FREE GEOSPATIAL DATA AND QUALITY: IMPLICATIONS FOR USERS, CONTRIBUTORS AND DISTRIBUTORS

Izaak de Rijcke and Megan Mills1

Geospatial data is widely available and used by a broad range of users for a wide range of purposes—from government planning for service delivery to directions on how to get to a coffee shop. What, if any, duties and standards of care are owed to users of geospatial data by the provider? This is a question complicated by a growing trend toward volunteer geographic information (or VGI) that is itself part of the broader trend of user generated content whereby the users of data contribute geographic data and create a wide range of value-added products based on available data.

This paper is a companion piece to the article authored by Katherine Plante and Marc Gervais entitled “Geospatial Data Quality Guarantee.”2 Plante and Gervais provide an overview of geospatial data quality guarantees in the legal context of the Quebec Civil Code. This paper, in contrast, looks at similar concepts, but from the perspective of the common law in Canada and drawing at times from other common law jurisdictions.

Introduction

The widespread availability and use of geospatial data raises a number of questions on the central theme of duties that might be owed by the provider of the data to the end user. Is there a liability for damages where there is injury to person or property that is a result of the user’s reliance on spatial data containing errors? Is there a responsibility on part of the data contributor or host site to provide data of a certain quality level or warn users of data’s limitations? How might these issues be addressed in an environment of user generated content where the roles between data provider, host site and users are blurred? How might these issues be addressed where the purpose for which the data is going to be used is not known to the data provider or the host site? This paper will explore these themes in the context of the common law.

Canada is home to two distinct legal traditions. Quebec’s civil law system is based upon codified law that is comprehensive and continually updated. The remainder of the country has adopted the English common law system in which some law is

1 The authors practice law in association from offices in Guelph, Ontario.