

# Participants

## State Involvement and Leadership

State-level leadership was initiated by the Project Director of the NYS Office for Technology (OFT), who provided guidance and direction to all government agencies involved in GIS activities. OFT, organizationally located in the Office of the Governor, was established to coordinate NYS information policies and resources. OFT successfully provided the state-level leadership necessary to implement the GIS Coordination Program by designating a leader who acted as a steadfast champion for the cause of cooperation. By pursuing a strategy of incremental gains, practical goals with challenging deadlines, and wide consultation within the GIS community, a great deal was accomplished in a short time. It is important to understand, as well, that OFT was a new agency linked to the Governor. As such, it had no "history" to overcome, and state agencies, local governments, and private businesses alike perceived the GIS initiative to have the commitment of the State's top elected leader.

State leadership was also exercised by several state agencies that are the acknowledged leaders in the use of GIS: the Departments of Transportation and Environmental Conservation (DOT and DEC), and the Office of Real Property Services (ORPS). The early involvement of these agencies in the GIS program was crucial in order to convince other agencies to become active in the coordination effort and to join the formal data sharing cooperative. Many state agencies needed to see the state GIS leaders demonstrate commitment before they would join the effort. DOT, in particular, was a critical player as it had a historical policy and practice of selling its GIS data, even to other government agencies. New leadership within DOT became committed to the cooperative program and put its key data sets on the Clearinghouse for free use. DOT also led the effort to create and advocate for formal Data Sharing Agreements. ORPS engaged with DOT in a successful experiment in making data from both agencies available over the Internet. DEC, an early advocate of data sharing, was among the first agencies to develop complete metadata for its data holdings and to encourage their use. While many other agencies advocated for cooperation, and actively contributed to the effort, these three agencies provided essential leadership and credibility for the project.

## Local Government Participation and Concerns

Many local governments are enthusiastic participants in the Working Groups, particularly those devoted to education (which is chaired by a local official) and to data standards and coordination. In addition, The Local Government Advisory Group involves about 50 members from around the state. By the end of 2001, 50% of the participants in the Data Sharing Cooperative are local governments (185 of 372 member organizations), although this figure represents a minor share of all local governments and includes many that do not have data of their own to share.

Local participation in the data sharing cooperative, has developed slowly for several reasons. First, local officials and legal authorities must understand and approve the agreements. Many times the GIS staff are very enthusiastic about the cooperative but the legal department or other administrative unit, which has not been involved in the development of the cooperative concept, needs considerable time to become familiar with the idea and to review the agreement. Ironically, some express skepticism because there is no cost to participants and they fear hidden costs lie under the surface. In order to overcome these barriers, OFT developed an agreement which is very user-oriented, with no cost and low risk to join, and an easy termination clause for those who may wish to withdraw.

Second, a major concern with the State's Freedom of Information Law (FOIL) has prevented many local governments from joining the formal Data Sharing Cooperative or listing their data sets in the Clearinghouse. FOIL was originally developed to guarantee citizen access to public records as a means of improving government accountability. However, it does not distinguish between information requested for accountability purposes and information requested for commercial purposes. Thus, new businesses addressing the "information age" market can acquire GIS data sets from public agencies through FOIL, then repackage and sell them at a profit, even to other public agencies. Some government agencies are therefore strongly opposed to advertising the availability of their costly data sets on the Clearinghouse, fearing commercial entities will obtain and profit from them without cost through FOIL.

In order to solve this long-standing problem, the Temporary GIS Council had recommended that the Freedom of Information Law be amended to allow local governments and state agencies to charge fees for data to be used for commercial purposes. The proposed amendment to FOIL would allow the licensing of geographic information system records and enable primary custodians to license a GIS record prescribing the conditions under which the recipient of the record may use, distribute, duplicate, sell, or resell it. It would also allow local governments and state agencies to charge a reasonable fee, not to exceed the fair market value of the record, when commercial

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use is intended. The revenue gained through these fees was expected to help local governments and state agencies defray the costs of GIS development and maintenance, as well as provide for expanded and enhanced public access to government information. This amendment is very controversial and has not yet been enacted. Not surprisingly, there is serious opposition by the private sector.

## Other Participants

Commercial businesses interested in GIS comprise a wide array of organizations offering GIS-related services including consulting, database development, training, and application development; organizations offering GIS products for sale such as software, hardware and data; and direct or indirect end-user organizations such as engineering and construction firms. These organizations may not join the formal Data Sharing Cooperative, but they can benefit from several other aspects of the Coordination Program. For example, the public Clearinghouse organizes and describes GIS data sets for the benefit of all potential users. In addition, the overall Coordination Program fosters education; promotion, communication, and enforcement of standards related to the development and use of GIS software and data; and improvement of communications and coordination regarding GIS activities in the State. Having so many different interests in the coordination of GIS activity in NYS, the private sector is represented in a specialized Private Sector Advisory Committee and private companies are involved in the finance, data sharing, and legal working groups.

Participation from the private sector is still quite limited and it will likely take some time before private organizations have a major role to play. As the private sector is composed of very diverse entities, it is difficult to find the right mix and level of participation and focus. The Private Sector Advisory Committee has not been very active in recent years currently has no official chair.

In general, volunteerism and enthusiasm, which were very strong in the first year, declined as the program became more formally established. By 1999, participants relied more and more on the OFT Project Director and the State Library staff who had proved knowledgeable and reliable. As these staff members became more comfortable with doing things directly, they began to accept more of the responsibilities that had formerly been on the agendas of the working groups. While the data coordination working group continued to be very active, some other working groups were not able to sustain their initial enthusiasm and some became dormant after their initial charges were satisfied. As a result, the very small staff became overloaded with some tasks, and a major effort was made to secure stable state funding to support ongoing operations and growth of the program.

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