

## Outline of Mr de Otaola's presentation

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The EMWIS is based on 27 National Focal Points (NFP), corresponding to 27 euromediterranean countries, in charge of managing their own web sites, giving access to water related information produced nationally.

Although all information is referenced by the International Focal Point, each NFP is responsible for the information contained in its website. Taking into account the activities to be carried out by the NFP (publication of the thematic directory, publication of information and databases produced by third parties and external links), there are important legal issues that should be considered: personal data protection, copyright and intellectual property rights and conditions of use of the web pages.

The legal session pursues to offer a set of practical rules, guidelines and recommendations to be put into practice by the NFP, to minimise their legal risk. It also aims to be used as a general model that, case to case, every NFP will need to adapt to the particularities of their national regulations. The presentation will comprise some practical tips and examples under the Spanish regulation.

### I. DATA PROTECTION

#### 1. General considerations about data protection

Before giving specific details about the application of the data protection regulation to the activities carried out by the NFP, it will be helpful to have an overall view on data protection regulation. The data protection part of the session will deal with the following topics:

##### 1.1. Principles of the data protection

- Quality of data;
- Right of information;
- Consent of the data subject;
- Other rights concerning the data subject: rights of access, modification and cancellation; right to object.

##### 1.2. Data security

- General provisions;
- Security document;
- Duty of secrecy.

##### 1.3. Communication of data to third parties. International transfer.

1.4. Obligations and responsibilities of the people involved in the setting up and management of a database. Outsourcing conditions.

## 2. Practical application to NFP activities.

As the creation of the database “Thematic Directory on Water”, may imply the use of databases owned by third parties, the Data Protection part will also refer to:

2.1. Characteristics of the data to be included at the NFP website:

- Information available to the public vs. information obtained from private resources or databases;
- Data to be included at the Thematic Directory: data about organisations; personal data of people working for the organisations and information resources managed by the latter.

2.2. The use of personal data obtained from a database owned by a third party:

- Conditions about the transfer of data to a third party;
- Need of consent of the person / entity.

## II. INTELLECTUAL PROPERTY

Intellectual property rights (IPR) provide an incentive for investing in new works and their exploitation. An adequate protection of copyright works and subject-matter of related rights is of great importance from a cultural standpoint. Moreover, copyright remains an appropriate form of exclusive right for those who have set up databases; our regulation prevents against the unauthorized extraction and/or re-utilization of the contents of a database.

1. Ownership of the contents, information or items contained in the Spanish Focal Point website.

1.1. Copyright on the contents produced by the National Focal Point.

1.2. Legal repercussion of the reproduction or diffusion of information produced or elaborated by third parties:

- Consent of the author or just mention of the resource;
- Agreement with editors;
- Publication of official documents vs. private documents.

1. Legal Protection of Databases

- Databases elaborated by the NFP;
- Databases elaborated by third parties or other NFP.

2. Notices and procedure to send in claims on Copyright Infringement in the Focal Point website.

### **III. OTHER LEGAL ASPECTS CONCERNING WEBSITES**

EMWIS will provide services at distance, by electronic means, to the individualised request of a service receiver. That means that it is considered as an Information Society Service Provider (ISSP) and, therefore, the EU NFP should accomplish EU's regulation on the matter. When not compulsory, some of the following issues are broadly accepted as best practices on the Internet.

1. Terms of Use and Responsibilities taken upon by the National Focus Point, holder of the Spanish website:
  - Levels of responsibility assumed for the information published in the Focal Point website: legality of contents; updating & accuracy of the information;
  - Website visitors' conduct;
  - Links to third party sites;
  - Disclaimer.
2. Other obligations as ISSP (e.g. information about the service provider, unsolicited commercial communications –spam-).