

NC OneMap Disclaimer

Tim Johnson
GICC Staff

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Background

- Need to consider statewide datasets that are publicly available
- Review responsibilities per General Statutes
- Consider possibility of resale and commercial use of geospatial data

Are adjustments needed to NC OneMap disclaimer?

Approach

- Review NC OneMap disclaimer
- Review current GS 132 (Public Records Law) language and GS 132-10 specifically
- Survey local governments for examples of disclaimers and current practices
- Seek advice from GICC as the statewide geospatial standards and policy body

Determine whether changes are needed and what those look like.

General Statute 132 (Public Records Law) GIS Exception

§ 132-10. Qualified exception for geographical information systems.

Geographical information systems databases and data files developed and operated by counties and cities are public records within the meaning of this Chapter. The county or city shall provide public access to such systems by public access terminals or other output devices. Upon request, the county or city shall furnish copies, in documentary or electronic form, to anyone requesting them at reasonable cost. As a condition of furnishing an electronic copy, whether on magnetic tape, magnetic disk, compact disk, or photo-optical device, a county or city may require that the person obtaining the copy agree in writing that the copy will not be resold or otherwise used for trade or commercial purposes. For purposes of this section, publication or broadcast by the news media, real estate trade associations, or Multiple Listing Services operated by real estate trade associations shall not constitute a resale or use of the data for trade or commercial purposes and use of information without resale by a licensed professional in the course of practicing the professional's profession shall not constitute use for a commercial purpose. For purposes of this section, resale at cost by a real estate trade association or Multiple Listing Services operated by a real estate trade association shall not constitute a resale or use of the data for trade or commercial purposes. (1995, c. 388, s. 5; 1997-193, s. 1.)

NC OneMap Disclaimer (developed in the early 2000s)

The NC Center for Geographic Information and Analysis (CGIA) is charged with the development and maintenance of NC OneMap and, in cooperation with other mapping organizations, is committed to offering its users accurate, useful, and current information. Although every effort has been made to ensure the accuracy of information, errors and conditions originating from physical sources used to develop the resources may be reflected in the information supplied. The user must be aware of possible conditions and bear responsibility for the appropriate use of the information with respect to possible errors, original map scale, collection methodology, currency, and other conditions specific to certain data, web services or applications. While every effort has been made by data providers to ensure this information is accurate and reliable, there is no assumption of liability for any damages caused by inaccuracies in the data, web services or applications. There is no warranty, express or implied, nor does the fact of distribution constitute such a warranty. The use of trade names or commercial products does not constitute their endorsement by CGIA or North Carolina State Government.

NC OneMap Privacy Policy (when data download became commonplace)

Geospatial data, web services and applications provided directly from this NC OneMap geoportal are **free to use by anyone without restriction**. By sharing their content with NC OneMap, all provider organizations understand the free and unrestricted use policy for this website. Written release agreements to authorize use of geospatial data, web services and applications discovered on the NC OneMap website are not required and will not be issued.

Local Government Committee Survey Responses

Counties

Alamance
Chatham
Gaston
Haywood
Henderson
Iredell
Jackson
Lee
McDowell
Moore
New Hanover
Orange
Pender

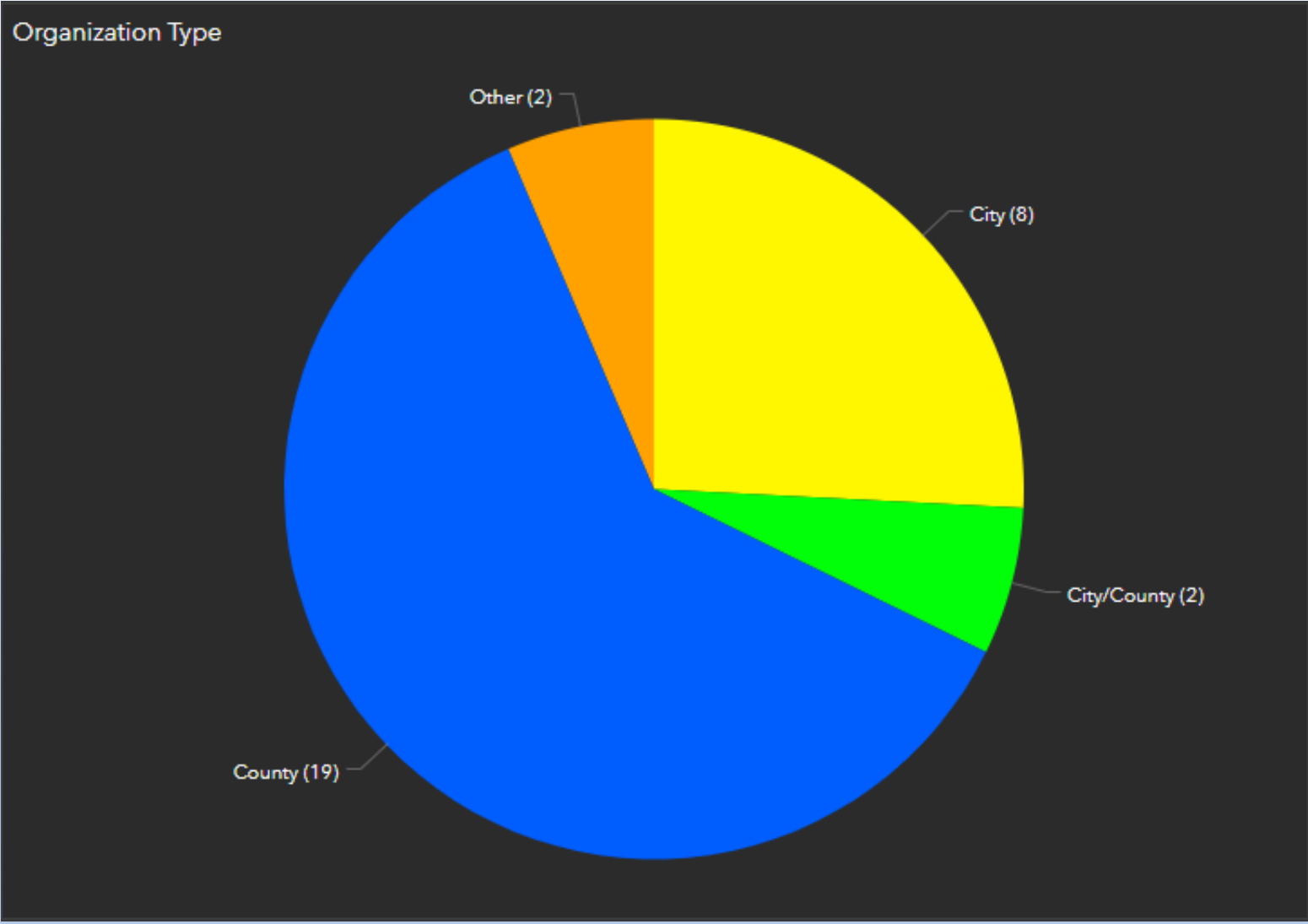
Rowan
Stokes
Vance
Wilson

Cities/Towns

Beech Mountain
Clayton
Gastonia
Greensboro
Greenville
Laurinburg
Raleigh
Winston-Salem

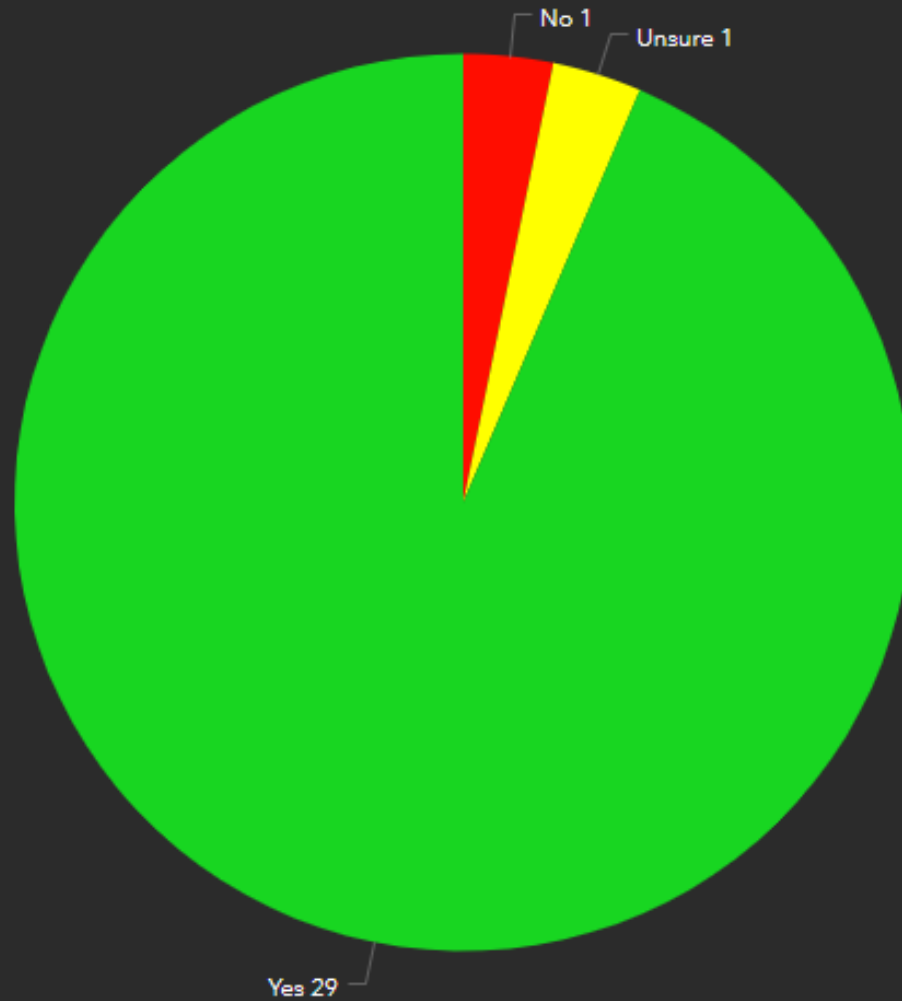
Others

NC State Historic Preservation Office
NC Railroad



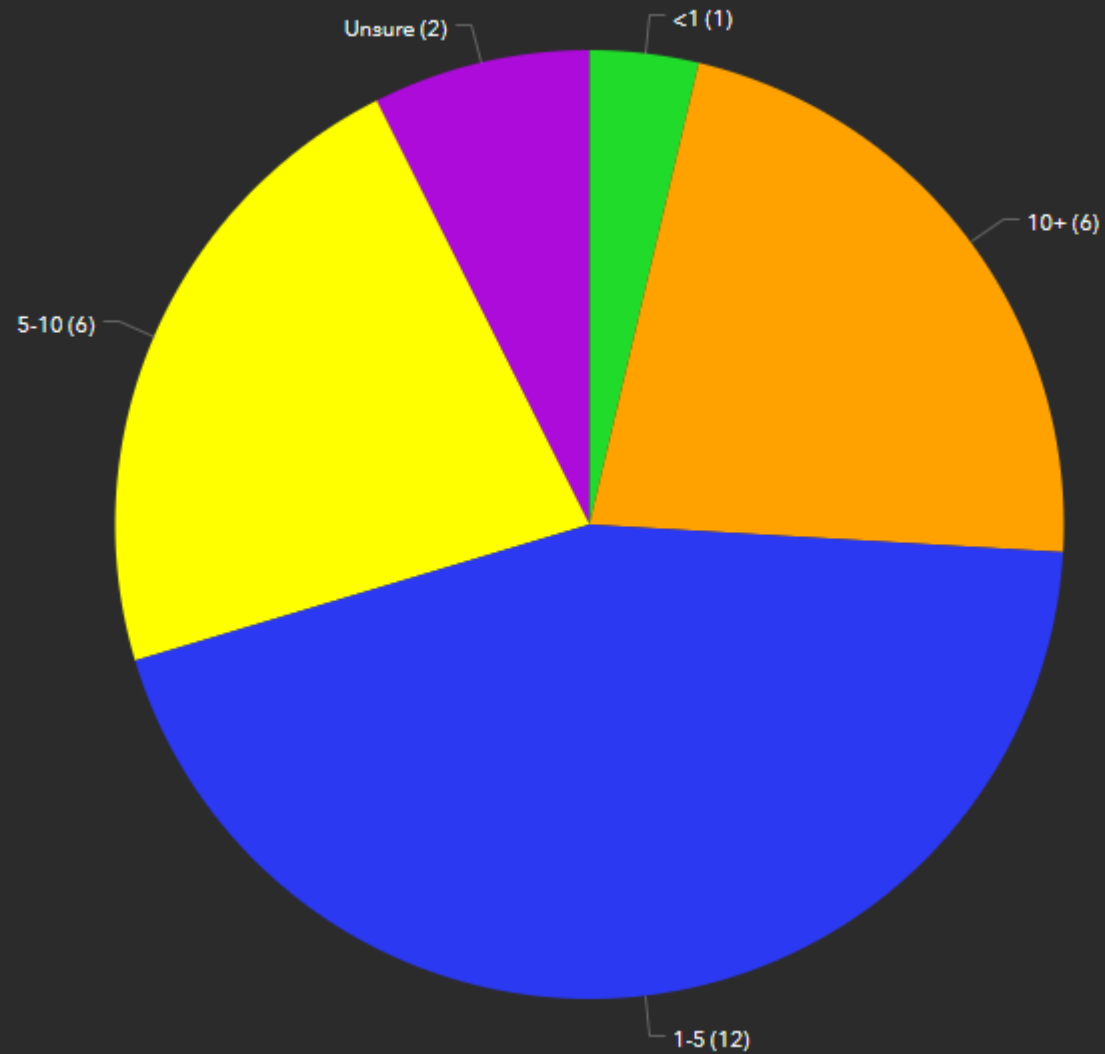
Types of Organizations Responding

Do you have a disclaimer?



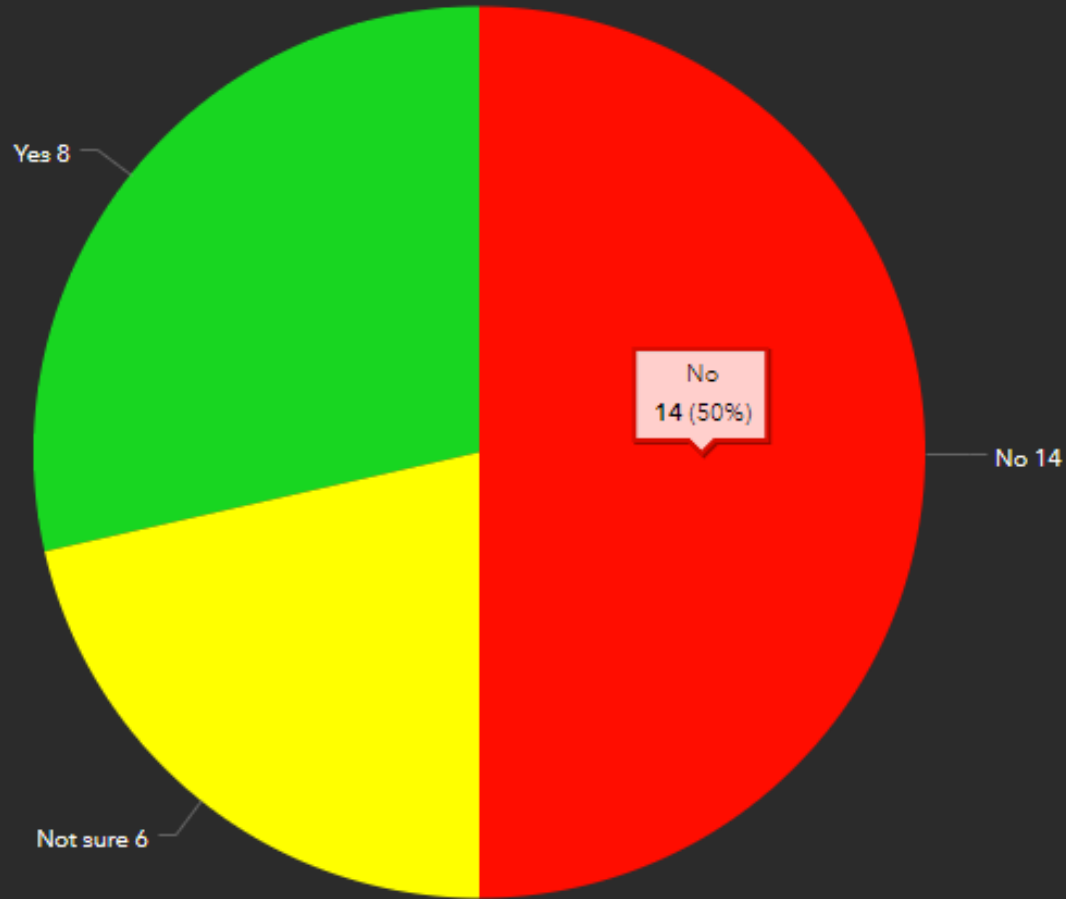
Do you have a disclaimer?

When was your disclaimer last updated (yrs)?



When was disclaimer last updated (in years)?

Did an attorney prompt the creation of your disclaimer?

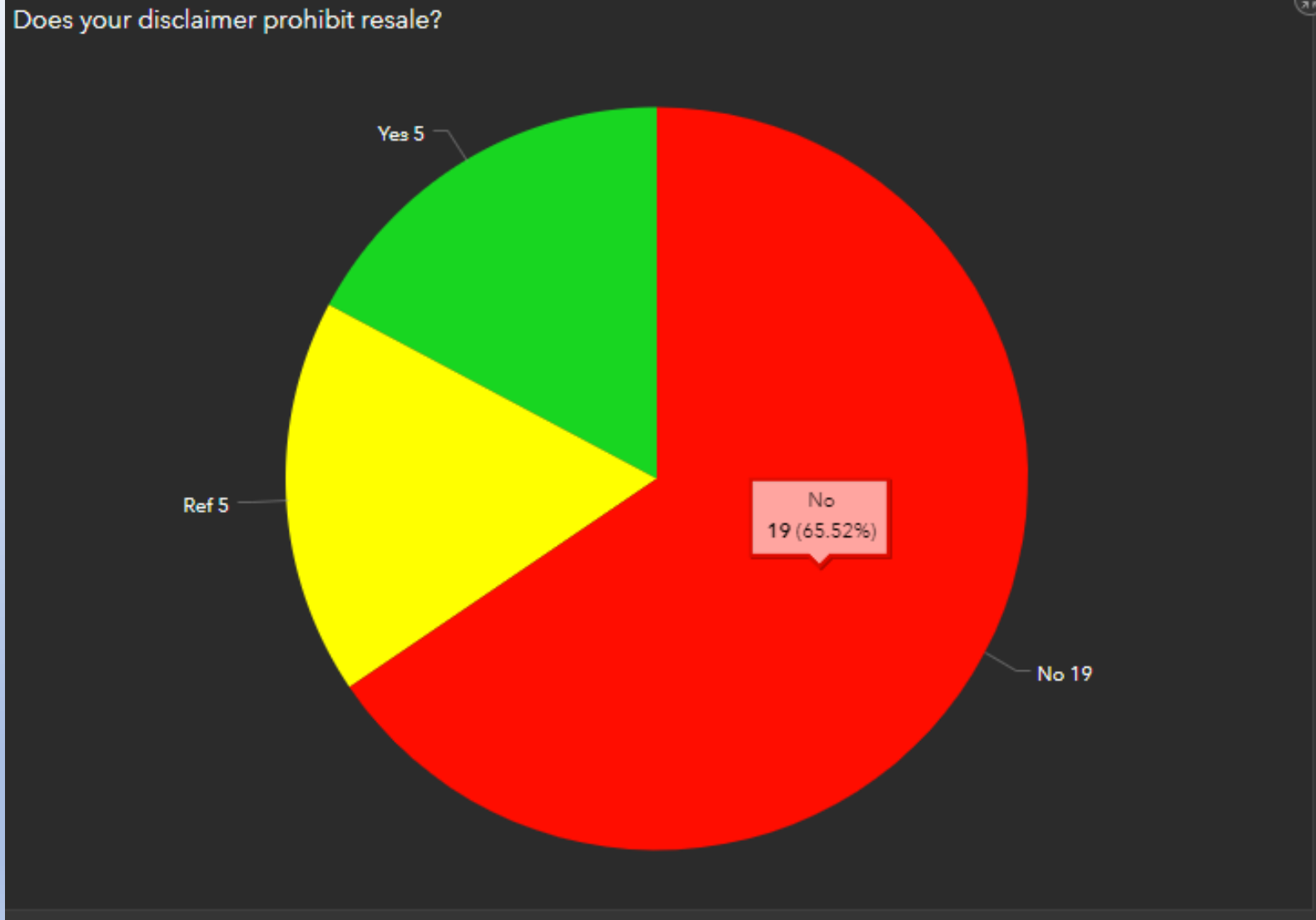


Did an attorney prompt the creation of your disclaimer?

Did an attorney review your disclaimer?

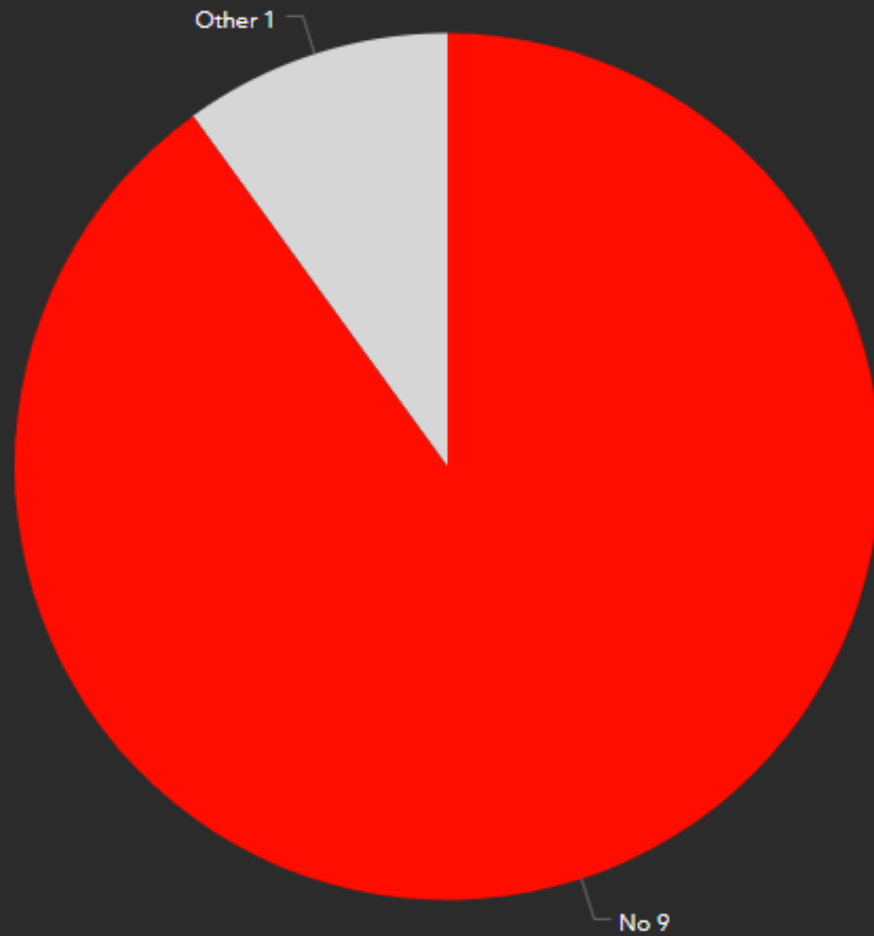


**Did an attorney review
your disclaimer?**



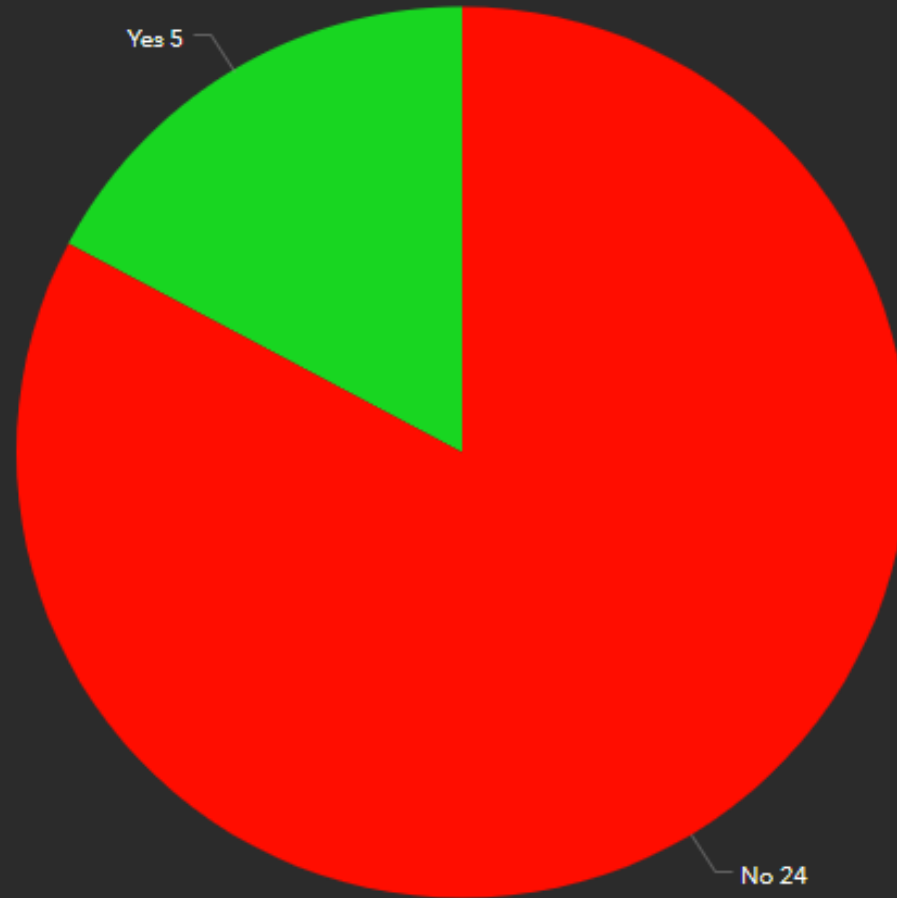
Does your disclaimer prohibit resale?

Do you follow up to ensure data users are not reselling?



Do you follow up to ensure data users are not reselling?

Do you track who downloads your data?



Do you track downloads of your geospatial data?

Findings

- Most local governments have a disclaimer
- Primary focus is on accuracy and liability statements
- Some disclaimers reference GS 132-10 and prohibit resale - but not all or even most
- Attorneys were involved in some aspect of creating the disclaimers

Next Steps for the Council

- Does NC OneMap disclaimer and privacy policy need adjustment?
- What advice would the Council give to local and state government data providers about disclaimer language?

Tim Johnson
State Geographic Information Officer
Center for Geographic Information and Analysis
919.754.6588
tim.johnson@nc.gov

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