

COMMITTEE FOR SPATIAL INFORMATION

(in terms of the Spatial Data Infrastructure Act, 2003 (Act No. 54 of 2003))

Draft Custodianship Policy

CSI Policy No.: 0002

Draft Custodianship Policy

1. Policy Statement

Sections 11 to 18 of the SDI Act requires Data Custodians to provide accurate, relevant and up to date geo-spatial data/information products and services to the state for improved socio-economic development. This policy determines and guides Data Custodians in meeting the requirements of the provisions of the SDI Act.

2. Purpose

This purpose of this policy is to:

- (a) Outline the criteria for the identification of and appointment of a Data Custodian.
 - i. Promote data sharing.
- (b) Outline the required cooperative relationships among Data Custodians and other entities/organisations.
- (c) Specify the rights and responsibilities of a Data Custodian.
- (d) Specify the responsibilities of a Data User in relation to a Data Custodian.

3. Scope

This policy is applicable to organs of state and service providers providing services to the State. The policy aims to ensure proper data dissemination, management, maintenance, archiving and documenting for the State. This policy applies to the core/fundamental datasets and other datasets as identified by the CSI from time to time.

4. Objectives

The objectives of the policy are to:

- (a) Improve access to and availability of relevant spatial information
- (b) Eliminate duplication of data collection.
- (c) Protect the privacy of individuals and avoid legal liabilities among all parties
- (d) Improve the quality of datasets
- (e) Foster co-operation between the different spheres of government and other organizations
- (f) To ensure data integration
- (g) Promote data democratization.

5. Legislative and Regulative Framework

Constitution of the Republic of South Africa

Section 41 of the constitution involves the principles of co-operative government and intergovernmental relations. Sub-section 1(h) requires all spheres of government and all organs of state within each sphere to co-operate with one another in mutual trust and good faith by fostering friendly relations; assisting and supporting one another; informing one another of, and consulting one another on, matters of common interest; co-ordinate their actions and legislation with one another; adhering to agreed procedures; and avoiding legal proceedings against one another.

Spatial Data Infrastructure Act, 2003 (Act No. 54 of 2003)

Sections 11to18 of the SDI Act require Data Custodians to capture and maintain datasets on behalf of the general public. The Committee for Spatial Information has a responsibility in ensuring that Data Custodians are accountable and responsive to the needs of the country.

Promotion of Access to Information Act, 2000(Act No. 2 of 2000)

6. Policy Details

6.1 Principles

The functioning of society depends upon information and its efficient communication among the society's members. Information and its effective communication determine the economic efficiency, industrial and productive processes of a nation. Information is widely recognized as the most critical and essential of corporate resources. The full potential of this resource can only be realized if it is accessible and used appropriately by those that require it.

The information needs of both the public and the private sector can be satisfied by a balanced deployment of information technology and policies, which recognize and address information issues. The combination of digital data and communication networks does not only provide solutions to some of the perceived inadequacies and inequities relating to information, but also results in a number of problems which could threaten some of the basic rights assumed in our free and democratic society. The solutions to these problems require a development of policies which address access, copyright, and pricing issues, while at the same time promoting the exchange and sharing of data / information.

A data custodian is an organ of state as recognized by the Committee for Spatial Information, having the responsibility to ensure that a base dataset is collected and maintained according to specifications and priorities determined in consultation with the CSI and the user community, and being made available to the community in a format that conforms to standards and policies established by the CSI. Custodians shall be regarded as trustees of the information. Custodians are responsible for the processes and functions of data capture, validation, maintenance, management, archiving and documenting, including the principles and procedures for accuracy, currency, metadata, data storage and security.

6.1.1 Co-operation and co-ordination: Due to the limited resources available to the country, many government departments are currently experiencing budget constraints. It is therefore imperative to promote efficient, economic and effective use of resources by sharing data and information, as enshrined in the Constitution (Section 195 (1b)). This

requires commitment from the CSI, custodians, and users towards the maintenance, accessibility and distribution of spatial data.

6.1.2 Access: Access is a fundamental issue in the exchange of data. Information is valuable when it becomes accessible to the user. However, having access to volumes of information alone will not solve the user's problem unless he/she knows and understands the limitations of the information and applies proper procedures. It is therefore necessary for all custodians to capture metadata for their data holdings. Metadata does not only provide information needed to process and interpret data. Custodian liability could be minimized through the use of metadata (including lineage) documentation. Metadata avoids legal proceedings against one another.

The principle of access to information is rooted in section 32(1a & b) of the Constitution (*“Everyone has the right of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any right”*). Access to information is necessary for the development of and promotion of an informed public, an accountable government, improving decision and service delivery and economic development and is of great benefit to society as a whole. When dealing with information, it is important to distinguish between the concept of access to information and that of disclosure or non-disclosure. Access to information occurs when the public is provided with information, to which they are legally entitled upon their request.

6.1.3 User Responsibility: The access to information alone cannot facilitate or improve decision making, unless the information is accurate and relevant to the user’s needs. Section 195, sub-section (1g) of the Constitution states *“Transparency must be fostered by providing the public with timely, accessible and accurate information”*. The size and volume of attribute information that goes with spatial information makes it difficult, if not impossible, for the custodian alone to ensure a hundred percent accuracy of the data/information. Users must report in writing any error(s) found in data to the custodian from whom they obtained the data/information.

6.2 Rules

6.2.1 Co-operation and co-ordination

The CSI shall facilitate and promote co-operation and co-ordination among the different Data Custodians and other organs of state to ensure data integration and interoperability.

Custodians shall work together to facilitate data and information sharing in order to avoid duplication of data capture and cost to Government.

Custodians shall capture spatial information guided by the majority of user needs. Custodians should, where possible be guided by common user needs when capturing or updating spatial information.

Custodians shall maintain, validate, describe and ensure accessibility of spatial data/information in their custody.

Custodians shall manage spatial data in a way that facilitates data sharing and use by other custodians and users.

Custodians shall disseminate spatial data at least in an internationally recognised open and published format that promote integration and interoperability of datasets.

Data custodians shall be accountable for the integrity of unmodified spatial information which is supplied by the data disseminator.

6.2.2 Access

The Department of Rural Development and Land Reform shall be responsible for the development and maintenance of the gateway (Electronic Metadata Catalogue) for accessing Spatial Datasets

Custodians should disclose or make information available to the public on request unless it is exempted under the Promotion of Access to Information Act.

Any spatial data/information that is disclosed or made available must include the Metadata component.

Custodians must register their data collection/acquisition projects on the data collection project register prior to undertaking the project and update the register when changing the status of the project.

In providing access to spatial information, custodians should ensure that the privacy of individuals is protected in accordance with the Promotion of Access to Information Act.

Custodians should ensure that reasonable security measures are in place to avoid loss, unauthorized access, modification and disclosure of personal data.

Custodians should ensure that their Metadata is available to the public by establishing a node at the NSIF Electronic Metadata Catalogue, or make their Metadata records available to the NSIF for inclusion into the Electronic Metadata Catalogue.

6.2.3 Adherence to standards

Data custodians must adhere to standards that are prescribed by the Minister in terms of section 4(1) (a) of the SDI Act. Custodians should adhere to other relevant national and international standards for spatial information in promoting interoperability.

6.2.4 Quality

The custodian should ensure that the data is accurate and current enough for the purpose for which the data was captured. Where possible errors exist, the degree of probability of its correctness should be made available.

The custodian should ensure that the data or information is free from ambiguities.

Custodians should ensure that the quality and resolution of their data sets meet the needs of their intended users.

Frequent and timely spatial data set updates from custodians of base data sets should be sent to custodians of derived data sets.

Custodians of derived datasets should ensure that their data is derived from the latest base datasets.

6.2.5 Rights

Custodians are entitled to charge for spatial information / data sets in accordance with the policy on pricing of spatial information products and services.

6.2.6 User Responsibility

Users must report errors found in spatial datasets to the custodian(s) from whom they obtained the data/information in accordance with the SDI Act.

6.2.7 Criteria to be used in Identifying a Data Custodian

In identifying a data custodian, the following criteria will be used:

- Legal mandate
- Available infrastructure for:
 - Acquisition capabilities
 - Processing capabilities
 - Archiving, Backup and Safeguarding capabilities

- Cataloguing capabilities
- Dissemination capabilities
- Geographic coverage
- Resources (Financial and Human) and be able to respond in an emergency situation to the data requirements of the State.

6.2.8 Cooperative Relationships

- Where a user is granted permission by a Custodian to update information obtained from the custodian, the updates should be passed back to the custodian at no cost.
- Custodians should make their conceptual data model available to other custodians on request.
- Custodians shall assist other organs of State in developing data product specifications
- Organs of State which has been granted permission to capture data by the CSI shall capture datasets after consultation with the respective Data Custodian.
- All dataset funded by public fund through projects shall be passed back to the respective Custodian at no cost.

7. Roles and Responsibilities

- 7.1 The Sub-committee is responsible for drafting policies to be submitted to the CSI.
- 7.2 The CSI recommends the policy to the Minister, and upon approval from the Minister, publishes it in the Government Gazette.
- 7.3 The policy comes into effect thirty (30) calendar days after publication.
- 7.4 The Sub-committee reviews the policy annually, and where applicable, recommends amendments to the CSI.
- 7.5 The policy is binding on all parties referred to in the SDI Act.
- 7.6 The CSI shall promote coordination and cooperation between Custodians and other organs of State.

7.7 The CSI subcommittee on Data shall recommend the list of Data Custodians to the CSI for approval.

7.8 The Department of Rural Development and Land Reform shall be responsible for providing implementation support to custodians and other organs of State.

8. Monitoring and Evaluation

8.1 The Department will monitor adherence to the policy and submit a report of its findings to the CSI at least once per annum.

8.2 Adherence to the policy will be done through various means, including undertaking audits and inspections. Upon request to do so, any organisation, being the subject of adherence monitoring, must provide within a reasonable period of time any documentary evidence requested of it for the purpose indicated.

8.3 The CSI, assisted by the Department, should from time to time evaluate the efficacy and effectiveness of the policy. Due regard must be had for the purpose and objective of the policy, as well as the state of readiness for implementation of the policy by affected parties.

8.4 The Sub-committee shall from time to time evaluate custodian's datasets in-relation to the user requirements and the data product specifications

8.5 The CSI shall monitor custodians comply with all standards and legal requirements.

9. Definitions and Abbreviations

All terms in this policy are consistent with their meaning in the SDI Act and the Regulations framed there-under. More specifically:

“SDI Act” means the Spatial Data Infrastructure Act, 2003 (Act No. 54 of 2003), as amended.

“Minister” means the Minister for Rural Development and Land Reform.

“CSI” means the Committee for Spatial Information, established in terms of section 5 of the SDI Act.

“Sub-committee” means the Sub-committee for Policy and Legislation, created by the CSI in terms of section 10 of the SDI Act.

“Department” means the Department of Rural Development and Land Reform.

10. Amendment

No.	Amendment	Date

11. Associated Documents

Development and Review of Policy Process Documentation