

Court Rules for Open Access to California Geodata

In a precedent-setting decision the California Court of Appeal has affirmed that public agencies must provide their geodata at the cost of duplication and may not restrict how a requestor may use or redistribute the data. Following a legal battle of three years, Santa Clara County has provided a copy of its GIS parcel basemap data to the California First Amendment Coalition (CFAC) in compliance with California's Public Record Act. Santa Clara County had been selling its geodata for \$158,000. The cost CFAC finally paid was \$3.10 per disk, plus shipping.

"We have always believed that the public should have essentially free, unrestricted access to digital mapping data that were created by the government with public funds" said Peter Scheer, Executive Director of CFAC.

The Court of Appeal affirmed a decision by the California Superior Court that both the Critical Infrastructure Information Act and the accompa-

nying Department of Homeland Security (DHS) regulations do not shield county parcel basemaps from public scrutiny. These federal regulations make a distinction between submitters of Protected Critical Infrastructure Information to DHS and recipients of such information from DHS. The Court of Appeal was also clear that California government entities do not have the right to use copyright law to restrict disclosure or impose limitations on the use of their data, which had been another one of the County's justifications for selling its data.

Of the eight counties that still charge more than the direct cost of duplication for their parcel basemap data, Bruce Joffe, founder of the Open Data Consortium project, said that he hopes they will quickly reset their data cost policy according to the Court decision.

For more information on this issue, see www.firstamendmentcoalition.org. ■