

REPUBLIC  
OF  
SOUTH AFRICA



REPUBLIEK  
VAN  
SUID-AFRIKA

# Government Gazette Staatskoerant

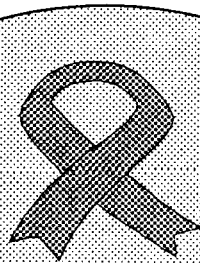
Vol. 425

PRETORIA, 17 NOVEMBER 2000

No. 21728

**We all have the power to prevent AIDS**

AIDS  
affects  
us all



A  
new  
struggle

**Prevention is the cure**

**AIDS  
HELPLINE**

0800012 322

DEPARTMENT OF HEALTH

**GENERAL NOTICE**

---

NOTICE 4227 OF 2000

**DEPARTMENT OF LAND AFFAIRS**

The draft Spatial Information Bill is hereby published for comments. Please note that any comment should be addressed to Dr Liz Gavin, National Spatial Information Framework, Private Bag X 954, Pretoria, 0001. She can be contacted at (012) 3225400 or faxed at (012) 3225418. E-mail comments may be sent to [nsif@csg.pwv.gov.za](mailto:nsif@csg.pwv.gov.za).

The comments received will be used to redraft the Bill for submission to Cabinet. Please note that the deadline for comments is 15 January 2001.

## **MEMORANDUM OF OBJECTS OF THE DRAFT BILL ON SPATIAL INFORMATION, 2000**

### **1. Purpose of Bill**

The purpose of the Bill is to achieve co-ordination with respect to the gathering, managing and dissemination of spatial data and information, in order to enable spatial-information driven planning and decision making. Through the framing of a National Spatial Information Framework, the advancing of the utilisation of spatial information is sought.

### **2. Background to the Bill**

In many countries across the globe, there is the realisation that spatial information forms part of the infrastructure needed to further development. Just as there has been a tradition of government co-ordinating the development and maintenance of physical infrastructures such as the road or telecommunications network, so too it is appropriate that government play a role in developing the country's spatial data infrastructure.

Spatial data infrastructure has been defined as "the technology, policies, standards, and human resources necessary to acquire, process, store, distribute and improve the utilization of geospatial data" (Executive Order of the President (of the USA) 12906, 1994). This draft Spatial Information Bill forms part of the policy framework of South Africa's spatial data infrastructure.

### **3. Main features of the Bill**

The Bill provides for the establishment of a National Spatial Information Framework, whose purpose is the provision of a technical and policy framework for development of a spatial information infrastructure. It also provides for the establishment of a Committee for Spatial Information to direct the development of the National Spatial Information Framework, thereby ensuring that the spatial information requirements of government are met.

This Bill follows on the Promotion of Access to Information Act, Act 3 of 2000, and within the framework of this Act, details aspects of the provision of spatial information which will advance the usability of information provided as well as establishing mechanisms to ensure ongoing improvement to the quality of spatial information available.

The responsibilities of both data users and data custodians are outlined, emphasizing the need for users and producers of spatial information to co-operate and collaborate to ensure that spatial information available improves in quality, eliminating duplication and overlap of effort in producing and managing spatial information.

#### 4. Summary of Bill

*Clause 1* contains definitions.

*Clauses 2 and 3* deal with the establishment of the National Spatial Information Framework and one of its major components, namely, the Spatial Data Discovery Facility,

*Clauses 4 to 13* establish the Committee for Spatial Information and outlines its objects, functions and powers. Members of the Committee, representing all sectors and spheres of government who rely on spatial information, are to be appointed by the Minister, in order to direct the development of the National Spatial Information Framework, so that the spatial information requirements of government are met.

*Clause 14* requires data custodians to adhere to standards formulated for spatial data in order to further interchangeability of spatial information.

*Clause 15* obliges data custodians to document their data holdings in a prescribed way and publish this information through the Spatial Data Discovery Facility.

*Clause 16* puts in place a mechanism to avoid the duplication of capture of spatial information

*Clause 17* outlines the responsibilities of data custodians with respect to the security of data in their holding.

*Clauses 18 to 20* deal with the provision of access to spatial information through licensing agreements and collaborative maintenance agreements.

*Clause 21* covers the appointment of data vendors and the obligations of data vendors once appointed.

*Clauses 22 to 24* describe the obligations of data users and custodians to ensure that data quality is ever improving. Users must report errors found in data to the relevant custodian or vendor, whereupon the custodian is obliged to correct the error and return the corrected data to the user. Steps to be taken if the data custodian does not respond satisfactorily to the reporting of an error are outlined.

*Clause 25* stipulates the return of the avoidable cost of supplying data to the data supplier.

*Clause 26* deals with offences and penalties.

Clauses 27 and 28 deal with the promulgations of regulations and short title and commencement date respectively.

The Schedule lists the bodies to be represented on the Committee for Spatial Information.

## 5. Consultation

Volunteers were called from the geographic information community, to form a Policy Task Team. The Task Team members derived from both public and private sector. A workshop with this team was held early in 1998, following which policy guidelines as discussed by the task team were circulated widely within the geographic information community for comment. A second workshop was held at which these guidelines were further discussed and debated.

### List of participants in the workshops:

#### (a) *National Government:*

Department of Water Affairs and Forestry  
Department of Agriculture  
Department of Trade and Industry  
Department of Constitutional Development  
SANDF

#### (b) *Provincial Government*

North West Province  
KwaZulu-Natal  
Northern Province  
Western Cape  
Gauteng Province

#### (c) *Other sectors:*

Business sector (Spatial Decisions, Computer Foundation, Megasub,  
CompuMaps)  
ESKOM  
HSRC  
National Botanical Institute  
Council for Geoscience  
CSIR  
University of Cape Town

## 6. Financial implications

There may be some small cost associated with attendance of meeting of the proposed Committee for Spatial Information twice a year. However, dominant is the potential for *cost savings* to government, both direct, through mitigation of duplication and overlap in gathering and managing spatial information, and indirect, through facilitating access to and use of spatial information for integrated spatial planning, in which . . .

## 7. Personnel implications

None.

**SPATIAL INFORMATION BILL****BILL**

To promote the efficient, economical and effective use of State resources as enshrined in the Constitution, by the sharing of spatial data and spatial information; to give effect in part to the constitutional 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 rights; to regulate the collection, maintenance and use of spatial data and spatial information; to provide for the establishment of a National Spatial Information Framework whose purpose is the provision of a technical and policy framework for development of a spatial information infrastructure; to provide for the establishment of a Committee for Spatial Information representing all sectors and spheres of government who rely on spatial information, whose purpose is to direct the development of the National Spatial Information Framework so that the spatial information requirements of government are met, and uniform standards and procedures for access to, and use of, spatial information are maintained; and to provide for matters connected therewith.

---

**BE IT ENACTED** by the Parliament of the Republic of South Africa as follows :-

**CONTENTS OF ACT**

1. Definitions
2. Establishment of National Spatial Information Framework
3. Establishment of Spatial Data Discovery Facility
4. Establishment and composition of Committee for Spatial Information
5. Objects of Committee
6. Appointment and term of office of members of Committee
7. Vacation of office and filling of vacancies on Committee
8. Functions and powers of Committee
9. Meetings of Committee
10. Allowances payable to Committee and sub-committee members
11. Administrative and research functions of Committee
12. Funds of Committee
13. Annual report
14. Adherence to spatial data standards by data custodians
15. Capturing and publishing of metadata by data custodians
16. Avoidance of duplication of capture of spatial information
17. Responsibilities of data custodians with respect to the security of data
18. Provision of access to spatial information
19. Licensing agreements
20. Collaborative maintenance agreements

21. Appointment of data vendors and data vendor obligations
  22. User obligations
  23. Response required of data custodians to the reporting of errors
  24. Steps to be taken if data custodian fails to respond
  25. Return of avoidable cost of supply to data supplier
  26. Offences
  27. Regulations
  28. Short title and commencement
- SCHEDULE**

### ***Definitions***

1. In this Act, unless the context indicates otherwise –

“access to information” means a procedure or procedures for providing information to persons, to which they are legally entitled in terms of the *Promotion of Access to Information Act, 2000* and upon their request;

“avoidable cost of supply” means the cost incurred by the data supplier in processing a request for data, which would not have been incurred had that particular request not been met;

“collaborative maintenance agreement” means the agreement referred to in section 19;

“Committee” means the Committee for Spatial Information established by section 4;

“computer” means an electronic device for storing and processing data (usually in binary form), according to instructions given to it in a program;

“the Constitution” means the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);

“copyright” means copyright in terms of the Copyright Act, 1978 (Act No. 98 of 1978);

“custodianship” means the responsibility for maintenance, management and distribution of data by a person, a public body or a private body, or a part of any of these, on behalf of the wider public or the larger body;

“data” means, variously –

- (i) known facts or things used as a basis for inference or reckoning, or
- (ii) quantities or characters operated on by a computer or data processor;



**“data capture”** means the action or process of entering data into a computer;

**“data custodians”** means custodians of data generated by a public body or any other body represented on the Committee for Spatial Information in terms of this Act;

**“data processing”** means a series of operations on data, especially by a computer, to retrieve or classify raw data, or otherwise act on such data and change it into useful information;

**“data processor”** means a computer or any other electronic device that carries out data processing;

**“dataset”** means an identifiable collection of related data;

**“data vendor”** means a person who supplies information on behalf of a data custodian, or who adds value to information or data and sells it to others;

**“information”** means any data or information processed, organised or classified into categories by means of a computer or other means in order to serve a useful purpose, and which can be presented in voice, printed, pictorial, image, graphical or numerical forms;

**“Internet”** means a global network connecting millions of computers;

**“licensing agreement”** means a contract between a data custodian and a user containing terms and conditions for the use of spatial information or spatial data;

**“maintenance”** means the action of ensuring that information conforms to a standard or prescription in terms of this Act, including the updating of the information as necessary;

**“metadata”** means data about other data, which describe the content, quality, condition and other characteristics of data;

**“Minister”** means the Minister responsible for land affairs;

**“open format”** means a data format which does not require the purchasing of a unique computer software in order to interpret the data;

**“person”** means a natural or a juristic person;

**“prescribe”** means prescribe by regulation in terms of section 27, and

**“prescribed”** shall have a corresponding meaning;

**“private body” means -**

- (a) a natural person who carries on any trade, business, or profession, but only in such capacity;
- (b) a partnership which carries on any trade, business or profession; or
- (c) any existing juristic person,

but excludes a public body;

**“public body” means –**

- (a) any department of state or administration in the national or provincial spheres of government or any municipality in the local sphere of government; or
- (b) any other functionary or institution when –
  - (i) exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or
  - (ii) exercising a public power or performing a public function in terms of any legislation,

but does not include the Cabinet and its committees, a court of law or a judicial officer;

**“record” of, or in relation to, a public or private body, means any recorded information or data -**

- (a) regardless of form or medium;
- (b) in the possession of or under the control of that public or private body, respectively; and
- (c) whether or not it was created by that public or private body, respectively;

**“spatial data” and “spatial information” mean any data or information that describes the geographic location and characteristics of living things, natural and non-natural features and boundaries on the earth;**

**“this Act.” includes any regulation made and in force in terms of section 25;**

“user” means a person who has gained access to spatial data or spatial information in order to use such data or information,

### ***Establishment of National Spatial Information Framework***

2. (1) There is hereby established an entity to be known as the National Spatial Information Framework (NSIF).

(2) The NSIF shall be the technical and policy infrastructure to facilitate the capture, management, maintenance, integration, distribution and utilisation of high-quality spatial data and information.

(3) The aim of the NSIF shall be to foster co-operation among all public and private bodies involved with spatial information towards achieving for those bodies and the wider public cost-savings and maximum benefit from resources utilised in the collection and management of spatial information.

### ***Establishment of Spatial Data Discovery Facility***

3. (1) The Minister in consultation with the Committee for Spatial Information referred to in section 4 shall, from money appropriated by Parliament for this purpose, establish an electronic facility based on the operation of data processors to be known as the Spatial Data Discovery Facility (SDDF), which shall be part of the NSIF.

(2) The function of the SDDF shall be to allow users to search for and access spatial data and spatial information relevant to the developmental needs of the Republic of South Africa.

### ***Establishment and composition of Committee for Spatial Information***

4. (1) There is hereby established a juristic person to be known as the Committee for Spatial Information (the Committee).

(2) The membership of the Committee shall consist of –

- (a) The Director-General of the Department of Land Affairs;
- (b) one representative from each of the public bodies listed in the Schedule, nominated and mandated to take decisions on behalf of the public body they represent; and
- (c) any other representative of a private body or a public body not mentioned in the Schedule and nominated by that body, that the Minister may, by notice in the *Gazette*, appoint to the Committee.

***Objects of Committee***

5. The objects of the Committee are -
- (a) to promote co-operation and co-ordination within the public and private sectors in the development and implementation of the NSIF;
  - (b) to ensure that strategic concerns are taken into account through the development and functioning of the NSIF;
  - (c) to eliminate overlapping and duplication with regard to the gathering, management and supply of spatial information by public bodies, and achieve the alignment of spatial information systems under development; and
  - (d) to promote and safeguard an environment supportive of collection, management, distribution and utilisation of spatial data and spatial information.

***Appointment and term of office of members of Committee***

6. Subject to section 7(2), the members of the Committee referred to in section 4(2)(b) and (c) shall be appointed by the Minister for a period of three years, and may be reappointed after the expiration of their term of office.

***Vacation of office and filling of vacancies on Committee***

7. (1) A member of the Committee vacates his or her office if he or she -
- (a) resigns by giving written notice to the Minister and the Committee;
  - (b) has, without leave of the relevant chairperson, been absent from two consecutive meetings of the Committee or a sub-committee of which the member is a member;
  - (c) ceases to be associated with the body he or she represented at his or her assignment or appointment to the Committee or ceases to be employed by the State;
  - (d) is removed as a member of the Committee by the Minister on account of -
    - (i) being declared insolvent;

- (ii) being removed from an office of trust by a court of law;
- (iii) bringing the Committee into disrepute;
- (iv) conviction of an offence involving dishonesty or an offence for which the sentence imposed is imprisonment without the option of a fine; or
- (v) being declared by a competent court to be of an unsound mind or under a legal disability.

(2) If a member of the Committee dies or vacates his or her office before the expiration of his or her office, the Minister must, within 60 days from the date on which the vacancy occurred, appoint a person nominated by a public body or a private body in terms of section 4(2) for the remainder of such member's term of office.

### *Functions and powers of Committee*

8. (1) The Committee, in the interests of government as a whole and others who may use spatial information, shall -

- (a) address any policy issues associated with the use and dissemination of spatial data and spatial information, and make recommendations to the Minister;
- (b) from time to time investigate and make recommendations to the Minister regarding standards and prescriptions for spatial data and information formats, and procedures for access to such information or data;
- (c) advise the Minister on any matter referred to it by the Minister; and
- (d) on its own initiative, or on receipt of a complaint or request relating to the operation or administration of this Act resolve any dispute concerning the Act by -
  - (i) mediation, conciliation or negotiation;
  - (ii) advising, where necessary, any complainant regarding appropriate remedies; or
  - (iii) any other means that are appropriate in the circumstances.

(2) The Committee may -

- (a) make awards commending the achievements of public and private bodies in furthering the purposes of this Act;
- (b) appoint standing or other sub-committees as are necessary for the effective performance of the functions of the Committee;
- (c) undertake any other activities necessary for achieving the purposes of this Act,

### *Meetings of Committee*

9. (1) Meetings of the Committee shall be chaired by the Director-General of the Department of Land Affairs or in his or her absence, a Deputy Director-General of that Department designated by the Director-General,

(2) The first meeting of the Committee shall be held at the time and place determined by the Minister, and thereafter meetings shall be held twice in a calendar year at the times and places determined by the chairperson of the Committee.

(3) The chairperson may at any time in his or her discretion convene a special meeting of the Committee, and shall convene such a meeting within fourteen days of receipt of a request signed by not less than three members of the Committee to convene such a meeting.

(4) Save as provided in this Act, the procedure at meetings of the Committee shall be determined by the Committee.

(5) (a) A decision of the majority of the members of the Committee present at a meeting constitutes a decision of the meeting.

(b) In the event of an equality of votes the Chairperson has a casting vote in addition to his or her deliberative vote.

(6) A decision taken by the Committee or act performed under the authority of the Committee, is not invalid by reason only of a vacancy on the Committee, or that a person who is not entitled to sit on the Committee, sat as a member at the time when the decision was taken or the act was authorised, if the decision was taken or the act was authorised by the majority of the members of the Committee who were present at the time and entitled to sit as members.

### *Allowances payable to Committee and sub-committee members*

10. Members appointed to the Committee, who are not in the service of the State

may, in respect of services rendered by them in connection with the affairs of the Committee or a sub-committee appointed by the Committee, be paid such traveling, subsistence and other allowances as the Minister may from time to time prescribe.

#### ***Administrative and research functions of Committee***

11. (1) 'The administrative, secretarial, research and adjudicating functions of the Committee shall be performed by –

- (a) officers and employees in the public service designated for such purpose by the Director-General of the Department of Land Affairs;
- (b) members of the Committee and, subject to approval by the Director-General of Land Affairs, representatives of the public or private bodies they represent; and
- (c) when necessary, consultants or other persons with expertise, appointed in the employ of the aforementioned Department on such conditions of service as the Minister, with the concurrence of the Minister of Finance, may determine.

#### ***Funds of Committee***

12. (1) The funds of the Committee shall consist of –

- (a) money appropriated by Parliament for the expenditure in connection with the exercise of the Committee's powers and the performance of its functions;
- (b) money received from donations or interest; and
- (c) other money received by the Committee from any other source.

(2) "The Committee -

- (a) shall during each financial year, at such time and in such manner as the Minister may determine, submit to the Minister for approval a detailed statement of its estimated income and expenditure for the ensuing financial year;
- (b) may during any financial year submit to the Minister for approval adjusted statements of its estimated income and expenditure; and

(c) may not incur any expenditure which exceeds the total amount approved in terms of paragraphs (a) and (b).

(3) If the Minister does not approve the statement of estimated income and expenditure of the council, the Minister shall request the Committee to submit a revised statement of its estimated income and expenditure within a specified period.

(4) (a) The funds contemplated in subsection (1) shall be used by the committee in accordance with the approved statement referred to in subsection (2).

(b) Any unexpended balance shall be carried forward as a credit to the following financial year.

(5) Subject to subsection (4), the Committee may invest any portion of its funds in such manner as the Committee may approve.

(6) The books of account and financial statements of the council shall be audited at the end of each financial year by a chartered accountant registered in terms of the Public Accountants' and Auditors' Act, 1991 (Act No. 80 of 1991), appointed by the Committee.

(7) A copy of the audited financial statements shall be submitted to the Minister within three months after the end of the Committee's financial year.

### ***Annual report***

13. (1) The Committee shall, within three months after the end of each financial year, submit a report regarding –

- (a) progress with regard to the development of the NSIF;
- (b) reports from members of the Committee concerning the functioning of the NSIF; and
- (c) performance of the other functions of the Committee,

during that financial year.

(2) The Minister shall table the report in Parliament as soon as is reasonably possible.

### ***Adherence to spatial data standards by data custodians***



14. (1) Public bodies and other organisations represented on the Committee shall adhere to National Standards for Geographic Information as determined by the South African Bureau of Standards.

(2) The Minister may on the recommendation of the Committee, and in the prescribed manner, determine additional standards and prescriptions to facilitate the sharing and integration of spatial data and spatial information, which shall be followed by data custodians.

(3) Data custodians shall, in accordance with the standards and prescriptions determined in terms of sub-sections (1) and (2), compile all spatial data that they collect, including such data previously collected or produced, in conformance with those standards and prescriptions.

(4) Data custodians shall be accountable to the Committee for adherence to the said standards and prescriptions.

#### *Capturing and publishing of metadata by data custodians*

15. (1) Data custodians shall capture and maintain metadata for the data that they hold.

(2) Metadata shall conform to the standards and prescriptions referred to in section 14(1) and (2).

(3) Data custodians shall ensure that metadata is available to users by, among others –

- (a) establishing an electronic data base containing metadata for this purpose at the SDDF, or
- (b) making their metadata records available to the Committee for inclusion in the SDDF, and
- (c) including this information in manuals as described in sections 14 and 51 of the Promotion of Access to Information Act, 2000.

(4) Failure to make the metadata available in terms of subsection (3), shall be deemed to be a concealment of records, as contemplated in section 26(b).

#### *Avoidance of duplication of capture of spatial information*

16. (1) A public body shall, prior to embarking on a material exercise to collect spatial data, publish through the SDDF the specifications for the intended exercise and notify the Committee of such specifications.

(2) Persons referred to in section 11(1) and authorised by the Committee shall investigate and advise whether the intended data capture constitutes overlapping or duplication of capture and whether a partnership with the public body may be feasible to expedite the data collection.

(3) The Committee shall within a period of 14 days following notification concerning the intended data collection exercise -

- (a) provide to the public body information concerning existing data or data capture in progress which could render all or part of the exercise unnecessary and provide suggestions regarding possible modification to the original specifications, if necessary, and
- (b) convey to the body any public comment which may have been received concerning the intended data gathering.

(4) If the public body does not receive such notification within 14 days, it may assume that the intended capture is supported by the Committee and proceed with the data collection in accordance with the published specifications.

#### *Responsibilities of data custodians with respect to security of data*

17. Custodians of spatial data or spatial information shall take reasonable steps to effect adequate and appropriate measures to prevent the loss, unauthorized and unlawful access to, modification or disclosure of information in their custody.

#### *Provision of access to spatial information*

18. (1) The procedure for access to spatial data and information, and the extent of such access, shall be in accordance with the requirements and principles set out in the Promotion of Access to Information Act, 2000.

(2) Data custodians shall, in accordance with standards and prescriptions determined in terms of section 14(1) and (2), take reasonable steps to effect measures to integrate their computer systems, if any, with the SDDF through the Internet, in order to make spatial data and information electronically accessible.

(3) Data custodians shall supply spatial data in an open format and in a manner that maximizes and promotes the usefulness of such data to the State and the public at large.

(4) Data custodians may only release spatial data or spatial information under licensing agreements contemplated in section 19 or collaborative maintenance agreements contemplated in section 20.

(5) Metadata shall accompany any record, or copies thereof, made available to users.

### *Licensing agreements*

19. (1) A licensing agreement in terms of this Act may be entered into by a data custodian and another person. Such agreement shall be set out in writing and shall at least provide –

- (a) for the protection of the copyright of the State and all persons in accordance with law;
- (b) for the cost of access to data and information to the licensee in accordance with section 22 or 54, as the case may be, of the Promotion of Access to Information Act, 2000, including possible cost discounting that may be determined in accordance with section 22(8) or 54(8) of that Act;
- (c) the maximum number of concurrent users of the data within the public or private body, for which the licence is valid;
- (d) indemnity to the data custodian against the consequences of unauthorized use of data or information released to the licensee;
- (e) a stipulation of the period for which the licensing agreement is valid, which shall terminate in coincidence with the anticipated date of release of an updated dataset unless otherwise stipulated; and
- (f) in accordance with section 89 of the Promotion of Access to Information Act, 2000, that nothing done in good faith in the exercise or performance or purported exercise of any power or duty in terms of that Act can subject any person to criminal or civil liability.

(2) Licensees and users shall not supply records of spatial data or spatial information in any form, or copies thereof, to third parties (persons who are not parties to a licensing agreement) unless permitted to do so in the licensing agreement.

### *Collaborative maintenance agreements*

20. (1) Custodians of datasets which are derived from other datasets (base datasets) and which require updating when the base dataset is updated shall update their datasets within a reasonable period upon the updating of the base dataset, where the lack of synchronous updating may lead to ambiguity.

(2) The custodian of the base dataset shall take reasonable measures to support the custodian of the derived dataset to perform this consequent updating as easily as possible.

(3) Whenever such collaborative maintenance is required, the relevant custodians shall exchange data under a special licensing agreement known as a collaborative maintenance agreement, which shall allow for the provision of the updated base datasets on a regular basis within the period specified by the agreement.

(4) Such collaborative maintenance agreement shall at least provide -

- (a) for the protection of the copyright of the State and all persons in accordance with law;
- (b) for the cost of access to data and information to the licensee in accordance with section 22 or 54, as the case may be, of the Promotion of Access to Information Act, 2000, including possible cost discounting as may be determined in accordance with section 22(8) or 54(8) of that Act;
- (c) indemnity to the base data custodian against the consequences of unauthorized use of spatial data or information released to the licensee;
- (d) a stipulation of the period for which the agreement is valid;
- (e) a stipulation of the frequency with which updated versions of the dataset or sets shall be provided;
- (f) the format and medium to be used to provide the data; and
- (g) in accordance with section 89 of the Promotion of Access to Information Act, 2000, that nothing done in good faith in the exercise or performance or purported exercise of any power or duty in terms of that Act can subject any person to criminal or civil liability.

(5) The custodians of the base datasets shall ensure that updates to their data sets are provided to the custodians of the derived datasets in the prescribed manner to ensure synchronous maintenance of spatial datasets.

#### ***Appointment of data vendors and data vendor obligations***

21. (1) A data custodian may license a data vendor in terms of this Act to -

- (a) supply unmodified data if the vendor is able to do so more cost effectively than the custodian, or
  - (b) supply value-added data products derived from the custodian's dataset or sets.
- (2) All data products supplied by the data vendor shall be accompanied by a written notice containing –
- (a) a description of the product as being a derived data product; and
  - (b) the identity, postal and street address, phone and fax numbers and, if available, an electronic mail address of the custodian who originally supplied the relevant data.
- (3) Data vendors shall ensure that the spatial data and spatial information they distribute is current and conforms with standards and prescriptions promulgated in terms of section 14(1) and (2).
- (4) The custodian shall subject to section 19(1)(f) remain liable for the integrity of the unimproved spatial data or spatial information the data vendor distributes.
- (5) Data vendors shall report any errors in spatial data or information supplied to them.
- (6) Such errors shall be reported to the relevant data custodian within a period of fourteen days after the errors were found or brought to the attention of the data vendor, unless a shorter period has been agreed upon by the user or vendor and the custodian in the licensing agreement or collaborative maintenance agreement.
- (7) Data vendors shall -
- (a) provide sufficient information to enable the data custodian from whom they received the data to identify the record that may contain the errors or describe a record which may have been omitted; and
  - (b) if possible, indicate what the corrected record should contain,

### ***User obligations***

**22. (1)** Users shall report any errors they find in spatial data or spatial information to the data custodian or data vendor from whom they obtained the data or information within thirty days of detection of the error, unless a shorter period has

been agreed upon by the user or vendor and the custodian in the licensing agreement or collaborative maintenance agreement.

- (2) Users shall –
- (a) provide sufficient information to enable the data custodian or data vendor from whom they received the data to identify the record that contains the errors; and
  - (b) if possible, indicate what the corrected record should contain.

***Response by data custodians to reporting of errors***

23. (1) Data custodians shall respond, at no charge, to the user or vendor reporting the error within a period of thirty days of receipt of the report, unless a shorter period has been agreed upon by the user or vendor and the custodian in the licensing agreement or collaborative maintenance agreement.

(2) The response shall convey either the corrected data or an assurance that the purported error is not an error.

(3) If the custodian is unable to respond within this period, he or she shall within thirty days of receiving the report advise the user or vendor of the time period within which he or she shall make a full response.

***Steps to be taken if data custodian fails to respond***

24. (1) If the user or data vendor does not receive a response within thirty days, or if the period quoted by the data custodian within which he or she will respond appears unreasonable, the user or vendor may report this to the Committee.

(2) The Committee shall inform the data custodian of the complaint and if the period quoted for a response is considered to be unreasonable by the Committee, taking into account the amount of work entailed in correcting the error and the impact the error has on the user, the Committee shall request the data custodian to provide a response to the Committee and complainant within thirty days.

(3) If the data custodian does not respond within the period requested by the Committee, the custodian shall be deemed to be concealing records in terms of section 26.

***Return of avoidable cost of supply to data supplier***

**25.** The fees charged to cover the avoidable cost of supplying spatial data and information, as determined by the Minister in consultation with the Minister of Justice, shall revert to the supplier, even in the event of such supplier being a public body.

### ***Offences***

**26.** A person who with intent to deny a right of access in terms of this Act –

- (a) destroys, damages or alters a record;
- (b) conceals a record; or
- (c) falsifies a record or makes a false record,

commits an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding two years.

### ***Regulations***

**27. (1)** The Minister may, by notice in the *Gazette*, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the standards and prescriptions contemplated in section 14; and”
- (c) any other administrative or procedural matter necessary to give effect to the provisions of this Act.

(2) Any regulation in terms of subsection (1) which may result in financial expenditure for the State must be made by the Minister acting in consultation with the Minister of Finance.

### ***Short title and commencement***

**28. (1)** This Act is the Spatial Information Act, 2000, and takes effect on a date determined by the President by proclamation in the *Gazette*.

- (2) Different dates may be so determined in respect of -
  - (a) different provisions of this Act;
  - (b) different categories of public bodies; and
  - (c) different categories of private bodies.

---

## SCHEDULE

Department of Land Affairs  
Department of Public Service and Administration  
Statistics South Africa  
Department of Provincial and Local Government  
Department of Water Affairs and Forestry  
Department of Environmental Affairs and Tourism  
Department of Trade and Industry  
National Department of Agriculture  
South African National Defence Force  
Department of Safety and Security  
Department of Public Works  
Department of Housing  
Department of Health  
Department of Education  
Department of Transport  
Department of Minerals and Energy  
Department of Arts, Culture, Science and Technology  
Department of Communication  
Department of Welfare  
Department of Sport and Recreation  
Department of Labour  
Government Communication and Information Services  
Deputy President's Office  
President's Office  
All Provincial Governments  
SALGA  
Independent Electoral Commission  
Municipal Demarcation Board  
State Information Technology Agency  
ESKOM  
TELKOM  
TRANSNET  
Development Bank of South Africa  
Human Sciences Research Council  
CSIR  
Agricultural Research Council  
Council for Geoscience  
Medical Research Council  
Geographic Information Society for South Africa (GISSA)

---