

# Terms of Reference for

## Legal background study for assessing legal amendments and new regulatory requirements for NSDI ICTA/GOSL/CON/IC/2016/65

### 1. Introduction;

National Spatial Data Infrastructure (NSDI) has emerged due to lack of a centralized platform for sharing government spatial data. A centralized Spatial Data Infrastructure makes the decision making process efficient with real-time evidence. Therefore, effective and efficient decision making is one of the key factors for a productive government service delivery process and to ensure the good governance.

Ministry of Lands as the main stakeholder for the national spatial data infrastructure. In addition, Department of Surveys, Land Commissioner General's Department, Registrar General's Department, Ministry of Environment, Ministry of Wildlife, Ministry of Agriculture and Ministry of Disaster Management have also been identified as key other stakeholder for this initiative.

### 2. Background;

The Government of Sri Lanka has spatial information collected by various government departments. Spatial information technology skills are highly developed in some of the government institutions and the systems used to collect this information are also advanced.

Usage of spatial information across government institutions in a collaborative manner is in significance with respect to the service provisioning and decision making process. Further, spatial information is not able to be easily shared between organizations at the present time; nor is it accessible to the broader community.

Spatial data sets are collected by a number of government organizations to facilitate conduct of an organization's business and not with other agencies needs in mind. These data are managed in closed systems and this has created a multitude of information silos. Currently, data collected by organizations is not accessible. It is difficult to know what information is available and where it is held. This has led to several organizations collecting the same information because they are unaware that the information already exists.

Organizations across the government sector recognize that current processes are inefficient and that more cooperation across the sector is required. However, existing data sharing policies are restricting collaboration. There is a significant paper trail of agreements that need to be processed before data sets can be transferred from one organization to another. Manual data sharing procedures contribute to delay in sharing, and the effort required to manually integrate updates from one agency to another is labor intensive and time consuming.

Through this assignment, it will be conducted the legal aspects of the National Spatial Data Infrastructure, the custodianships of the data, data sharing policies, revenue models and all the legal aspects of existing Acts and ordinances related to land management should be covered through the

legal background study.

### 3. Concise statement of the objectives;

The objectives of this legal background study for the National Spatial Data Infrastructure are;

- a) Conduct a detailed legal background study of the existing legal frameworks and entities related to spatial data management in the context of global and local aspects
- b) Preparation of a descriptive legal background study on the specifications for the NSDI
- c) Developing a draft legal Act for all NSDI activities (Policies, Standards, Technologies, Data Collection, Exchanging data, Data Access Protocols, Security, Data dissemination, Application development)

### 4. Scope of Work;

- 4.1 Refer the land related acts ordinances and other relevant legal entities.
- 4.2 Study the legal background of copyright laws and intellectual property rights for the spatial data infrastructure
- 4.3 An excessive legal background study of spatial data and its custodianships
- 4.4 Where it is necessary for the legal study the consultant can study the secondary data such as the outcomes of the other related studies.
- 4.5 Identify the key stakeholders, study their legal backgrounds and work with them
- 4.6 Propose a legal framework for data sharing policies in NSDI and NSDI office setup
- 4.7 Spatial data retention policies
- 4.8 Preserving confidentiality, privacy, security and intellectual property rights in related to spatial data
- 4.9 Preserving information security of stored and transmitted spatial data and provisions for long term care
- 4.10 Identify the ways and means to deal with the significant problems that may arise in relation to spatial data infrastructure operations
- 4.11 How to incorporate existing/proposed revenue models in to national spatial data infrastructure
- 4.12 Propose the legal background for the online transactions and payment related regulations
- 4.13 Present the findings to the stakeholders
- 4.14 Conduct the status reviewing meetings with the stakeholders
- 4.15 Generate specifications and draft act with the findings

### 5. Final outputs, Reporting Requirements, Time Schedule for Deliverables;

Legal Background Study duration of NSDI is 03 months including Hiring an Individual Consultant.

Legal Background Study is required to submit the following list of deliverables for the NSDI project.

No	Deliverables
5.1	Legal Background Study evaluation specifications
5.2	Report of identified the relevant legal entities from the existing acts and ordinances
5.3	Legal Policies regarding NSDI
5.4	Proposals for Legislation for NSDI (If needed)

## 6. Qualification Requirements for the Consultant

### Essential

The consultant will demonstrate a minimum of five (05) years of experience or more in Sri Lanka and/or a country of comparable social, economic and development conditions, where the consultant has worked with government and the private sector in developing legal frameworks for business models of national interest implemented locally.

### Key Experience

The consultant should have extensive experience in the following areas.

- Wide legal exposure to broad range of policy issues
- Legislative drafting, language skills and subject matter knowledge will be an added advantage

The consultant should also be able to demonstrate;

- a) a minimum of five (05) years of post academic/professional qualification experience in the relevant areas of ICT and SDI legal background study projects
- b) Excellent writing and communication skills in English.

## 7. Services and Facilities Provided by ICTA

7.1 Information and Service Classification Framework and Information Sharing Policy of the NSDI

7.2 Proposed NSDI strategy document, NSDI framework and Road Map document

7.3 Requirement study document of the NSDI

7.4 NSDI baseline survey report

## 8. References:

[1] eGovernment Policy Approved By Cabinet of Sri Lanka - <http://www.icta.lk/index.php/en/e-gouvernement-policy>

[2] Lanka Interoperability Framework - <http://www.life.gov.lk/>

## 9. Review Committees and Review Procedures

ICTA will appoint a review committee in collaboration with stakeholder organizations to review the documents prepared by the selected consultant

