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## GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

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### DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM DEPARTEMENT VAN LANDELIKE ONTWIKKELING EN GRONDHERVORMING

No. 96

16 February 2015

#### SPATIAL DATA INFRASTRUCTURE ACT, 2003

In terms of section 11(2) of the Spatial Data Infrastructure Act, 2003 (Act No. 54 of 2003), I, Gugile Ernest Nkwinti (MP), Minister of the Department of Rural Development and Land Reform, hereby approve the Base Data Set Custodianship Policy and the Policy on Pricing of Spatial Information Products and Services as made by the Committee for Spatial Information under the section 6 of the Act. The policies will come into operation one month from the date of publication hereof in the *Gazette*.

**Nkwinti, G E (MP)**

**Minister of the Department of Rural Development and Land Reform**



**COMMITTEE FOR SPATIAL INFORMATION**

**[In terms of the Spatial Data Infrastructure Act, 2003 (Act No. 54 of 2003)]**

**Base Data Set Custodianship Policy**

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## Definitions and abbreviations

All terms in this Policy are consistent with their meaning in the Spatial Data Infrastructure Act, 2003 (Act No. 54 of 2003), ("the SDI Act"), and the regulations made thereunder. More specifically, -

**"base data set"** means those themes of spatial information which have been captured or collected by a data custodian;

**"CSI"** means the Committee for Spatial Information, established in terms of section 5 of the SDI Act;

**"data collection project register"** means a technical system provided by the Department;

**"data custodian"** means an organ of state; or an independent contractor or person engaged in the exercise of a public power or performance of a public function, which captures, maintains, manages, integrates, distributes or uses spatial information.

**"data set"** means an identifiable collection of related spatial information;

**"Department"** means the Department of Rural Development and Land Reform;

**"electronic metadata catalogue"** means a technical system for the capture and dissemination of metadata records of spatial information;

**"Minister"** means the Minister of Rural Development and Land Reform;

**"SDI Act"** means the Spatial Data Infrastructure Act, 2003 (Act No. 54 of 2003);

**"spatial information"** means information about spatial objects or features and their attributes;

**"subcommittee"** means a subcommittee established by the CSI in terms of section 10 of the SDI Act.

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## Base Data Set Custodianship Policy

### 1. Policy statement

Sections 11 to 18 of the Spatial Data Infrastructure Act, 2003 (Act No. 54 of 2003), ("the SDI Act"), requires base data set custodians to provide accurate, relevant and up-to-date spatial information products and services to the State for improved planning and informed decision making. This Policy will guide base data set custodians in meeting the requirements of the provisions of the SDI Act.

### 2. Purpose

The purpose of this Policy is to:

- (a) Outline the criteria for the identification and appointment of base data set custodians to promote data sharing.
- (b) Promote cooperative relationships among base data set custodians and other entities/organisations to ensure access to, and availability of relevant base data sets.
- (c) Specify the right(s) of a base data set custodian, in terms of the SDI Act and other legislations and policies.
- (d) Specify the responsibilities of a data user in relation to a base data set custodian.

### 3. Scope

This Policy is applicable to organs of state and service providers providing services to the State. It applies to the base data sets as identified by the Committee for Spatial Information (CSI) from time to time.

#### **4. Objectives**

The objectives of the Policy are to:

- (a) Improve access to, and availability of relevant base data sets/information;
- (b) Eliminate duplication in the collection of base data sets;
- (c) Protect the privacy of individuals and avoid legal liabilities among all parties;
- (d) Improve the quality and integrity of base data sets;
- (e) Foster cooperation between the different spheres of government and other organizations;
- (f) Ensure base data sets integration.

#### **5. Legislative and regulatory framework**

Constitution of the Republic of South Africa, 1996.

Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005).

Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

The SDI Act.

#### **6. Policy details**

##### **6.1 Key principles**

The functioning of a society depends upon information and the efficient communication thereof to its members. This determines the economic efficiency and industrial and productive processes of a nation. Information is widely recognized as the most critical and essential of corporate resources. The full potential of this resource can be realized only if it is accessible and used appropriately by those that require it. Therefore, the principles underlining this Policy are to:

- Recognize base data set custodians as authoritative sources for base data sets;
- Promote cooperation and coordination among base data set custodians;

- Improve access to base data sets through capture and publication of metadata; and
- Institutionalize base data sets governance.

### 6.1.1 Authoritative data sets

The base data set custodian is regarded as the authoritative source for the base data sets in its care and is therefore required to keep such data sets up-to-date. Base data set custodians are responsible for the processes and functions of data capture, validation, maintenance, management, archiving and documenting, including the principles and procedures for accuracy, currency, metadata, data storage and security.

### 6.1.2 Cooperation and coordination

- (a) Due to the limited resources available to the country, many government departments are currently experiencing budget constraints. Base data set custodians will commit to promoting efficient, economic and effective use of resources by cooperating and coordinating with each other in sharing data and information, as enshrined in the Constitution, 1996 [section 195 (1)(b)]. All base data set custodians and agents will commit to proper maintenance, improved accessibility and fair distribution of base data sets. Base data set custodians will work together to facilitate data and information sharing in order to avoid duplication of base data set capture and costs to all spheres of government. Base data set custodians should, where possible, consult users in line with *Batho Pele* principles in determining needs when capturing or updating spatial information.
- (b) Users must report errors in spatial information/base data sets to the base data set custodian(s) from whom they obtained the data/information in accordance with the SDI Act. Reporting of errors must be done within 90 calendar days of the user becoming aware of such errors.
- (c) Where a user is granted permission by a base data set custodian to update base data sets/spatial information, the updates must be returned to the base data set custodian at no cost. Base data set custodians will make

their conceptual data model available to any user and the public on request. Base data set custodians will assist other organs of state in developing data product specifications.

- (d) Organs of state that have been granted permission by the CSI to capture base data sets/spatial information will capture such data sets after consultation with the respective base data set custodian. All base data sets/spatial information collected or created through public funding will be returned to the respective base data set custodian at no cost.

### 6.1.3 Access

- (a) Access is a fundamental issue in the exchange of data. Information becomes valuable when it is accessible to the user. All base data set custodians will capture metadata for their data holdings. This will provide the public with the information needed to process and interpret data to avoid legal proceedings against one another.
- (b) The principle of access to information is rooted in section 32(1)(a) and (b) of the Constitution (*“Everyone has the 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”*). Access to information is necessary for the development and promotion of an informed public and an accountable government. It improves decision-making, service delivery and economic development, and is of great benefit to society as a whole. Access to information occurs when the public is provided with information, to which they are legally entitled, upon their request.
- (c) Base data set custodians will disclose or make base data sets available to the public on request, unless it is exempted from disclosure under the Promotion of Access to Information Act.
- (d) Base data set custodians must register their data collection/acquisition projects on the data collection project register at the Department prior to undertaking projects and update the register when changing the status of projects.

- (e) Base data set custodians will ensure that reasonable security measures are in place to avoid loss, unauthorized access, modification and disclosure of personal data.
- (f) Any base data set(s) that is disclosed or made available to users must include the metadata component.
- (g) Base data set custodians should ensure that their metadata is available to the public by establishing a node at the Department's Electronic Metadata Catalogue, or by making their records available to the Department for inclusion in the Catalogue.

#### **6.1.4 Shared base data set custodianship**

Where relevant, it is possible to have more than one organisation as base data set custodian for the same spatial object or feature. This is called shared base data set custodianship. In such circumstances one organisation, called the base spatial data custodian, is the custodian for the spatial attributes (geometry), and another organisation, called the base attribute data custodian, the custodian for the descriptive attributes. Both data custodians will agree to and adhere to policies, standards and specifications for the base data set.

#### **6.1.5 Base data set governance**

The role of a base data set coordinator is hereby established to encourage base data governance. It is the responsibility of a base data set coordinator to ensure that the base spatial data custodian and the base attribute data custodian create base data sets that adhere to all policies, standards and specifications. The base data set coordinator will also be responsible for ensuring data compatibility and integration of base data sets of different base data set custodianship for the same base data sets but with adjoining geographical coverages.

### **6.1.6 Adherence to standards**

Base data set custodians will adhere to standards that are prescribed by the Minister in terms of section 4(1)(a) of the SDI Act, and to any other relevant national standards for spatial information in promoting interoperability.

### **6.1.7 Quality**

- (a) The base data set custodian will ensure that the base data set is accurate and current concerning the determined user needs for the purpose for which it was captured. Where probable errors exist, the degree of probability of its correctness must be made available.
- (b) The base data set custodian will ensure that the base data set or spatial information is free from ambiguities.
- (c) Base data set custodians will ensure that the quality and resolution of their base data sets and other spatial information meet the needs of their intended users.
- (d) Base data set custodians of specific base data sets will ensure that base data set updates are sent to base data set custodians of derived data sets.
- (e) Base data set custodians of derived data sets should ensure that their data is derived from the latest base data sets.

### **6.1.8 Rights**

Base data set custodians are entitled to charge for spatial information/base data sets in accordance with the Policy on Pricing of Spatial Information Products and Services (CSI Policy No. 2).

## **6.2 Criteria to be used in identifying a base data set custodian**

The following criteria will be used to identify a base data set custodian:

- Mandated responsibility [legislation, Cabinet directive, policy or other] (compulsory);
- Sufficient capacity, resources and infrastructure to perform the function of a base data set custodian (conditional);

- Request by the CSI to be a base data set custodian (compulsory).

## **7. Roles and responsibilities**

- 7.1 The Policy and Legislation Subcommittee is responsible for drafting policies to be submitted to the CSI.
- 7.2 The CSI recommends the Policy to the Minister and upon approval from the Minister publishes it in the *Gazette*.
- 7.3 The Policy comes into effect 30 calendar days after publication.
- 7.4 The Policy and Legislation Subcommittee reviews the Policy annually and where applicable recommends amendments to the CSI.
- 7.5 The Policy is binding on all parties referred to in the SDI Act.
- 7.6 The CSI must promote coordination and cooperation between base data set custodians and other organs of state.
- 7.7 The Data Subcommittee must recommend the list of base data set custodians to the CSI for approval.
- 7.8 The Department will be responsible for providing implementation support to base data set custodians and other organs of state.

## **8. Monitoring and evaluation**

- 8.1 The CSI, assisted by the Department, will monitor adherence to the Policy.
- 8.2 Adherence to the Policy will be monitored through various means, including audits and inspections. Upon request to do so, any organisation that is the subject of adherence monitoring must provide any documentary evidence requested within a reasonable period of time.
- 8.3 The CSI, assisted by the Department, should from time to time evaluate the efficacy and effectiveness of the Policy. Due regard must be given to the purpose and objectives of the Policy, as well as the state of readiness for implementation of the Policy by affected parties.
- 8.4 The Data Subcommittee will from time to time evaluate the list of base data set custodians and base data sets in relation to the user requirements and the data product specifications.

8.5 The CSI will monitor data custodians' compliance with all standards and legal requirements.

**9. Licensing**

Base data set custodians may not license data sets for exclusive use. However, in circumstances where a base data set custodian received a licensed date, the base date set custodian must comply with the requirements of such license.

**10. Copyright**

Base data set custodians must ensure that where copyright resides in any data set, such copyright will be adhered to in line with the Copyright Act, 1978 (Act No. 98 of 1978).

**11. Amendments**

| No. | Amendment | Date |
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**12. Associated documents**

Development and review of CSI policy process documentation.



**COMMITTEE FOR SPATIAL INFORMATION**

**[In terms of the Spatial Data Infrastructure Act, 2003 (Act No. 54 of 2003)]**

**POLICY ON PRICING OF SPATIAL INFORMATION PRODUCTS AND SERVICES**

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## Definitions and abbreviations

All terms in this Policy are consistent with their meaning in the Spatial Data Infrastructure Act, 2003 (Act No. 54 of 2003), ("the SDI Act") and the regulations made thereunder. More specifically, -

**"CSI"** means the Committee for Spatial Information, established in terms of section 5 of the SDI Act;

**"Department"** means the Department of Rural Development and Land Reform;

**"ICT"** means information and communication technology;

**"Minister"** means the Minister of Rural Development and Land Reform;

**"SDI Act"** means the Spatial Data Infrastructure Act, 2003 (Act No. 54 of 2003);

**"spatial information product"** means spatial information prepared in a manner ready for dissemination to users in either digital or hard copy form and includes a map;

**"spatial information service"** means a service provided in which spatial information is used to meet the need of a user;

**"Subcommittee"** means the Subcommittee for Policy and Legislation, created by the CSI in terms of section 10 of the SDI Act.

## **Policy on pricing of spatial information products and services**

### **1. Policy statement**

Guidelines on pricing for the provision of spatial information products and services by public sector organisations to users.

### **2. Purpose**

The purpose of this Policy is to ensure that informed decisions can be made regarding the pricing of spatial information in the public sector and that there is consistency in the application of the pricing policy.

The Committee on Spatial Information (CSI) has an important role in coordinating the framework data, maps, systems and standards required to maximise the usefulness of spatial data/information collected by all levels of government in South Africa and the private sector. Properly carried out, this mandate will lead to consistent, compatible and interoperable data sets.

The current pricing and licensing practices of the various public sector organisations have prevented this from occurring. Therefore, almost all municipalities, most provincial and even state departments spend some level of resources to develop duplicate spatial information. The existing operating modes are based on previous modes with the emphasis on cost recovery and the user-pays principle. This equates the percentage of cost recovery to the value of service delivered to the public. Today, service delivery in itself is the aim and the reason for the existence of public sector organisations.

The inability to pay must not be used as a barrier to deny access to services to a user or user group. In essence, the pricing policy of the public sector must provide for equitable, universal access.

### 3. Scope

This Policy covers all spatial data/information provided by public sector organisations, and includes all data custodians and other public sector organisations providing spatial information products and services, whether as a primary or a secondary provider.

The Policy deals with spatial information products and services that are generally available from the organisation, and those that the organisation customises for the client on specific request (also referred to as value-added products and services).

### 4. Objectives

The objectives of the Policy are to:

- (a) Promote transparency in the public sector by removing cost of information as a barrier;
- (b) Ensure access to spatial information products and services on the grounds of affordability;
- (c) Promote consistency across the public sector with respect to pricing for spatial information products and services;
- (d) Promote the *Batho Pele* principle of providing value for money to users;
- (e) Encourage job creation and economic activity through entrepreneurial utilization of affordable spatial information from public sector sources.

### 5. Legislative and regulatory framework

Constitution of the Republic of South Africa, 1996.

The SDI Act and the regulations made thereunder.

Promotion of Access to Information Act, 2002 (Act No. 2 of 2000).

Other legislation specific to the mandate of public sector organisation(s).

## **6. Policy details**

### **6.1 Key principles**

- Promote the principles of open data and universal access to data, particularly data held by public organisations.
- Compulsory for base data custodians and data custodians.
- Spatial information collected and maintained by public sector organisations, funded from the fiscus, is a public good.
- Affordability of accessing spatial information.
- Consistency across public organisations in the pricing of spatial information.
- Spatial information must not be regarded by public sector organisations as a source of income.

### **6.2 Categories of spatial information**

There are two distinct categories of spatial information products and services provided by public sector organisations. The first category is products that are generally available from the organisation. These are usually listed in the organisation's manual of records, prepared in terms of section 14 of the Promotion of Access to Information Act, 2000, and revised annually. The second category consists of products and services that the organisation customises for the client on specific request (also referred to as value-added products and services).

### **6.3 Generally available products and services**

For generally available products and services:

- 6.3.1** The principles guiding the policy on the pricing of such products and services need to be consistent with the provisions of the Promotion of Access to Information Act, 2000; basically, charging the user what it costs the organisation to make the information available in the requested format. This main principle is referred to as Cost of Fulfilling User Request (COFUR). For the purposes of this Policy, the products and services of a

data custodian for which public funding is provided is regarded as generally available spatial information products and services.

- 6.3.2** The COFUR principle is to be used in the public sector to determine prices for generally available spatial information products and services (also referred to as standard products). For the purposes of this policy document, COFUR means that the pricing structure for spatial information is based on recovering the costs of the materials used for copying, printing, preparing for dispatch, postage and packaging.
- 6.3.3** When requested to do so, public sector organisations must provide the method used, including all cost elements and unit costs, to determine the prices of products and services.
- 6.3.4** A public sector organisation may provide spatial information products and services at less than the COFUR price.
- 6.3.5** The cost to make a staff member and workstation available at a public counter or other service centre is regarded as one of the functions of the organisation, i.e. service delivery. These services are fully funded by moneys allocated to the organisation by Parliament or from statutory rates and taxes, and need not be recovered from users. These costs should therefore not be included in the COFUR.
- 6.3.6** The Minister may, upon receiving a motivated request, and on recommendation of the CSI, exempt a public sector organisation partially or in full from the COFUR pricing. The decision of the Minister must be communicated to applicants within a period of six months.
- 6.3.7** The new pricing structure will encourage small business and non-traditional users of spatial information to become involved in the spatial information industry, especially in the field of value-added services.
- 6.3.8** In terms of the Promotion of Access to information Act, 2000, the State (in general) is not exempted from paying charges determined under this Policy.

#### **6.4 Value-added products and services**

For special products and services (value-added products and services):

- 6.4.1** Products and services falling into this category are not generally available and are generally of use only to a specific client. A client who requests such services from an organisation needs to be made aware that any costs incurred by the organisation in the provision of the requested special product or service will be for the client's account.
- 6.4.2** The pricing would generally be determined in the terms and conditions of the service level agreement or contract between the client and the organisation, or through the fees of office, or rates provided for in terms of legislation.
- 6.4.3** When a special product (or service) is prepared for a client and a new client subsequently requests the same product, the further provision of the product must be in accordance with the COFUR principle and not charged for in full. If the previously prepared product requires adaptations for the new client, the client should be charged only for the cost of such adaptations.
- 6.4.4** The following cost items could be used to determine the cost of the product or service:
- (a) Human resources – total cost of employment, and not only salary, as apportioned to the product or service;
  - (b) Materials consumed;
  - (c) Equipment (including ICT systems) – capital, maintenance and running cost;
  - (d) Apportionment of infrastructure (direct and overhead) - including electricity and water;
  - (e) Communication - including ICT networks and Internet usage;
  - (f) Transport;
  - (g) Accommodation;
  - (h) Rates and taxes, if applicable;
  - (i) Incidental costs.

Note that the cost of generally available spatial information must not be included.

## **6.5 Standard products and services**

No royalty fee will be payable on standard products/services or records where the price of the product is based on the COFUR price principle.

## **7. Roles and responsibilities**

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## **8. Monitoring, evaluation and review**

- 8.1 The CSI, assisted by the Department, will monitor adherence to the Policy.
- 8.2 Adherence to the Policy will be monitored through various means, including audits and inspections. Upon request to do so, any organisation that is the subject of adherence monitoring must provide any documentary evidence requested within a reasonable period of time.
- 8.3 The CSI, assisted by the Department, should from time to time evaluate the efficacy and effectiveness of the Policy. Due regard must be given to the purpose and objectives of the Policy, as well as the state of readiness for implementation of the Policy by affected parties.

**9. Amendments**

| No. | Amendment | Date |
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**10. Associated documents**

*Batho Pele* principles of the public sector

Development and review of CSI policy process documentation