

State Perspectives on Licensing Geospatial Data



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The public has a fundamental right to understand how and why government decisions are made. Because of this fact, NSGIC is decidedly against government agencies licensing data to generate revenue. It simply doesn't work. Given today's realities, however, we do support licensing of certain types of data (e.g. critical infrastructure), but we work hard to minimize the impact of our decisions. For more information, see our [Geospatial Data Sharing - Guidelines for Best Practices](#).

The other side of this issue is when government is buying licensed geospatial data from the private sector. State attitudes about licensing are very different today than they were 10 or 15 years ago. With regard to the states acquiring and using licensed data, their strategy is to use licensed data when a business requirement exists, and there is no cost-effective state source to meet that need. Examples of this are licensed imagery from Google or Hexagon, road centerlines from HERE, and data from other providers like InfoUSA (business listing database), Esri (market analysis data), Ookla (internet speed test data with indicators of broadband service quality).

The following bullets describe what the states need when they seek to license private data.

- Enterprise use across all state agencies, so that individual agencies don't need to separately license the same data.
- Enterprise licensing should represent savings over separate agency licenses, and since this results in lower marketing costs to private firms, those savings should be reflected in lower enterprise pricing.
- The ability to use the data in public-facing applications, typically without a means for the public to download the data. Sometimes the states will agree to aggregate the data (reduced granularity) for public display if they cannot get terms to allow the original data to be public-facing.

- Depending on the use of the data, they may want to negotiate terms that allow them to share the data with local governments, schools, or state authorities, etc.
- License terms must allow "agents" (contractors) working for the states to use the data in their work for state-sponsored projects.
- Regular updates should be included for the term of the license.
- The states like multi-year license terms, which can usually result in a better price. Normal terms include options to extend annually after the first year, for a total of up to 3 years (sometimes 5 years).
- States need the ability to perpetually archive the data, in the event they are challenged in the future regarding decisions previously made.
- States need complete and accurate metadata to determine that products meet their business requirements, and to be able to use the products in legal proceedings.

It's not easy to get all of the above terms included in a license agreement and the states sometimes hear "we've never done this before."

NSGIC suggests that each provider of licensed data products consider the above issues and address them in their marketing strategies and licensing agreements. Doing so, may take months off of the negotiation and procurement process while the attorneys go back and forth to work out new provisions.