

Geospatial Data Guidelines, 2021

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On 15 February 2021, the Department of Science and Technology (DST) released guidelines for acquiring and producing Geospatial Data and Geospatial Data services including maps (**Guidelines**). These Guidelines were issued with the aim of liberalising the regulations in relation to the collection, acquisition and use of Geospatial Data. Geospatial Data is positional data, with or without attribute data tagged, whether in the form of images, videos, vector, voxel and/or raster datasets or any other type of geospatial dataset in digitized or non-digitized form or web-services.

Previously, there existed a licensing regime administered by the Survey of India (SoI) for the use of their maps. However, these have become somewhat obsolete and redundant with the advent of publicly available geospatial services, which have made Geospatial Data freely and commonly available.

We discuss some of the key reforms introduced by the Guidelines below.

1 Self Certification Regime

Previously, the creation, publishing and use of Geospatial Data, including conducting of mapping activities, was strictly regulated and subject to a complex approval process.

The Government has issued guidelines for the collection, acquisition and use of Geospatial Data and mapping activities. The guidelines create a permissive regime which encourages open access and collaboration for such data, while also drawing a clear distinction between the activities of Indian and foreign entities in relation to Geospatial Data and the technologies used to collect such data.

The Guidelines have now removed all requirements for prior approval or license for the collection, generation, preparation, dissemination, storage, publication, updating and/or digitization of Geospatial Data and maps within the territory of India. The Guidelines have provided a wide permissibility to individuals, companies, organizations, and public bodies to acquire Geospatial Data, and provide value added services in relation to such data, including building applications. All entities who use such data will now need to follow a self-certification process to communicate their adherence to the Guidelines.

Style can be selected from Styles bar in “Ribbon” bar on “Home” tab or “Styles Panel” as below

2 Restricted Data

While the erstwhile regime prevented mapping in certain areas by classifying them as 'restricted areas' where mapping activities were prohibited or strictly governed, the Guidelines instead provide for a specific list of sensitive attributes which cannot be shown on any map (**Sensitive Attributes**). 'Attributes' are defined under the Guidelines as any data which is associated with location data such as latitude, longitude and elevation/depth of a point or its co-ordinates, and which may give additional meaning to such data. For instance, under the Guidelines, places which may be of significance from a military or national security standpoint should not be identified as such, even if the physical geographical features of these areas have been permitted to be mapped.

Sensitive Attributes will be identified and published by the DST, after consultation with other relevant ministries. Notably, the Guidelines require the list of Sensitive Attributes to be limited, and restricted only to highly sensitive locations, in order to ensure that mapping activities are not unduly restricted.

3 Focus on Indian Entities

Subject to the regulations on Sensitive Attributes, the Guidelines allow Indian entities¹ to:

- a. acquire, collect, generate, prepare, disseminate, store, share, publish, distribute, update, digitize and/or create Geospatial Data, including maps, of a spatial accuracy above the specified threshold² (**Thresholds**), provided that such data is stored and processed only in India;
- b. use technologies such as ground truthing and verification, and access Indian ground stations and augmentation services for real time positioning (such as for Continuously Operating Reference Stations) and gaining access to all associated Geospatial Data; and
- c. conduct activities such as terrestrial mobile mapping survey, street view surveying, and surveying in Indian territorial waters, regardless of the Threshold.

While non-Indian companies are not permitted to undertake any of the above, they can license Geospatial Data and maps which may be above the Threshold for the purposes of serving their Indian customers. The license should not provide the company with any right to re-use or resell the data. Further, this license must be provided only through the use of APIs, in such a way that neither the Geospatial Data nor the maps are

¹ Any Indian citizen, Government entities, Societies registered under applicable statutes, statutory bodies, autonomous institutions of the Government, or any Indian company or Indian LLP owned by resident Indian citizens or any Indian company or Indian LLP controlled by resident Indian citizens (as defined in Explanation to Rule 23 of the Foreign Exchange Management (Non-Debt Instrument) Rules, 2019).

² The Guidelines lay down various thresholds in this regard, including for on-site spatial accuracy, accuracy in territorial waters, and in relation to gravity anomaly. For instance, the on-site accuracy threshold is one (1) metre horizontally and three (3) metres vertically. Indian entities have been specifically permitted to undertake the following activities.

provided to the company or pass through its servers. This allows mapping activities undertaken at resolutions coarser than the Thresholds, but ensures that mapping activities at a finer resolution, or generated with any of the restricted technologies in 3(b) above would be the exclusive domain of Indian companies and could only be used by foreign players under a license from Indian companies.

4 Export and localisation of maps

The export of maps and map data finer than a 1:250,000 resolution was previously restricted by the government. The Guidelines have liberalised this and have permitted exports of maps with resolutions up to the Threshold (1:100). The lowering of this threshold will make it easier for foreign entities to access more accurate Geospatial Data in India for their offerings. Digital maps and Geospatial Data with accuracy finer than the Threshold however must be localised, and are only permitted to be stored and processed on servers located within India.

5 Inter-ministerial Committee

The Guidelines introduce the constitution of a Geospatial Data Promotion and Development Committee (**Committee**), which shall have representatives from all relevant government departments. The Committee will be responsible for governing and promoting all activities in relation to Geospatial Data and is also tasked with deciding on disputes which may arise from the identification of Sensitive Attributes, and the associated regulations.

6 Publicly funded Geospatial Data

While the National Data Sharing and Accessibility Policy is currently operational, and requires the disclosure of all data created using public funds, the implementation of this policy has been slow and further requires certain conditions to be fulfilled in order to access and use such data. This has resulted in multiple Indian companies having to duplicate efforts by carrying out physical mapping in order to participate in the mapping industry.

To rectify this, the Guidelines stipulate that all Geospatial Data produced using public funds is to be freely accessible to all Indian entities, for scientific, economic and developmental purposes. To this end, the Guidelines also require the Sol to make all its data accessible online and remove any restrictions to such access. While this access has been made free of charge for government agencies, a transparent pricing policy will be introduced for private entities.

The Guidelines however exempt classified Geospatial Data (collected by security and law enforcement agencies) and Geospatial Data containing Sensitive Attributes from the above requirement. It is unclear at the moment as to the full extent of what classified Geospatial Data refers to, and how this data will be identified. This would need to be clarified such that this exception remains limited, in the same manner as the scope of Sensitive Attributes, to ensure that it does not adversely affect the accessibility of public Geospatial Data.

Political maps created by the Sol must be made freely downloadable and printable. The Guidelines have also doubled down on the existing legal position that political maps of India must comply with Sol standards.

The Guidelines require the government to allocate public funds towards the promotion of crowd-funding efforts to build maps, and also encourage government agencies to collaborate to acquire Geospatial Data. It

urges both public and private entities to collaborate towards creating an open access Geospatial Data ecosystem.

7 Penalties

Based on how the erstwhile regime was structured, the restrictions in these Guidelines are likely to be implemented through changes in various laws (such as under the Customs Act, 1962 for export prohibition). Any penalties for breach of these restrictions are therefore likely to be actioned by the concerned enforcement authority under these laws, and the penalties are also therefore likely to be derived from these legislations.

These Guidelines are a welcome step towards opening up and providing significant impetus to the Indian mapping framework for domestic players and the liberalisation of this regime is likely to spur innovation in mapping activities and technologies, as well as allow Indian entities to aggregate and use Geospatial Data across several sectors.

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