



ADDING VALUE TO GEOSPATIAL DATA

LANDMARK'S GEOFF OFFEN FOCUSES ON ADDING VALUE TO GOVERNMENT SECTOR ENVIRONMENTAL DATA

After a three year legal battle with the largest municipality in the Netherlands over the conditions and charges for using a contaminated soil dataset, Landmark's Geoff Offen reflects on what can be achieved in the name of more open access to public sector information, and how this could benefit the economy and consumers.

When Landmark entered the Dutch market in 2005/6 the company was well-received in both the private and public sector, as we built upon our well-established information businesses in the UK.

We had seen a niche in the Netherlands market for the supply of essential environmental risk information into the domestic property buying and selling processes. The property profession representative organisations, NVM LMV and VBO, made it clear that minimum enquiries should be made about polluted land, but looking nationally across four hundred or so different municipalities revealed different approaches, standards and levels of service. Landmark saw an opportunity to add value.

The Dutch government was encouraging, as we enabled compliance with the latest Dutch laws and European Directives (particularly Directive 2003/98) aimed at improving public access and unlocking the value in public sector information. In October 2006 we were very pleased that former Ministry of VROM Staatssecretaris van Geel formally launched our business in The Netherlands and our new Milieuscan environmental due diligence report.

The Milieuscan report, along with our other products, contains a mix of national and local government and private sector data and enhances the information available to the home buying and selling process. For the first time the Dutch property market had a national environmental report service designed to meet compliance rules that was consistent in format, content, quality, service level and price. To set up this resource Landmark established a unique national database of public sector environmental data with real time links to the other datasets, in agreement with The Dutch Government.

We have now built up three years worth of trust and experience for data access and updates with all of the different public sector information holders, including the municipality of Amsterdam. We believe that the Milieuscan product helps put The Netherlands, along with the UK, Scandinavia and Ireland, at the forefront of the European better PSI access and re-use race.

However, this largely positive story has had its teething problems. In particular, we have encountered legal issues with the municipality of Amsterdam over charging and conditions, and this legal action saw some other local authorities become more reticent in supplying information while waiting for the outcome from the Court, as the case was used to establish the principles and the rules of charging and conditions.

After several hearings the ruling in April this year from the highest Dutch Administrative Court (Raad van State) in Landmark's favour means

that public sector information suppliers are not entitled to impose excessive charges or apply restrictive conditions of use. The case may still be appealed in the European Courts, but this is unlikely given the clearly stated opinion of the Dutch Administrative Court, together with the weight of focus on implementing the European Directives.

Co-incidentally, after three years of operation the PSI re-use Directive has now been reviewed and The Commission is highlighting greater action to remove barriers such as discrimination between potential users, high charges for public sector information, and complex licensing policies. The Commission is also seeking to maximise the economic potential of PSI with a fair and level playing field, raw data at marginal cost, few restrictions, a more open access regime, and a more flexible and efficient redress system. We look forward to seeing how this challenge will be met in the coming years.

In the future we could see national policy further defining the line between keeping and managing information and disclosing it, and clarifying the different public and private sector routes. In addition, more proactive steps could be taken in the areas of transparency of data holdings, and some best practices between authorities could be exchanged more effectively.

The moral of this particular story is that the PSI initiative can work, and the public and private sector working together is a good way to make it happen. In our legal case the right

decision was eventually made; there was a huge debate but the way forward for everyone involved is now that much more clear.

At Landmark it is our business to ensure that more information is available electronically, is up to date, and is delivered as promptly as possible. We hope this is an approach all parties involved can work towards. Looking ahead we believe that open dialogue in the public sector will help to avoid recourse to the Courts and encourage prompt and equitable resolution of any further issues in this field.

The Netherlands has ultimately demonstrated that it is progressive and as such is positioned to be at the vanguard of the PSI process. We feel this is an opportunity that should be firmly grasped. Central and local authorities are actively addressing issues and in the Commission's evaluation of the implementation of the Directive, The Netherlands is already being singled out as good on marginal cost and exclusivity.

Full information about Directive 2003/98 on the re-use of public sector information and the latest on the progress across Europe opening up access to PSI can be viewed at http://ec.europa.eu/information_society/policy/psi/index_en.htm and at <http://www.epsplus.net/>

Information about Landmark Nederland BV and the Milieuscan environmental report can be obtained at www.landmarkinfo.nl

Landmark UK

Landmark Information Group (UK) is a Daily Mail

and General Trust company, and is the UK's leading supplier of digital mapping, property and environmental risk information.

Landmark has an unrivalled source of large scale current and historical digital maps together with high quality environmental risk and planning information. The quality of the data enables Landmark to provide solutions that create peace of mind for our customers when using one of our products. All property related investment decisions are affected by potential environmental and planning risks and liabilities. Landmark's skill and expertise serves the market need for accurate and timely information - information which makes for informed decision making - managing risk and opportunity.

Working closely with data providers including Ordnance Survey, the Environment Agency, the Coal Authority and the British Geological Survey enables Landmark to offer current and historical environmental risk management information and desktop mapping solutions for the property industry. Since forming in 1995, approximately £20 million has been spent establishing the Landmark database which exists as one of the largest geographical information databases in Europe. More information is available at www.landmark.co.uk

Article by Geoff Offen, Managing Director, Landmark Nederland BV.

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