

I. PURPOSE OF POLICY

To establish policy regarding public access to the information and electronic products available from the Vermont Center for Geographic Information, Inc. (VCGI).

The June 1995 revision of this policy is intended by the VCGI Board of Directors to accomplish or address the following:

- ▶ Simplify and remove inactive provisions
- ▶ Revisit intent and statements of VCGI policy
- ▶ Update VGIS statutory references as a result of Act 204 of 1994
- ▶ Update organizational references (from OGIS) to VCGI
- ▶ Refer to emerging Federal policy (revisions to OMB Circular A-130), and
- ▶ Simplify billing procedures while assuring that the same practices related to VCGI-provided data and services apply to all customers.

The Board does not intend this revision to reflect any substantive change in VCGI policies which have been in effect for several years. The Board recognizes that the Executive and Legislative branches are currently more active in their concerns about information policy than in previous years. Therefore they have directed the VCGI staff to:

- ▶ convey current policy to Executive and Legislative leaders, along with the understanding that this revision was made in order to assist them in gaining a clear understanding of current VCGI policy, and not to influence their policy deliberations,
- ▶ offer assistance in developing public awareness of policy questions and VCGI's five years of experience in the area of electronic public information, and
- ▶ prepare recommendations for discussion at a future meeting of the VCGI Board of Directors regarding policy alternatives, and the implementation of any guidance conveyed by Executive and/or Legislative authorities.

II. STATEMENT OF POLICY INTENT

A. To provide VGIS access to the broadest possible base of users, constrained only by the availability of resources, and by the priorities identified to expand the development of computerized data and applications most useful to VGIS users.

B. To guarantee the integrity of all VGIS electronic data and products.

III. BACKGROUND

A. 10 VSA Chapter 8 establishes *"a nonprofit public corporation to be known as the Vermont center for geographic information. . .as a body*

corporate and politic and a public instrumentality of the state."
states the finding of the General Assembly that:
access to the state's information systems will enhance the delivery of

Vermont's investment in spatial information, and the availability of

B. 1 VSA 315-320 sets forth the access to public records

the advent of computers and magnetic storage of computerized data

C. , Part I, Policies, Section A., "Regional Planning

VGIS electronic data through "VGIS regional service centers" (RSCs)

D.17 USC 100-204 permits copyright by state and local governments

E. Circular No. A-130, "Management of Federal Information

(Executive Office of the President) in December 1985. Additional

"(1) promote agency investments in information technology that improve service delivery to the public, reduce burden on the public, and lower the cost of Federal

(2) encourage agencies to use information technology as a strategic resource to organizational structures, and ways of interacting with the public; and that agencies face when managing information technology."

ASSUMPTIONS

information resources through VCGI :

management of VGIS computerized data as to its form, content, and

B. VCGI does not procure equipment or software for non-equipment on a temporary basis at its discretion.

V. POLICY

VCGI is responsible for establishing and carrying out policy relating to public access to VGIS data, and seeks to encourage adoption of similar policies by all participants in the Vermont Geographic Information System. VGIS electronic products will be contributed by and used by many public and private GIS sites and individuals in Vermont and elsewhere. VCGI will formulate procedures for implementing this policy in VCGI operations.

A. General: VCGI will, within the limits of available resources, provide the broadest possible access to VGIS information and will operate a program of data dissemination.

B. Statutory Requirements: VCGI is directed by 10 VSA 123(c) "to ensure that VGIS data is readily available for the purposes of chapter 117 of Title 24, as well as for the support of efficient and economical geographic analysis and decision-making by government, business, and citizens of Vermont, at a reasonable cost and in reasonable forms." VCGI is "subject to the provisions of 1 V.S.A. §§ 312-314 with respect to the right of the public to receive notice of and attend meetings, 1 V.S.A. §§ 315-320 with respect to the access of the public to its records and documents, and 1 V.S.A. § 172 regarding joint authority of the board."

C. Consideration of Federal Statute: All VGIS information products are copyrighted as provided for in the provisions of 17 USC 100-204. The holder of a copyright has the legal right to determine who can:

- 1) reproduce the work,
- 2) prepare derivative works based on the copyrighted work,
- 3) distribute the work to the public, or
- 4) display the work.

Federal law and interpretation have determined that the "fair use" of a copyrighted work, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright.

VCGI grants to the public the rights to prepare derivative works, to display the copyrighted electronic products, and other rights. VCGI does not grant the right to distribute copyrighted electronic data and products to the public, in order to assure that:

- 1) All members of the public are provided equal access to the same high-quality public electronic data, and are assured that it is free from inadvertent or intentional alteration,
- 2) Vermont taxpayers are provided with credit for investing in and

- authoring public data, and
- 3) VCGI and the State of Vermont are protected to the extent possible from legal or financial liability arising from misunderstanding or misuse of the information.

D. Availability of VGIS Electronic Data Products: Only electronic data and data products listed in the *VGIS Data Catalog* will be available from VCGI. VCGI will ensure that all VGIS computerized data is current and error-checked to a reasonable degree, prior to distribution. VCGI will make every effort to fulfill requests for electronic data and data products in a timely fashion.

E. VCGI as a Distributor: VCGI may act as a distributor for any state agency, as well as for other public and private entities, which prepares GIS data or electronic products which are compatible with, useful to, and shared with VGIS.

F. Request for Access To Computerized Data and Products: VCGI will process requests for access when relevant procedures for obtaining computerized data or electronic products are followed.

G. Category of Access To VGIS Information Products: There are two categories of access available:

- 1) Duplicating Hard Copy and Electronic Data: Members of the public may obtain copies of a variety of hard copy public records from VCGI if VCGI has the equipment to create duplicates. VCGI will provide copies of electronic data on a variety of media .
- 2) Telecommunications Access: Members of the public interested in VGIS developments may utilize points of access to the University of Vermont computer network to access the VGIS Electronic Bulletin Board and to initiate computer-to-computer transfer of VCGI electronic data and products. See "VGIS Electronic Bulletin Board"; *VGIS Handbook*, Part IV, Procedures, Section E.

H. Electronic Data Product Request Form(s): A standard customer data product request form(s) should be completed whenever computerized data and software products are requested from VCGI.

The reasons for using a VGIS customer request form are:

- 1) to collect all information needed to determine what data product(s) are useful and compatible with the customer's need,
- 2) to ensure that up-to-date data products are made available to all customers,
- 3) to limit VGIS liability, and
- 4) to prevent the uncontrolled distribution of copyrighted materials without attribution to the State of Vermont. The form(s) includes a

notice that covers the allowed uses and the period of the agreement.

I. Liability: Customers of VCGI computerized data retain full responsibility for understanding the standards of accuracy relevant to each electronic data products set. A standard product liability disclaimer is included with the request form(s) described above.

VI. DEFINITIONS

Computerized Data: Any information stored on magnetic or optical media requiring a machine to interpret into human readable form.

Dissemination: VCGI-initiated distribution of information to the public, including the provision of access to any book, paper, map, machine-readable materials, audiovisual production, or other documentary materials, regardless of physical form or characteristic.

Electronic products and services: computer-related services and products provided by the center, including:

- (A) Electronic manipulation of the data contained in public records in order to tailor the data to a customer's request, or to develop a product that meets the needs of customers.
- (B) Duplication of public records in alternative formats not used by the center, providing periodic updates of an electronic file or data base, or duplicating an electronic file or data base.
- (C) Provision of on-line access to an electronic file or data base or any form of electronic access to the information system of the center.
- (D) Provision of software developed by or for the center.
- (E) Generating maps, listings, or other standard or customized products from an electronic geographic information system.

Hard Copy: Any textual or graphic information portrayed on paper or film materials.

Media: The physical materials on which written, printed, or electronically encoded information is stored.

Service: The labor to gather, capture, process, modify, copy, transfer, convert or in any way prepare computerized or printed data or products.

VGIS Data Catalog: Itemized description of computerized data and electronic products available in VGIS.