



Order FOM 2807 of 18 December 2015 approving the public procedure for distributing and disseminating geographic information generated by the Directorate General (Dirección General) of the National Geographic Institute (Instituto Geográfico Nacional).

The Directorate General of the National Geographic Institute (*Dirección General del Instituto Geográfico Nacional*), as part of its public-service remit, generates and holds a large volume of geographic data, which comprises the bulk of the continuous and complete geographic reference information available for the whole of Spain. Prime among this data features those defined as digital products: i.e., geodetic data, the boundaries of municipal districts, gazetteers, the national topographic and cartographic databases, aerial orthophotographs and satellite orthoimages, land-use and land-cover data, digital terrain models and raster maps. These digital data products constitute the bulk of the continuous and complete geographic reference information available for the whole of Spain.

The distribution, dissemination and marketing, if any, of this geographic data is the responsibility of the National Geographic Information Centre (*Centro Nacional de Información Geográfica*) an autonomous body set up by article 122 of *Ley* (Law) 37/1988 and regulated by its own statute approved by Royal Decree (*Real Decreto*) 663 of 25 May 2007.

Real Decreto 1545 of 23 November 2007, approving the National Cartographic System (*Sistema Cartográfico Nacional*) makes it part of the *Ministerio de Fomento's* remit to draw up the draft National Cartographic Plan (*Plan Cartográfico Nacional*), which is to include "the data policy applicable to the dissemination and accessibility of geographic information". It also lays it down that "within the purview of the General State Government (*Administración General del Estado*) a free dissemination policy of official cartographic products will be pursued" and the National Centre of Geographic Information (*Centro Nacional de Información Geográfica: CNIG*) will be given the remit for dissemination and marketing thereof.

Furthermore, pursuant to the enablement granted to the *Ministerio de Fomento* by final provision two of *Real Decreto* 1545 of 23 November 2007, Order FOM/956 of 31 March 2008 was passed, approving the public dissemination policy of information generated by the *Dirección General del Instituto Geográfico Nacional*.

Real Decreto 1495 of 24 October 2011, developing *Ley* 37/2007 on reuse of the information of the state public sector, within the scope of the public sector, acknowledges the importance of the role played by digital contents in the development of the information and knowledge society, laying down a general harmonisation framework at Community level to facilitate generalised dissemination of information generated by government authorities, including geographic information therein. *Ley* 37 of 16 November 2007, represented incorporation into legal framework of law of Directive 2003/98/EC of the European Parliament and the Council of 17 November 2003 on the re-use of public sector information.

Ley 14 of 5 July 2010 on geographic information services and infrastructures in Spain, for its part, represented implementation into legal framework of law of Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE). These directives lay it down that the geographic information infrastructures of EU Member states should be conceived in such a way as to ensure that spatial data are stored, made available and maintained at the most appropriate level; that it is possible to combine spatial data from different sources across the Community in a consistent way and share them between several users and applications; that it is possible for spatial data collected at one level of public authority to be shared between other public authorities; that spatial data are made available under conditions which do not unduly restrict their extensive use; that it is easy to discover available spatial data, to evaluate their suitability for the purpose and to know the conditions applicable to their use, all this without infringing any intellectual



property rights of the public authorities. Additionally, both directives make it compulsory for the public to be offered geographic information services without charge, including spatial data display and localisation services.

The aims in view include encouraging the creation of added value by professional and business sectors on the basis of geographic information services and products generated by the IGN. Likewise, IGN's data and services policy will endeavour to drive the information and knowledge society in the business sphere, allowing and encouraging corporate uses of IGN's products and services in such a way as is conducive to improvement and optimisation of their activities.

The experience built up since publication of Order FOM/956 of 31 March 2008 has shown up a need of redefining the public dissemination policy of the information generated by the *Dirección General del Instituto Geográfico Nacional*, taking into account the established application instructions during this time and bringing it into line with the new legal framework established in Europe and Spain.

In light of all the above, and with the aim of bringing the distribution procedures of the *Instituto Geográfico Nacional's* information into line with the current needs of Spain's society and also driving public-private collaboration, it is now necessary to approve a new public dissemination policy of the information generated by the *Dirección General del Instituto Geográfico Nacional*.

This order is hereby dictated pursuant to the empowerment laid down in final provision one of *Real Decreto* 1545 of 23 November 2007. It has been endorsed by a favourable report from the Standing Committee (*Comisión Permanente*) of the National Geographic High Council (*Consejo Superior Geográfico*).

By virtue whereof, at the behest of the *Dirección General del Instituto Geográfico Nacional*, with the conformity of the sub-secretary, I hereby decree:

Article 1. *Object.*

The aim of this order is to approve the dissemination policy of the geographic information generated by the *Dirección General del Instituto Geográfico Nacional* (IGN).

Article 2. *Purview*

1. This order will apply to all digital geographic data generated by the IGN and products jointly produced in conjunction with other public institutions within their recognised remit. It will especially apply to data making up the geographic information referred to herein and owned by the state, comprising the following digital geographic data products:

- a) National Geographic Reference Equipment
 - 1.) Data from the Network of Permanent GNSS Stations.
 - 2.) The geodetic points of the national geodetic survey networks.
 - 3.) The points of the National Levelling Networks.
 - 4.) The cartographic grids referred to the Official Coordinate Systems.
 - 5.) Standardised multi-resolution geographic grids.
 - 6.) The Basic Gazetteer of Spain.
 - 7.) The municipal territorial delimitations registered in the Central Cartographic Register (*Registro Central de Cartografía*).
 - 8.) The Gazetteer of Municipalities and Population Settlements.



- b) The Geographic Reference Information of installations, networks and infrastructures of transport, hydrography and population settlements produced by IGN.
- c) National Topographic Bases: BTN25 and BTN100.
- d) Numerical Cartographic Bases: BCN25, BCN200 and BCN500.
- e) Digital and continuous National Topographic Maps: MTN25 and MTN50.
- f) Digital and continuous maps of Spain generated at scales 1:200,000 and lower.
- g) Digital elevation models: MDT200, MDT25 and MDT5.
- h) Results of carrying out the National Aerial Orthophotograph Plan (*Plan Nacional de Ortofotografía Aérea: PNOA*).
- i) The results of processing LiDAR data.
- j) The results of the Information System on Land Use and Land Cover in Spain (*Ocupación del Suelo en España: SIOSE*) and CORINE–Land Cover.
- k) *CartoCiudad*: formed by Spain's road network.
- l) Products generated from Spain's National Atlas.
- m) Digital images resulting from processing of the documentation of the *Instituto Geográfico Nacional's* Technical Archive (*Archivo Técnico*) and map library (*Cartoteca*).
- n) Products generated from geophysical and astronomic data.

The above mentioned digital geographic data products produced by IGN and the geographic information services provided by IGN and the National Geographic Information Centre (*Centro Nacional de Información Geográfica: CNIG*) will be described by means of the corresponding metadata.

2. Furthermore, this order will also apply to IGN's geographic information services provided on Internet by IGN itself or by CNIG under RD 663/2007 of 25 May 2007 approving the Statute of the *Centro Nacional de Información Geográfica*.

3. This order's scope of application does not take in geographic, astronomic and geophysical data captured by IGN by means of direct observation and which do not constitute a product of digital geographic data or geographic analog and digital products generated by the CNIG.

Article 3. *Definitions.*

1. For the purposes of this order the terms will be applied as defined in Article 3 of the Law on geographic information services and infrastructure 14 of 5 July 2010 (*Ley sobre las infraestructuras y los servicios de información geográfica en España*).

2. Likewise, pursuant to the provisions laid down in Standard UNE-EN ISO 19131 Geographic information -- Data product specifications, the terms below are defined as follows:

- a) Data product: valid data set or data-set series that conforms to a data product specification.
- b) Data product specifications: Detailed description of a data set or data-set series together with additional information that enables its generation, supply and use thereof by third parties.
- c) Data set series: Group of data sets sharing the same product specifications.

Article 4. *Use of digital geographic data products.*

1. The use of the digital geographic data products mentioned in Article 1 will be free of charge on condition that mention is duly made of the origin and ownership of the data with the scope and form authorised in the corresponding usage licence.



2. IGN and CNIG will guarantee accessibility and availability of the digital geographic data products produced by the former.
3. IGN and CNIG will guarantee free and unrestricted access to and use of the metadata of the IGN's geographic information services and data products.

Article 5. *Access, analysis, online processing and distribution.*

1. Access to the geographic information products produced by IGN and distribution thereof by CNIG will be done preferably by online telematic means, mainly on internet. For this purpose IGN and CNIG will set up and run the necessary geographic information web services, always in due conformity with the legislation applicable to internet publication of the contents produced by the General State Government (*Administración General del Estado*).

2. IGN's geographic information web services, including internet downloading services furnished by IGN or CNIG, will be free of charge on condition that mention is duly made of the origin and ownership of the data with the scope and form authorised in the corresponding usage licence.

3. Notwithstanding the provisions laid down in Article 3, any requests for data or products whose processing or preparation generates distribution, processing and support-media costs will then give rise to such payment as, with the character of a public price, may be fixed in the terms laid down in Article 26 of the Public Price and Rates Law 8 of 13 April 1989 (*Ley de Tasas and Precios Públicos*).

Article 6. *Dissemination of the digital geographic data products for the Administración General del Estado and government authorities integrated in the Sistema Cartográfico Nacional.*

1. IGN and CNIG will maintain specialist internet geographic information services for the provision, analysis and online processing of the digital geographic data products produced by IGN for government authorities.

2. For this purpose the necessary resources will be set up and run for guaranteeing availability thereof for the various units of the General State Government (*Administración General del Estado*) and government authorities integrated in the *Sistema Cartográfico Nacional*.

Article 7. *Licensing Policy.*

1. Without detriment to the provisions laid down in Legislative Royal Decree (*Real Decreto-Legislativo*) 1 of 12 April 1996, approving the revised text of the Intellectual Property Law (*Ley de Propiedad Intelectual*), the state will hold intellectual ownership and all rights over the digital geographic data products generated by the IGN and over geographic information services, whether furnished by IGN or CNIG. Whereby any use of the geographic information services or products will be effected under a rights assignment licence.

2. CNIG will set up implicit acceptance licences both for data products and for geographic information services.

3. The terms of each licence shall be included in the metadata of the licenced service or product, either directly or by means of a web link. Mere obtaining of digital geographic data products or use of geographic information services will presuppose cognizance and acceptance of their metadata and ipso facto of the licensing terms and conditions.

4. The licensing terms and conditions will have the following general scope:

a) The digital geographic data products licenced by CNIG are assigned to users without exclusivity and according to the specific licensing terms and conditions corresponding to each case. In any case, intellectual property rights on the digital



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geographic data products licenced by CNIG will correspond to the General State Government (*Administración General del Estado*) and any other institutions that may have co-produced them.

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b) Granting of the licence will imply also the obligation of including acknowledgement of the origin and ownership of the data, with the scope and form authorised by the corresponding use licence, providing the resource itself is not altered.

c) Should the resource itself be altered and another derived object thereby generated therefrom, acknowledgment must also be given of the origin and ownership of the data with the scope and form authorised by the corresponding usage licence for this particular case.

d) In the case of digital data products, a specification will be made in the aforementioned cases b) and c) of the date of the data with the scope and form authorised by the corresponding usage licence.

e) The digital geographic data products licenced by the CNIG will be licenced without the necessity of any specific processing, format conversions on user demand or particular mining or use thereof other than CNIG's rules for geographic information services and downloads.

Nonetheless, it will be possible to apply for these specific processing, formats on user demand and particular mining or use thereof, pursuant to the provisions laid down in Article 5.3 above.

f) Granting of the licence will presuppose that the applicant accepts that the digital geographic data products licenced by the CNIG are produced and managed by the IGN for the fulfilment of its legal remit.

g) IGN and CNIG will in no case guarantee or be held liable for the geographic information services and products or services of any other type generated by the applicant from the digital geographic data products or geographic information services licenced by the CNIG. Likewise, the applicant expressly accepts that any dispute arising from access to or use of these digital geographic data products licenced by the CNIG will be subject to Spain's legal system and the jurisdiction of Spanish courts, the person accepting same expressly waiving any other jurisdiction that may otherwise pertain thereto under his or her national law.

h) Granting of the licence implies the applicant's recognition and express acceptance that IGN and CNIG will be entitled to modify unilaterally and without any prior warning the arrangements for delivering the digital geographic data products offered for download. Nonetheless, CNIG will try to give information on any foreseen format changes with the longest possible notice beforehand, using open standards whenever possible. IGN and CNIG will in no case be held liable for any consequences of said changes on the transformed products or services of any type provided by the applicant.

i) CNIG reserves the right to draw up public reports and statistics on access and distribution arrangements. Although these statistics and reports will be generated from the data furnished by the applicant, such data will be used for exclusively statistical purposes, processing thereof proceeding in such a way as to ensure that the information drawn up cannot be associated with any identified or identifiable person and in no case will include specific mention enabling identification of the applicant person or firm.

When the service accession data furnished refers to natural persons, then the formulated application authorises the CNIG to process same, pursuant to the Spanish Data Protection Law 15 of December 1999 (*Ley Orgánica de protección de datos de carácter personal*) and the development regulations thereof. Use of this information will be strictly limited to the purposes of keeping contact and communications between the applicant and CNIG and also of monitoring proper use of the CNIG-licenced digital geographic data products by the licensee.

5. Whenever it is a case of digital geographic data products jointly produced with other institutions, the agreement governing this collaboration will establish the licensing policy to be applied.



Article 8. *Penalising Regime*

1. Any breach of the terms and conditions laid down herein will be punished pursuant to Article 11 of the Law 37/2007 on the Reuse of Public Sector Information of 16 November 2007 (*Ley sobre reutilización de la información del sector público*).

2. The authorisation or licence, after due carrying out of the corresponding arrangements, will be rendered null and void in the event of any breach of the limitations, terms and conditions under which it was granted.

Single derogating provision. *Legislation overridden*

1. This Order hereby overrides Order FOM 956 of 31 March 2008 approving the public dissemination policy of information generated by the *Dirección General del Instituto Geográfico Nacional*.

2. As far as digital data is concerned, this Order also overrides Resolution 1 of July 2004 of the *Centro Nacional de Información Geográfica*, establishing public prices for the distribution of data, publications and rendering services of a geographic nature, barring Annex II thereof, which will remain in force for a transitory period as laid down in the next provision.

Single transitory provision. *Application of processing, preparation, distribution and support-media costs of digital data.*

Until such time as the resolution is published establishing CNIG's public prices adapted hereto, any processing, preparation, distribution and support-media costs of digital data will be applied pursuant to Annex II of the Resolution of the *Centro Nacional de Información Geográfica* of 1 July 2004.

Final provision one. *Enablement.*

The Director General of the *Instituto Geográfico Nacional* and the president of CNIG are hereby empowered to deal with as many questions of a general character as may arise in relation to the interpretation thereof and also to dictate such instructions as may prove necessary for execution and enforcement thereof.

Final provision two. *Entry into force.*

This order will come into force on the day following publication thereof in the Official State Journal (*Boletín Oficial del Estado*: BOE).

Madrid, 18 December 2015.– Minister of Public Works (*Ministra de Fomento*), Ana María Pastor Julián.