



COMMITTEE FOR SPATIAL INFORMATION

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

**Draft South African Spatial Data Infrastructure
Compliance Guidelines**

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Definitions and Abbreviations

All terms in this guide are consistent with their meaning in the SDI Act and the Regulations framed there-under. More specifically:

%SDI Act+ means the Spatial Data Infrastructure Act, 2003 (Act No. 54 of 2003), as amended.

%Minister+ means the Minister of Rural Development and Land Reform.

%CSI+ means the Committee for Spatial Information, established in terms of section 5 of the SDI Act.

%Sub-committee+ means the Sub-committee for Policy and Legislation, created by the CSI in terms of section 10 of the SDI Act.

%Department+ means the Department of Rural Development and Land Reform.

%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.

%Compliance+ generally means compliance with laws and regulations

1. Purpose of this guide

The purpose of this guide is to familiarise organs of state and users of spatial information of their responsibilities and accountabilities as prescribed by the SDI Act, Data Custodianship Policy and the Policy on the Pricing of Spatial Information Products and Services. The guide also outlines the following:

- (a) Specify compliance expectation from Data Custodians, CSI and...;
- (b) Specify a compliance guideline checklist;
- (c) Specify an audit checklist to be used when conducting audits: and
- (d) Specify the process of monitoring, evaluation and reporting.

2. Scope

This guide is applicable to organs of State and users of spatial information. The guide aims to ensure proper implementation of legislation relating to the use, dissemination, management, maintenance, archiving and documenting of spatial information.

3. Objectives

The objectives of the guide are to:

- (a) Enhance implementation of the SDI Act and policies;
- (b) Ensure consistency in the application of the SDI Act and policies

4. Key Success Factors

The main requirements for a successful implementation of this guide are:

- Political will of the CSI, Data Custodians to drive the implementation process:
- Buy-in and unconditional support from Heads of Organs of State appointed as Data Custodians:
- Capacity and capability building in organs of state:
- Sufficient resources (Infrastructure, Human, Financial etc); and
- Continues support from the Committee for Spatial Information.

5. Legislative Framework

Constitution of the Republic of South Africa

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

Spatial Data Infrastructure Act, (Act No. 54 of 2003)

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

Copyright Amendment Act, 2002 (Act No 9 of 2002)

Data Custodianship Policy, (CSI Policy No. 1 of 2013)

Policy on the Pricing of Spatial Information Products and Services, (CSI Policy No.2 of 2013)

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

6. Guidelines

The guidelines are based on the following sections of the Legislative Framework:

No.	Section	Legislative Framework	Description	Responsibility	Portfolio of Evidence
1	Section 6(2)(b)	SDI Act	CSI must monitor and acquire information relating to the functioning of the SASDI.	CSI and NSIF	CSI Annual Report
2	Section 6(2)(c)	SDI Act	CSI must support the functioning of any structure or measure established under the Act.	CSI and NSIF	CSI Programme of Work
3	Section 6(2)(e)	SDI Act	CSI must promote awareness of its activities, including the dissemination of information on the importance of spatial information for effective governance, planning and decision making.	CSI and NSIF	Accessible CSI portal updated regularly
4	Section 6(2)(f)	SDI Act	CSI must within three months after the end of the each financial year, submit a report to the Minister, stating the activities of the Committee and its subcommittee and any recommendations from the Committee aimed at improving its functioning and of the SASDI.	CSI and NSIF	CSI Annual Report
5	Section 9(2)	SDI Act	The Committee must hold at least four meeting each year, but may hold such further meetings as it determines from time to time.	CSI and NSIF	CSI minutes of the meetings
6	Section 17(3) and Section 6.1	SDI Act and Data Custodianship Policy	The Data Custodian or Data Vendor must respond, in a prescribed time and manner, to the user or data vendor after receiving the report on that deficiency.	Data Custodians and Data Vendor	Error Report Register

No.	Section	Legislative Framework	Description	Responsibility	Portfolio of Evidence
7	Section 20(2)	SDI Act	The Minister must before making, amending or repealing any regulation under section (1), publish the proposed regulation, amendment or repeal once in the gazette and call for written comments by any interested party to be provided within 30 days after such publication.	NSIF	Published /gazetted documents
8	Section 6.1	Data Custodianship Policy	A data custodian is an organ of State as recognized by the Committee for Spatial Information, having the responsibility to ensure that a base dataset is collected and maintained according to specifications and priorities determined in consultation with the CSI and the user community.	Data Custodians	1. CSI Appointment Letter. 2.. User consultation reports 3. Project Register
9	Section 6.1	Data Custodianship Policy	Data 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.	Data Custodians	Data capture, validation, maintenance, management, archiving and documentation processes and procedures
10	Section 6.1	Data Custodianship Policy	The Data Custodian is regarded as the authoritative source for the base dataset in its care and therefore is required to keep such dataset up-to-date.	Data Custodians	Dataset Maintenance Plan(s)
11	Section 6.1	Data Custodianship Policy	Data Custodians must have in place the maintenance plan (including the frequency in which the dataset will be updated).	Data Custodians	Dataset Maintenance Plan(s)

No.	Section	Legislative Framework	Description	Responsibility	Portfolio of Evidence
12	Section 6.1	Data Custodianship Policy	All Data Custodians and agents shall commit towards proper maintenance, improved accessibility and fair distribution of spatial data/information.	Data Custodians	Dataset Maintenance Plan(s) Distribution list
13	Section 12 (2) and Section 6.1	SDI Act and Data Custodianship Policy	All Data Custodians shall capture metadata for their data holdings.	Data Custodians	Metadata Records Published
14	Section 16(3) and Section 6.1	SDI Act and Data Custodianship Policy	It is the responsibility of a Base Data Coordinator to ensure that the Base Spatial Data Custodian and the Base Attribute Data Custodian create a Base Dataset that adheres to all policies and standards and specifications.	Base Data Coordinator	Adherence Agreements
15	Section 6.1	Data Custodianship Policy	The Base Data Coordinator will also be responsible for ensuring data compatibility and integration of different Data Custodians for the same base dataset but with adjoining geographical coverages.	Base Data Coordinator	Adherence Agreements
16	Section 6(2)(a) and Section 6.1	SDI Act and Data Custodianship Policy	The CSI shall facilitate and promote co-operation and co-ordination among the different Data Custodians and other organs of State to ensure data integration and interoperability.	CSI and NSIF	CSI Annual Report
17	Section 6.1	Data Custodianship Policy	Data custodians shall work together to facilitate data and information sharing in order to avoid duplication of data capture and cost to all spheres of government.	Data Custodians and NSIF	Data Custodian Forum Established
18	Section 6.1	Data Custodianship Policy	Data custodians should, where possible consult users in line with Batho Pele principles in determining needs when capturing or updating spatial information.	Data Custodians	User Consultation Reports

No.	Section	Legislative Framework	Description	Responsibility	Portfolio of Evidence
19	Section 6.1	Data Custodianship Policy	Data Custodians shall be accountable for the integrity of unmodified spatial information which is supplied by the data vendor.	Data Custodians	Data Custodian and Vendor Agreement
20	Section 6.1	Data Custodianship Policy	The Department shall be responsible for the development and maintenance of the Electronic Metadata Catalogue for accessing spatial datasets	NSIF	Functional Metadata Catalogue
21	Section 6.1	Data Custodianship Policy	Data custodians shall disclose or make information available to the public on request unless it is exempted under the Promotion of Access to Information Act.	Data Custodians	PAIA manual
22	Section 6.1	Data Custodianship Policy	Data custodians must register their data collection/acquisition projects on the data collection project register at the Department prior to undertaking the project and update the register when changing the status of the project.	Data Custodians	Project Register
23	Section 6.1	Data Custodianship Policy	Ensure security against the loss of spatial information, unlawful access to and modification or disclosure of spatial information.	Data Custodians	IT security audit report?
24	Section 6.1	Data Custodianship Policy	Ensure the protection of the copyright of the state and other parties.	Data Custodians	In line with copyright Act?
25	Section 11	SDI Act and Data Custodianship policy	A data custodian and a data vendor must adhere to the standards and prescriptions.	Data Custodian and Data Vendor	Research how SABS enforce compliance to standards?

7. Roles and Responsibilities

- 7.1 The Policy and Legislation Sub-committee is responsible for drafting compliance guidelines to be submitted to the CSI.
- 7.2 The CSI recommends the compliance guidelines to the Minister, and upon approval from the Minister, publishes it in the Government Gazette.
- 7.3 The compliance guidelines come into effect thirty (30) calendar days after publication.
- 7.4 The Policy and Legislation Sub-committee reviews the compliance guidelines annually, and where applicable, recommends amendments to the CSI.
- 7.5 The compliance guidelines are binding on all parties referred to in the SDI Act.
- 7.6 Auditors have a right to inspect and have access to relevant records of a Data Custodian when conducting audits.
- 7.7 The CSI assisted by the Department shall communicate audit findings to Organs of State.

8. Monitoring, Evaluation and Review

- 8.1 The Department will undertake the monitoring of the adherence to the compliance guidelines. The Department will submit a report on its audit findings, at least once per annum, to the CSI.
- 8.2 Adherence to the guidelines will be done a various means, including undertaking audits and inspections (Annexure A). Upon request to do so, any organisation, being the subject of adherence monitoring, must provide within a reasonable period of time any documentary evidence requested of it for the purpose indicated.
- 8.3 The CSI, assisted by the Department, should from time to time evaluate the efficacy and effectiveness of the guidelines. Due regard must be had for the purpose and objective of the guidelines, as well as the state of readiness for implementation of the guidelines by affected parties.

1. Amendment

No.	Amendment	Date

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9. Annexure A

No.	Section	Legislative Framework	Action	Responsibility	Yes	No	N/A	Comments	Portfolio of Evidence
1	Section 6(2)(b)	SDI Act	CSI must monitor and acquire information relating to the functioning of the SASDI.	CSI and NSIF					CSI Annual Report
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7	Section 20(2)	SDI Act	The Minister must before making, amending or repealing any regulation under section (1), publish the proposed regulation, amendment or repeal once in the gazette and call for written comments by any interested party to be provided within 30 days after such publication.	NSIF					Published /gazetted documents

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9	Section 6.1	Data Custodianship Policy	Data 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.	Data Custodians					Data capture, validation, maintenance, management, archiving and documentation processes and procedures
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25	Section 11	SDI Act and Data Custodianship Policy	A data custodian and a data vendor must adhere to the standards and prescriptions.	Data Custodians and Data Vendor					To be researched