

A Legal Approach to Assessing SDIs

Katleen Janssen
ICRI – K.U.Leuven - IBBT

A legal approach to assessing SDIs



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A legal methodology? Are you out of your mind?!?

A legal approach to assessing SDIs

- Three levels of legal assessment
 - Compliance
 - Coherence
 - Quality

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 - **Compliance**
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- Level 1: compliance
 - Does X or Y follow the law?
 - Assessment of situation, behaviour, fact, as elements of an SDI
 - Criterion: the law
 - Three types of laws
 - Legislation specific to SDI: e.g. INSPIRE implementation
 - Legislation specific to data or information: e.g. access, re-use, copyright, personal data
 - General legislation: e.g. liability, contracts, procedure, ...
 - Target group: SDI community

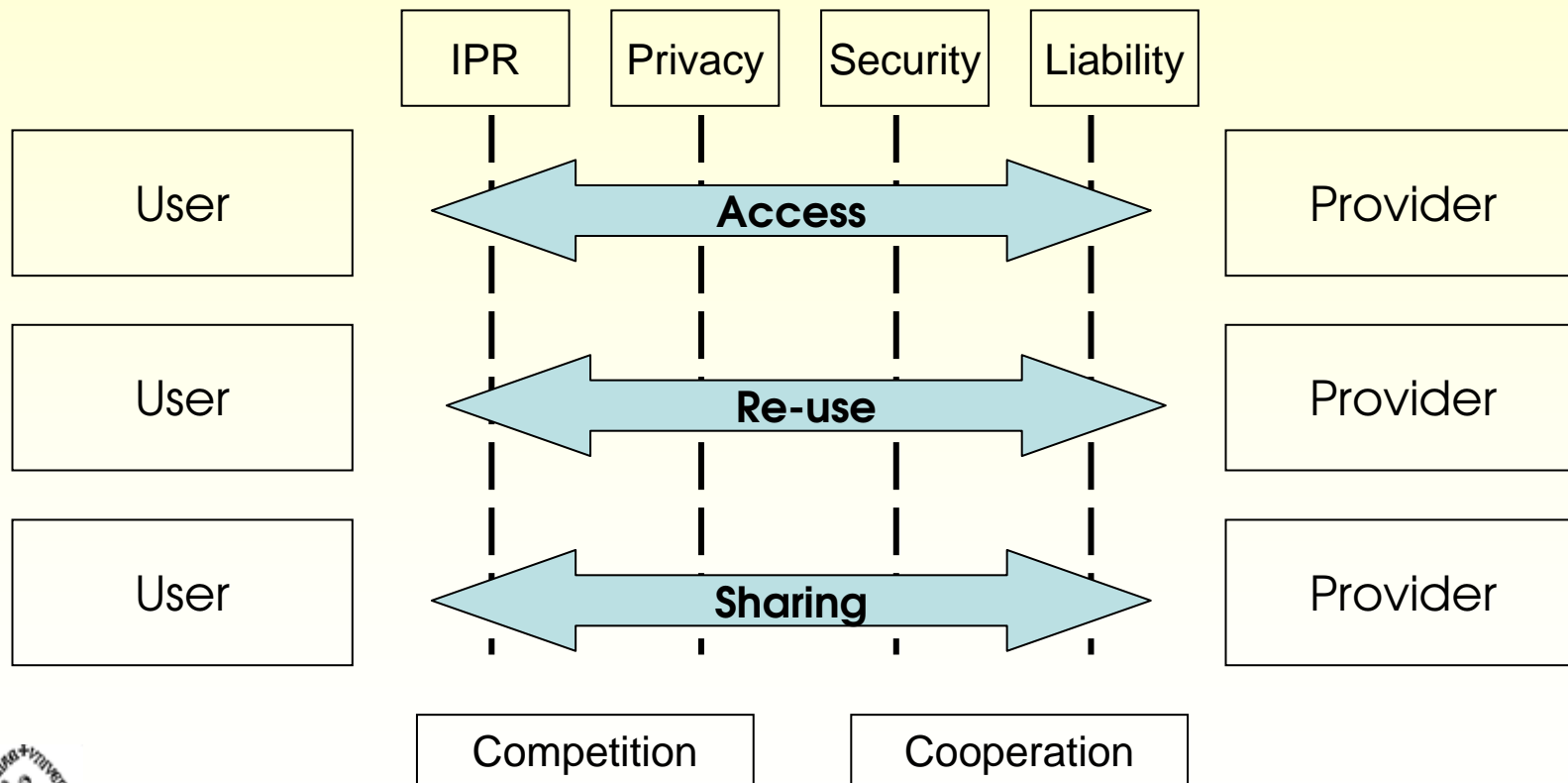
A legal approach to assessing SDIs

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- Level 2: coherence
 - Do the laws complement or contradict each other?
 - Assessment of the legal framework, as part of the SDI

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- Level 2: coherence
 - Do the laws complement or contradict each other?
 - Assessment of the legal framework, as part of the SDI
 - Criterion: common sense?
 - Target group: legislator
 - E.g. spatial data/PSI/environmental data
 - Overlapping categories
 - Access/re-use/sharing

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- Level 2: coherence
 - Incoherence can exist on different levels
 - In wording/ in spirit
 - Black-white contradiction/grey zone/gaps
 - Not always a legal problem,
 - Hierarchy of norms: constitution beats law beats royal decree
 - Lex specialis: smaller field of application beats bigger field of application
 - Lex posterior: recent rule beats older rule

Without coherence, full compliance is impossible

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- Level 3: quality
 - Is the result good or bad?
 - Assessment of the legal framework as the basis for the SDI
 - From law to policy...
 - Criterion: values of society?
 - Hierarchy of values
 - Constitutional or human rights prevail: privacy, freedom of speech, freedom of information, ...
 - Values of the same level
 - Balance: depends on opinion of society, personal opinions
 - Target group: policy makers

A legal approach to assessing SDIs

□ Traffic

□ Compliance

- Max. 90km/h
- Always stop for red lights

□ Coherence

- Always max. 90 km/h; 50 km/h on dirt roads
- Always stop for red lights; never stop if endangering others
- Always drive on the right; always drive on the left

□ Quality

- Driver's licence at 18?

□ SDI

□ Compliance

- Respect copyright
- Answer request for access within 10 days

□ Coherence

- Data is free; commercial use is charged
- "Consultation" is free; view services can be charged for
- No copyright on public data; copyright on public data

□ Quality

- Should data be free?

Thank you!

Questions or remarks?