Creation of a framework for metadata information service

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