

Amendments Have Been Made to the Regulations Governing the Procedures and Principles Regarding the Collection, Production, Sharing, Sale and Data Mining of Geographic Data within the Scope of the National Geographic Data Liability Matrix.

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The Regulation Regarding the Amendment of the Regulation on Geographic Data Permits has entered into force through publication in the Official Gazette dated 31 March 2023 and numbered 32149 in order to amend the procedures and principles regarding the permits granted by the Ministry of Environment, Urbanization and Climate Change ("**Ministry**") for the collection, production, sharing and sale of geographic data. The key developments in the Regulation on Geographic Data Permissions ("**Regulation**"), which includes regulations regarding the permits that are granted by the Ministry regarding the activities related to collection, production, sharing and sale of geographic data within the scope of the National Geographic Data Liability Matrix, are as follows.

- Public legal entities will be exempt from the permit fee and will be obliged to register and update the information pertaining to geographical data to the National Geographic Information Platform ("**NGIP**") through data services.
- Real and private legal entities are also obliged to obtain permits for the geographical data they acquire through the activities they carry out and will only be obliged to pay the permit fee if these data are commercialized, used in their own applications or shared.
- While geographic data within the scope of the permit regulated in the Regulation was defined as "Data containing more the one location information", following this amendment, it will be defined as "Data containing more than one location information, data on a digital map base or data that can be associated with address data, data collected online or offline from the land by means of sensors specified in the data definition documents".
- The business registration certificate obtained from the professional chamber or the document regarding the field of activity and the signature circulars have been removed from the documents required from private legal entities during their application to the Ministry for the permit. In addition, requesting company information and information on the person in charge, information on the personnel, tools and equipment to be used and the data to be produced, and documents regarding the permits obtained before 10 February 2021, will be at the Ministry's discretion.
- Real persons and private legal entities will be required to submit a report to the NGIP on the progress of the activities specified in the permit by updating the geographic data and data information related to the activity in the middle of the permit term and fifteen days before the end of the term, informing with whom, how and when the data had been shared.
- The data to be shared with the Ministry by real persons and private legal entities will be made through the services and will be delivered to the Ministry if this is not possible.
- Data shall still be shared with the NGIP after the expiry of the permit.
- The Ministry may share the geographical data in question with or without compensation, with the consent of real persons and private legal entities. In cases of natural disasters and extraordinary circumstances, the Ministry may use said data without the consent of real persons and private legal entities and may share them with the institutions related to the disaster, to be used within the scope of their duties.
- In case of the geographical data permit not being obtained, the activity operator will be given at least ten days from the date of notification to apply for a permit. The activities of those who do not apply within the deadline will be ceased and an administrative fine of 5 times the permit fee will be imposed. If the sheet

borders cannot be determined, calculation will be made over 1000 (one thousand) 1/1000 sheets for the administrative fine.

- Relevant public institutions and organizations will be required to take the necessary measures to complete the permit application process for real persons and private legal entities who produce data within the scope of the activities they carry out for public institutions and public legal entities.

The Regulation Regarding the Amendment of the Regulation on Geographic Data License has also been published in the Official Gazette of the same date and number. Key developments in the Geographic Data License Regulation, which contains regulations on activities pertaining to the collection, production, sharing or sale of data; data mining using existing data, and generation of new data that are related to geographic data within the scope of the National Geographic Data Liability Matrix by those operating in the field of Geographic Information System, are as follows.

- Pursuant to the Regulation on Geographic Data License, license agreements signed with the Ministry for the collection, production, sharing, sale, data mining using geographic data and generation of new data are divided into A, B and C license groups.
 - Group A License shall be obtained for the collection and/or production, sharing and sale of geographic data,
 - Group B License shall be obtained for the collection of geographic data,
 - Group C License shall be obtained for operating in activities related to data mining and/or generating new data using existing geographic data
- The scope of geographic data requiring the execution of the license agreement has been amended to include any data containing location information, data on a digital map base or data that can be associated with address data, data collected online or offline from the land by means of sensors specified in the data definition documents.
- It has been added to the duties of licensed entities to provide access to the data, information and documents pertaining to the license, to persons in charge or authorized institutions appointed by the Ministry during inspections and to ensure that the data recorded in the NGIP is updated, accurate and secure.
- Entities applying for a license will be required to upload to the system a certificate of registration obtained through MERSIS within the month prior to the date of the application, a certificate of workplace registration obtained from the relevant professional chamber for companies registered with professional chambers, and information on the company and person in charge, personnel to be employed directly in the field for data collection and production (name, surname, T.R. ID number), vehicle information and information on the data to be produced.
- In addition, prior to the application, foreign real persons or private law legal entities will be required to upload to the system the originals and notarized translations of the documents related to their commercial activities in the country of establishment or notarized documents that will legally prove the agreements made with the person / companies in the country where they will carry out their activities.
- For Group A license applications, local organizations that will operate at the country level will be required to submit a document stating that they employ at least one personnel with a Geographic Information System ("GIS") Specialist certificate issued by the Vocational Qualifications Authority, those that will operate at the metropolitan and provincial level will be required to submit a document certifying that they employ at least one personnel with either a GIS Specialist or a GIS Operator certificate, and foreign organizations that will operate at the country level, except for the first license application, will be required to submit a document certifying that they employ personnel who have graduated from one of the fields of geographic information systems or who have received training in geographic information systems. It is sufficient that these documents be submitted before 1 January 2025.
- For Group B license applications, except for the first license application, it will be necessary to submit a document indicating that personnel with either a GIS Specialist or GIS Operator certificate is employed, it is sufficient that this document be submitted before 1 January 2025.
- For Group C License applications, a document that certifies; a GIS Specialist or a GIS Operator or a graduate from one of the fields of geographic information systems or personnel trained in geographic information systems being employed will be required.
- Those who apply for a Group B license will be obliged to submit the requested documents regarding the activity as a result of the examination to be carried out by the Ministry by evaluating the content of the application.

- Regarding data mining and new data generation, all activities will be carried out jointly with the Ministry staff through the system to be established by the Ministry.
- Expenses such as personnel training, tools, software, hardware, licenses to be used by the Ministry during the activity period will be covered by local or foreign real and private legal entities.
- The Ministry will own the intellectual property rights of all activities and processes and the final products of the data mining and new data generation process.
- The right to use the data produced by local or foreign real and private legal entities with whom cooperation is made will be temporary and this period will be determined by the Ministry.
- Data sharing for data belonging to public institutions and organizations will be done in accordance with the National Geographic Data Sharing Matrix.
- New data and products derived from data mining obtained as a result of the cooperation;
 - Will be shared with NGIP indefinitely and free of charge.
 - Rights regarding production and sharing will be determined in the cooperation protocol.
 - Will be shared with public institutions and organizations, local administrations and universities through NGIP indefinitely and free of charge.
- The income obtained as a result of data mining and data production will be deposited to the Ministry's Circulating Capital Enterprise, in the relevant account of the data producing institution, in the periods and rates determined in accordance with the principles of the cooperation protocol. In the event that the new data obtained being sold through NGIP, the income to be obtained will be deposited into the Ministry's Revolving Fund Enterprise and the accounts of the relevant public institution and real/private legal entities.
- The data obtained as a result of the operations and transactions carried out within the scope of collaborations with private institutions, organizations and universities regarding data sharing, data mining and new data generation will be shared with third parties through NGIP for the fee published annually in the Ministry unit price list.
- The income generated will be subject to income tax and corporate tax, and the relevant income statements shall be approved by certified public accountants or sworn public accountants and submitted to the Ministry's Circulating Capital Enterprise and/or the data generating institution following the revenue share payment to the Ministry.
- Audits can be carried out ex officio or upon a notification or a complaint. The Ministry may also delegate the authority to audit to the Provincial Directorates of Environment, Urbanization and Climate Change.
- During an audit, the real or private law legal entities shall grant the auditors access to all kinds of information and documents related to the activity carried out within the scope of the license.
- In case the license being revoked, real and private law legal entities will be deemed to have been operating without a permit and will be given at least ten days from the date of notification to the activity operator for application. The activities of those who do not make their application within the deadline will be ceased and an administrative fine of 5 times the permit fee will be imposed. If the sheet borders cannot be determined, calculation will be made over 1000 (one thousand) 1/1000 sheets for the administrative fine.
- In Group C license activities, the data producer institution will be required to provide up-to-date, high-quality data and ensure its continuity. If the data producer institution violates the license protocol, the institution will be given ten days, and if the violation is not corrected at the end of this period, judicial and administrative sanctions will be imposed on those who violate the protocol, in accordance with the relevant legislation. In addition, action will be taken against public officials at least at the level of general manager or equivalent in accordance with the provisions of the Law No. 5176 dated 25 May 2004 on the Establishment of the Ethics Board for Public Officials and Amendments to Certain Laws.
- The amount including VAT to be paid to the Ministry's Circulating Capital Enterprise for the issuance or renewal of a license is as follows;
 - Fee to be paid for Local Real Persons and Private Law Legal Entities is TRY 50,61 per 1/1000 sheet,
 - Fee to be paid for Foreign Real Persons and Private Law Legal Entities is TRY 101,20 per 1/1000 sheet,
 - Fee to be paid for the country level Local Geographic Data License is TRY 547,254,50
 - Fee to be paid for the country level Foreign Geographic Data License is TRY 1,094,509.

You can access the 2023 Circulating Capital Unit Price List through this [link](#), the Regulation Regarding the Amendment of the Regulation on Geographic Data Permits through this [link](#) and the Regulation Regarding the Amendment of the Regulation on Geographic Data License through this [link](#).

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