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Federal Act on Geoinformation (Geoinformation Act, GeoIA)

of 5 October 2007 (Status as on 1 October 2009)

*The Federal Assembly of the Swiss Confederation,
based on Article 60 paragraph 1, 63, 64, 75a and 122 paragraph 1
of the Federal Constitution¹,
and having considered the Federal Council Dispatch dated 6 September 2006²,
decrees:*

Chapter 1 General Provisions

Art. 1 Aim

This Act has the aim of ensuring that geodata relating to the territory of the Swiss Confederation is made available for general use to the authorities of the Confederation, the cantons and communes, the private sector, the public and to academic and scientific institutions in a sustainable, up-to-date, rapid and easy manner, in the required quality and at a reasonable cost.

Art. 2 Scope

¹ This Act is valid for official geodata under federal legislation.

² It is valid for other federal geodata provided its use is not regulated by other federal legislation.

³ The regulations for geodata apply by analogy to federal geological data.

⁴ The Third, Fourth and Fifth Chapters hereof shall take priority over divergent provisions of other federal acts.

Art. 3 Terms and definitions

¹ In this Act:

- a. *geodata* means geospatial data that is related in time to the dimensions and characteristics of certain spaces and objects and in particular their position, nature, use and legal relationships;

AS 2008 2793

¹ SR 101

² BBl 2006 7817

- b. *geoinformation* means geospatial information obtained through combinations of geodata;
- c. *official geodata* means geodata that is based on a legislative enactment of the Confederation, a canton or a commune;
- d. *official geodata of proprietary nature* means official geodata that binds by law all persons with a legal interest in a particular land parcel;
- e. *official geodata binding public authorities* means official geodata that is legally binding for federal, cantonal or communal authorities in the execution of their public duties;
- f. *geospatial reference data* means official geodata which serves as the geometric basis for other geodata;
- g. *geospatial metadata* means formal descriptions of the characteristics of geodata describing, for example, the origin, content, structure, validity, up-to-dateness, accuracy, rights of use, access or methods of processing;
- h. *geodata models* means descriptions of reality determining the structure and content of geodata independent from the used hard- and software systems;
- i. *presentation models* means descriptions of graphical presentations for the visualization of geodata e.g. in the form of maps and plans;
- k. *geodata services* means network applications which facilitate and simplify the use of electronic services for geodata and allow access to structured geodata.

² The Federal Council may expand the definitions of the terms used in this Act and amend them in accordance with the latest scientific and technical findings and international usage.

Chapter 2 Principles

Section 1 Qualitative and Technical Requirements

Art. 4 Harmonisation

¹ The qualitative and technical requirements for geodata and geospatial metadata must be defined in such a way as to enable the simple exchange and wide use of the data.

² The implementing regulations for geoinformation legislation must take account of internationally or nationally recognized standards for geodata and geospatial metadata provided that this is possible and technically expedient.

Art. 5 Official geodata under federal legislation

¹ The Federal Council shall define the official geodata under federal legislation in a catalogue.

² It shall issue regulations on the qualitative and technical requirements for official geodata under federal legislation and in particular on:

- a. the geodetic origin and projection framework;
- b. the relevant geodata model;
- c. the presentation model;
- d. the degree of detail;
- e. data quality;
- f. data collection and updating;
- g. data exchange;
- h. spatial delimitations.

³ It may authorise the Federal Office of Topography or the technically competent office to issue technical regulations and specialist recommendations concerning the official geodata under federal legislation.

Art. 6 Geospatial metadata

¹ The Federal Council shall issue regulations on the qualitative and technical requirements for geospatial metadata that is based on official geodata, and in particular on:

- a. the content;
- b. the relevant data model;
- c. the degree of detail;
- d. data quality;
- e. data collection and updating;
- f. data exchange.

² It may authorise the Federal Office of Topography or the technically competent office to issue technical regulations and specialist recommendations concerning the relevant geospatial metadata.

Art. 7 Geographical names

¹ The Federal Council shall issue regulations on the coordination of names of communes, communities and streets. It shall regulate other geographical names, responsibilities and the procedure as well as the allocation of costs.

² The Federal Council shall rule as final instance on disputes arising from the application of paragraph 1 above.

Section 2 Collection, Updating and Management

Art. 8 Responsibility, freedom of method

¹ The legislation shall identify the authorities responsible for the collection, updating and management of the relevant official geodata. In the absence of specific regulations, this responsibility is that of the specialist authority at federal or cantonal level responsible for the specialist field to which this official geodata relates.

² Duplication of work must be avoided during collection and updating of official geodata.

³ The method of collection and updating of official geodata may be chosen freely, provided that the results are of equal quality.

Art. 9 Guarantee of availability

¹ The authorities responsible for the collection, updating and management of official geodata shall also guarantee the lasting availability of this geodata.

² In relation to official geodata under federal legislation, the Federal Council shall regulate:

- a. the modalities of archival storage;
- b. the method and frequency of historiography.

Section 3 Data Access and Data Use

Art. 10 Principle

Official geodata under federal legislation shall be accessible to the public and may be used by anyone, unless this is contrary to overriding public or private interests.

Art. 11 Data security

Articles 1–11, 16–25, 27, 33, 36 and 37 of the Federal Act of 19 June 1992³ on Data Protection apply to the use of all official geodata under federal legislation subject to any regulations to the contrary found in Article 12 paragraph 2c, Article 14 paragraphs 1, 2 and Article 32 paragraph 2d of this Act.

Art. 12 Data use

¹ The authority responsible for the collection, updating and management of official geodata under federal legislation may allow access to this geodata as well as its use and distribution; the authorisation is subject to consent. Consent is granted by:

³ SR 235.1

- a. act of disposal;
 - b. contract;
 - c. organisational or technical access controls.
- ² The Federal Council shall issue further regulations regarding:
- a. the permitted use and distribution of data;
 - b. the main features of the procedure for granting access and use;
 - c. the obligations of the users, in particular with regard to data access and data protection during use and distribution;
 - d. the mention of source of data and caveat;
 - e. exemptions from the requirement of consent.

Art. 13 Geodata services

¹ The Federal Council shall determine the geodata services of national interest and define their minimum content.

² It shall issue regulations about the qualitative and technical requirements with regard to optimal networking and integration.

³ It shall regulate interdisciplinary geodata services.

⁴ It may require that certain official geodata under federal legislation, either by itself or in combination with other geodata, is made available online or by another method in electronic form.

⁵ The same authority that is responsible for the collection, updating and management of official geodata is also responsible for the development and operation of the geodata services.

Art. 14 Data exchange between public authorities

¹ The federal and cantonal authorities shall grant each other easy and direct access to official geodata.

² The Federal Council shall regulate the details of the exchange of official geodata.

³ Data exchange shall be compensated for on the basis of a flat-rate payment. The Confederation and cantons shall regulate the modalities and the assessment of the compensation payment in a public-law contract.

Art. 15 Fees

¹ The Confederation and cantons may charge fees for the access to and use of official geodata.

² They shall harmonise the principles of the fee structure for the official geodata and geodata services of national interest.

³ The Federal Council regulates the fees for the access to and use of basic geodata and the geodata services of the Confederation. The fees are made up as follows: