



Three Legal/Policy Issues Every Geospatial Professional Should Keep In Mind

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Centre For Spatial Law and Policy

1. Educate businesses and governments on current legal and policy environment with regards to location and other types of geospatial data.
2. Advocate development of consistent and transparent policy and legal frameworks for collection, use and distribution of geospatial data.
3. Identify solutions to legal and policy issues that limit the sharing of geospatial data for critical transnational issues.
 1. Climate change
 2. Disaster response
 3. Tracking spread of infectious disease

Legal Issues Are Becoming More Complex and the Business Risks Greater

- Spatial Law is the set of legal issues associated with geospatial technology and the collection, use and transfer of location and other types of geospatial data.
- Three Key Considerations
 - Growing Effort to Protect Location Privacy
 - Difficult to Combine Geospatial Data Licenses
 - “Open” Data Is Complex

Location Privacy Paradox St. Peter's Square - 2005



Location Privacy Paradox St. Peter's Square - 2013



Location Privacy Paradox

- **Technology is creating more ways for our location to be collected and shared while efforts are increasing to change what is a reasonable expectation of privacy from a location standpoint.**
 - The greater the precision, accuracy and timeliness, the greater the privacy concern.
- There is no legal/policy framework with respect to location information
- Considerations as framework develops:
 - Is the solution zero-sum?
 - Is there a middle ground involving a mix of technology, law/policy and education?

Impact of Media Scrutiny

- **Self-imposed regulation**
 - Short Pump Mall pulls anonymous mobile phone tracking service
 - NY community stopped using aerial imagery to identify tax dodgers
- **Court cases**
 - Borings v. Google
 - Apple lawsuits
- **Resulting in proposed legislation/regulation**
 - Congress
 - Federal Trade Commission
 - States
- **Raising public's concerns over developing technologies**
 - Drones
 - Smart Grid
 - Intelligent Transportation Systems

Why Geospatial Data Licenses Are Difficult (and Important)

- Geospatial products and services are aggregating more data sets from growing number of sources.
- Future solutions will require licensing/sharing of more data across more platforms to more users in near real-time.
 - Smart Grid
 - Intelligent Transportation Systems
 - Smart Cities

Theory of Geospatial Data Aggregation

$$X = (A*B)C^2$$

Where:

- X = complexity of aggregation
- A = number of data sets being licensed
- B = number of different jurisdictions (legal systems) involved
- C = number of parties removed from original data source

“Open” Data Is Not Easy

- Increased push for government agencies to make data publicly available under open licenses.
- No single definition as to what constitutes “open”.
- A variety of legal/policy issues make sharing difficult:
 - Cost
 - Legacy Systems
 - Intellectual property rights of third parties
 - Privacy
- Remember: People who are making the decisions often do not understand geospatial.
 - Lawyers
 - Judges

What To Do

- Keep up with what is going on
 - Not just in your specific domain or industry.
- Communicate with your lawyers
- Become a member of the Centre
 - Weekly Spatial Law and Policy Update
 - Workshops/Programs

Questions?

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