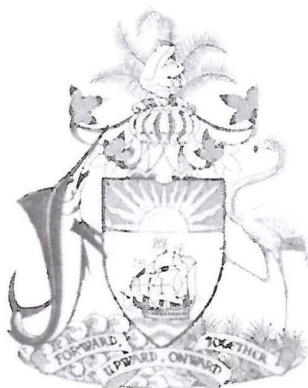




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BAHAMAS SPATIAL DATA INFRASTRUCTURE ACT, 2014

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No. 9 of 2014

BAHAMAS SPATIAL DATA INFRASTRUCTURE ACT, 2014

AN ACT TO ESTABLISH THE BAHAMAS NATIONAL GEOGRAPHIC INFORMATION SYSTEMS CENTRE AS A DEPARTMENT OF GOVERNMENT WITHIN ARTICLE 127(C) OF THE CONSTITUTION; TO DEFINE THE SPECIAL PURPOSES AND FUNCTIONS OF THE DEPARTMENT; TO ESTABLISH THE BAHAMAS SPATIAL DATA INFRASTRUCTURE SYSTEM AND PROGRAM AND THE GEOSPATIAL ADVISORY COUNCIL; TO DEFINE THE FUNCTIONS AND OBJECTIVES OF THE SYSTEM, THE PROGRAM AND THE COUNCIL AND FOR CONNECTED MATTERS

[Date of Assent – 1st May, 2014]

Enacted by the Parliament of The Bahamas

PART I – PRELIMINARY

1. Short title and commencement.

- (1) This Act may be cited as the Bahamas Spatial Data Infrastructure Act, 2014.
- (2) This Act shall come into force on such date as the Minister may appoint by notice published in the *Gazette*.

2. Interpretation.

In this Act, unless the context otherwise requires —

“Bahamas Spatial Data Infrastructure” means the collection of assets and components, described in section 6 (3), necessary to create and maintain the Bahamas Spatial Data Infrastructure System;

“BSDI” means the Bahamas Spatial Data Infrastructure;

- "BSDI Library"** means a centralized database containing all non-confidential location based or spatial information for The Bahamas including GIS vector data and associated tabular data, databases, serial aerial photographs, topographic maps, plans and imagery;
- "BSDI Geo Portal"** means the Centre's internet site, or equivalent, providing access to services and geospatial data referred to section 4 and the *Second Schedule*;
- "BSDI Program"** means the Bahamas Spatial Data Infrastructure Program established under Part III;
- "BSDI System"** means the system referred to in section 6;
- "Centre"** means the Bahamas National Geographic Information Systems Centre established by section 4 as a department of Government for special purposes;
- "Council"** means the Geospatial Advisory Council;
- "data custodian"** means a person or entity with responsibility to create and maintain identified dataset (s);
- "Director"** means the person appointed pursuant to section 7 to be responsible for the administration and operation of the Centre;
- "general user"** means a user of the BSDI System, whether an individual or entity, who is not a member of the GAC or a government participant in the BSDI Program;
- "Geographic Information Systems" or "GIS"** means a system comprising specialized software, hardware and personnel for creating, maintaining and analysing location based spatial data;
- "Geospatial Advisory Council"** means the Geospatial Advisory Council established by Section 14;
- "geospatial data"** means any data with a direct or indirect reference to a specific location or geographic area;
- "GIS applications"** means software interfaces that enable users to interactively query, process, analyse, map, model, visualize, and display spatial information for a multitude of purposes;
- "GIS Spatial Data Acquisition Account"** means the account established pursuant to section 18;
- "Government entity"** means a ministry, agency or department of Government, including local government;
- "interoperability"** means the possibility for spatial data sets to be combined, and for services to interact, without repetitive manual intervention, in such a way that the result is coherent and the added value of data sets and services is enhanced;

“**metadata**” means information describing spatial datasets and spatial data services making it possible to discover, inventory and use them;

“**Minister**” means the Minister responsible for the Centre, the BSDI Program and GIS development in The Bahamas;

“**non-sensitive geospatial data**” means data or data elements which do not require security, protection or restriction of access either under the law or pursuant to conditions imposed by the data owner;

“**spatial data**” means any data with a direct or indirect reference to a specific location or geographic area;

“**spatial data set**” means an identifiable collection of spatial data;

“**spatial data themes**” means spatial data themes that form the foundation of authoritative geographic layers of The Bahamas spatial data framework as listed in the *First Schedule*.

3. Application.

This Act applies to all data held by the Centre as a repository and clearing house.

PART II – ESTABLISHMENT OF BAHAMAS NATIONAL GEOGRAPHIC INFORMATION SYSTEMS CENTRE

4. Establishment of the Centre as a department for special purposes.

- (1) The Bahamas National Geographic Information Systems Centre is established in accordance with article 127 (c) of the Constitution as a department of Government for special purposes.
- (2) The special purposes for which the Centre is established are to —
 - (a) be a centre of GIS excellence;
 - (b) serve as the Government's technical focal point for the collection and management of geospatial data on The Bahamas;
 - (c) provide central oversight for GIS implementation including the coordination, publication and monitoring of GIS policies, procedures and activities;
 - (d) provide GIS training and technical support and to promote GIS awareness;
 - (e) provide GIS services to Government agencies that either do not have sufficient in-house GIS expertise or have one time GIS projects that are beyond their current capacity to perform;

- (f) coordinate cross agency projects and data collection activities that benefit multiple Government agencies;
- (g) act as a cataloguing centre, clearing house and non-exclusive distribution channel for non sensitive geographic data;
- (h) create the BSDI System and BSDI Program as a strategic national plan to develop and maintain a repository of basic geographic data for The Bahamas;
- (i) establish the BSDI Library and to maintain, protect and secure the most current, accurate and reliable spatial data sets;
- (j) to implement and administer the BSDI Program and the BSDI System;
- (k) to ensure access, use, exchange, sharing and dissemination of interoperable non-confidential spatial information for The Bahamas and spatial data services across different sectors;
- (l) ensure that the BSDI assist policy making in relation to policies and activities that may have a direct or indirect impact on the environment;
- (m) coordinate and provide advisory and technical assistance on initiatives or projects that utilize spatial technologies so that information and knowledge from different sectors can be combined or integrated in accordance with the standards, procedures and protocols provided for in this Act;
- (n) ensure that the BSDI is based on created spatial information made compatible in accordance with common implementing rules, procedures, protocols and standards;
- (o) stay current in relation to trends in GIS and information technology;
- (p) define policies and programs for GIS capacity building;
- (q) develop linkages and the legal and technical mechanisms necessary to integrate land, marine, air and sub terrain administration and topographic mapping programs within the context of the wider national strategy for the BSDI Program;
- (r) solicit and secure funding and grants from local, regional and international sources for the advancement of spatial technologies in The Bahamas;
- (s) assist the Government in meeting its obligations under international conventions in respect of international development goals (such as the Millennium Development Goals); and
- (t) in collaboration with the Council, identify data with associated security or privacy issues such as data which is legally restricted or has been officially declared to be sensitive data.

- (3) The offices in the Centre shall be public offices for the purposes of the Constitution.
- (4) The Centre shall be subject to the general direction and control of the Minister.
- (5) The Minister may enter into agreements with any person or body within or outside The Bahamas in respect of any matter relating to the management and utilization of spatial information.

5. Functions of the Centre.

The functions of the Centre are to:—

- (a) liaise with and consider policy proposals of the Council;
- (b) execute and administer policy developed by the Council and adopted by the Minister for the effective implementation and operation of the BSDI Program and the BSDI System;
- (c) acquire, develop, maintain and coordinate the Government assets and components comprising the BSDI;
- (d) facilitate and assist general users who are participants in the BSDI Program in the acquisition, development and maintenance of GIS infrastructure compatible with the BSDI;
- (e) ensure the efficient and effective operation of the BSDI System, the BSDI Library, and the BSDI Program;
- (f) improve and extend information technology and GIS literacy throughout The Bahamas;
- (g) provide GIS training programs for government employees free of charge to promote GIS awareness and efficiency throughout the Government;
- (h) provide GIS training, at a cost agreed upon by the Minister and the Council, to educational institutions in The Bahamas;
- (i) provide GIS training in accordance with the prescribed fees to general users who are participants in the BSDI Program and their employees;
- (j) enhance the provision and reduce the costs of Government services by the automation, whenever possible, of manual processes reliant on location based information;
- (k) charge and collect fees for the Centre's products and services from general users of the BSDI System in accordance with this Act;
- (l) serve as repository and clearing house of basic geographic data for The Bahamas and ensure the integrity of the BSDI System;

- (m) secure against the loss of spatial information in the Centre's custody or any unauthorized or unlawful access to, or modification or disclosure of, such spatial information;
- (n) enable participants in the BSDI Program to access, share and use non-confidential spatial information in the Centre's custody via the Centre's BSDI Geo Portal or through other means;
- (o) provide training in the creation, implementation and administration of the BSDI System and the use of internet technology resources;
- (p) update and maintain current all GIS and other software required for the efficient effective performance of the BSDI;
- (q) provide descriptions of available spatial datasets and services in the form of metadata and ensure that metadata are created and searchable for spatial data sets corresponding to the spatial data themes listed in the *First Schedule*;
- (r) implement and administer all policies, rules and standards recommended by the Council and adopted by the Minister and provide all training necessary for the efficient and effective operation, usage, and maintenance of the BSDI System;
- (s) implement rules and relevant standards to ensure interoperability or harmonization of spatial data sets and services;
- (t) deposit in the public archives a copy of the historic record or metadata of the BSDI Library;
- (u) act as the Government's representative or interface with regional, international and global organizations and entities concerned with spatial data infrastructure development and GIS; and
- (v) be current with spatial innovations and trends through participation in regional and international forums, workshops, seminars and conferences.

6. Scope and operation of the BSDI System.

- (1) The BSDI System comprises the assets and components of the BSDI and their utilization in order to carry out the special purposes referred to in subsection (2) of section 4.
- (2) The utilization of the BSDI consists of the coordinated and systematic management, monitoring and delivery of operation in respect of non-confidential location based information and associated tabular information for The Bahamas, including but not limited to the following activities relating to such information —
 - (a) creation,
 - (b) gathering/capturing,

- (c) publication,
 - (d) storage,
 - (e) research,
 - (f) analysis,
 - (g) sharing,
 - (h) maintenance,
 - (i) integration,
 - (j) dissemination, and
 - (k) distribution.
- (3) The assets and components comprising the BSDI consists of, but are not limited to, the resources of the Centre including —
- (a) information technology assets (hardware), including networks, servers and operating systems;
 - (b) GIS software;
 - (c) the BSDI Library (centralized database hub) and other databases, vector data and imagery;
 - (d) metadata;
 - (e) operating policy and standards;
 - (f) operating administrative procedures, protocols and processes;
 - (g) agreements including information technology service level agreements (IT network services);
 - (h) institutional arrangements;
 - (i) human resources;
 - (j) spatial data services; and
 - (k) GIS applications.

7. Appointment of the Director and employees of the Centre.

- (1) The Bahamas National Geographic Information Systems Centre shall be headed by a Director appointed by the Governor-General acting in accordance with the advice of the Public Service Commission.
- (2) The Director of the Centre shall be —
 - (a) a citizen of The Bahamas or, if not a citizen, shall not be considered for appointment without the concurrence of the Minister responsible for Immigration;
 - (b) the technical advisor to the Minister and to the Council; and
 - (c) the chief executive officer of the Council.

- (3) Subject to this section, the Director has responsibility for the administration and operation of the Centre and to ensure that the Centre fulfils its functions under this Act.
- (4) The powers and duties of the Director are to —
 - (a) ensure the efficient operation of the Centre in accordance with the provisions of this Act;
 - (b) prepare a national framework for GIS implementation including administrative procedures, GIS standards and protocols;
 - (c) set fees for the Centre's provision of value added services, data and maps or map products;
 - (d) process applications for the use of spatial data housed by the Centre;
 - (e) coordinate, supervise and give advice on matters related to projects that comprise components related to GIS or spatial technologies;
 - (f) prepare BSDI procedures and protocols every five years, or such other period as the Minister may direct, including BSDI goals, objectives and the financial requirements to operate GIS plans;
 - (g) supervise the Centre's daily operations and the performance of employees;
 - (h) issue on behalf of the Council such warning letters as the Council considers appropriate to Government entities and general users in non-compliance with the provisions of this Act and the regulations; and
 - (i) perform such other functions relating to the BSDI and the Centre as the Minister may request.
- (5) There shall be appointed such other public officers as may be required in order to ensure the efficient and effective execution of the functions and duties of the Centre and the Director under this Act.

8. Ministerial powers.

- (1) The Minister may —
 - (a) give the Director general or specific directions as to the policy to be followed by the Centre in the performance of any of the Centre's functions under this Act; and
 - (b) request the Director to undertake activities which, in the opinion of the Minister, are necessary and advisable for the purpose of giving effect to the intent of this Act.

- (2) The Director shall in the performance of his duties give effect to the policy directions and requests given by the Minister pursuant to subsection (1).

PART III – ESTABLISHMENT OF THE BAHAMAS SPATIAL DATA INFRASTRUCTURE PROGRAM

9. Establishment of the BSDI Program.

- (1) There is established for the purpose of this Act a program called the "Bahamas Spatial Data Infrastructure Program" ("BSDI Program") which shall comprise the national technical, institutional and policy framework for access, exchange and use of spatial information for the purposes of —
- (a) community environmental policies; and
 - (b) policies or activities which may have an impact on the environment.
- (2) The BSDI Program shall be implemented and administered by the Centre.
- (3) Application by a general user for participation in the BSDI Program shall be made to the Council in the prescribed form.

10. Objectives of the BSDI Program.

The objectives of the BSDI Program are to —

- (a) enable, implement, and facilitate the creation, operation and maintenance of the BSDI System and the BSDI Library;
 - (b) assist participants in the BSDI Program to acquire, develop and maintain the BSDI;
 - (c) provide an efficient and effective means for participants in the BSDI Program to share accurate and reliable non-confidential location based information;
 - (d) enable automation of business services by participants in the BSDI Program;
 - (e) assist participants in the BSDI Program in policy analysis;
 - (f) create an environment which facilitates coordination and cooperation among participants;
 - (g) minimize or eliminate duplication in the capturing of spatial data;
 - (h) promote universal access to non-confidential spatial information;
- and

- (i) facilitate and promote the protection by participants in the BSDI Program of owners of copyright in works relating to shared spatial information.

11. Government entities must participate in the BSDI Program.

All ministries, agencies and departments of Government, including local government, shall upon the coming into force of this Act become members of and participants in the BSDI Program.

12. General users may apply to participate in the BSDI Program.

- (1) A general user may apply to the Council as prescribed by the regulations for participation in the BSDI Program and the Council may approve or refuse an application.
- (2) An applicant whose application has been approved by the Council shall enter into a binding "BSDI Memorandum of Agreement" with the Centre in the form and subject to the terms and conditions prescribed by the regulations.
- (3) An applicant shall, upon execution of the "BSDI Memorandum of Agreement", become a participant in the BSDI Program.

13. Duties of Government participants.

- (1) Each Government entity shall provide the Director with —
 - (a) at agreed intervals, a document entitled "Spatial Information used by (*insert name of ministry, agency or department*)" which lists by the prescribed spatial data themes, and categorizes as either confidential or non-confidential, all current location based information and associated tabular information created, collected, obtained or used by the entity;
 - (b) a project plan describing the methods and time-line for the inclusion of the entity's non-confidential location based information and associated tabular information into the BSDI Library;
 - (c) a document in the prescribed form describing the entity's methods for ensuring its non-confidential location based information will be maintained current and will be the best available, accurate and reliable information;
 - (d) a document in the prescribed form describing the entity's mandated services and location based applications that will, when implemented, result in a costs saving or enhancement to the provision of mandated services or both;
 - (e) GIS datasets and agreed associated tabular data; and

- (f) descriptions in the prescribed form of available spatial data sets and services in the form of metadata held by the entity.
- (2) Each Government entity that is a data custodian shall enter into a collaborative data maintenance agreement with the Centre, and each other, providing for the regular updating, and distribution of updates, of base data sets within an agreed period.
- (3) A Government entity shall have ultimate responsibility for maintaining its own data.
- (4) A Government entity shall, pending the execution of the agreement referred to in subsection (2), deliver on a timely basis to the Director updated base data sets, if any, to update the spatial information held on the entity by the Centre and other Government entities.
- (5) A Government entity that is a data custodian of a derivative data set shall update the data set, within the prescribed period, after it receives an update from —
 - (a) the Centre; or
 - (b) the Government entity owning the base data set.
- (6) The Centre and each Government entity shall encourage public officers, in the performance of their public tasks to use —
 - (a) spatial data resources and GIS applications held by the Centre on behalf of Government entities;
 - (b) spatial data resources held by the Centre on behalf of non-Government entities and persons conducting research or collecting data on The Bahamas such as academic institutions, scientists and Non-Governmental Organisations (NGOs); and
 - (c) all spatial data resources held by the Centre in accordance with the regulations.

PART IV – ESTABLISHMENT OF THE GEOSPATIAL ADVISORY COUNCIL

14. Establishment of the Council.

- (1) There is established for the purpose of this Act a committee called the Geospatial Advisory Council whose members shall be appointed by the Minister in accordance with the provisions of the *Second Schedule*.
- (2) The provisions of the *Second Schedule* shall have effect with respect to the constitution and proceedings of the Council.

15. Council subject to the directions of the Minister.

- (1) The Minister may give to the Council such general directions as the Minister thinks fit with respect to the exercise of its functions under this Act.
- (2) In the exercise of its functions under this Act, the Council shall comply with any directions given by the Minister pursuant to subsection (1).

16. Functions and powers of the Council.

The functions and powers of the Council are to —

- (a) consider and develop policy for the implementation of the BSDI System and the BSDI Program;
- (b) pursuant to paragraph (a), make policy recommendations to the Minister for the implementation of the BSDI System and the BSDI Program;
- (c) advise the Minister on any matter —
 - (i) referred to the Council by the Minister, the Director, or any Council member, in respect of the capture, management, maintenance, integration, distribution, and use of spatial information;
 - (ii) the Council considers necessary or expedient for achieving the special purposes of the Centre referred to in sub-section (2) of section 4;
- (d) provide advice as required to the Centre to facilitate, promote and safeguard an environment for the efficient collection, management, distribution and utilization of non-confidential spatial information;
- (e) monitor the operation and functioning of the Centre, the BSDI System and the BSDI Program;
- (f) promote public awareness of the Council and its functioning and the importance of spatial information for effective governance, planning and decision making;
- (g) submit annual reports to the Minister on the activities of, and recommendations made by, the Council and its subcommittees, including recommendations made by the Council to the Minister to improve the functioning of the Council, the Centre, the BSDI System or the BSDI Program;
- (h) address and report to the Minister on topics specific to the management and distribution of location based information including, but not limited, to topics relating to —
 - (i) prioritising of projects;

- (ii) funding and resource requirements of the BSDI Program;
- (iii) needs and concerns of the BSDI;
- (iv) quality and adequacy of services provided by the Centre;
- (v) non-compliance of BSDI Program participants;
- (vi) BSDI System measurements;
- (vii) business system integration;
- (viii) adequacy of fees charged for products and services provided by the Centre;
- (ix) development and expansion of products and services provided by the Centre;
- (x) e-commerce;
- (xi) the definition of the parameters of non-confidentiality;
- (xii) data privacy; and
- (xiii) freedom of information;
- (i) support the efficient and effective functioning of the Centre, the BSDI System, BSDI Library and the BSDI Program;
- (j) advise, consult and liaise with the Director as required in order to fulfil the Council's functions under this Act;
- (k) establish subcommittees of Council members and delegate any of its powers and functions to a subcommittee on such terms as the Council considers appropriate;
- (l) consult as necessary with persons who have specialized knowledge of one or more aspects of BSDI Systems, their creation, development, maintenance, operation and functioning; and
- (m) issue through the Director, as the Council considers appropriate, a warning letter, stating the reason for the warning and actions to be taken, to any Government entity or general user who fails to comply with the procedures and policies prescribed by this Act and the regulations.

PART V – FINANCIAL PROVISIONS

17. Funds and resources of the Centre.

The funds, revenues and resources of the Centre shall consist of —

- (a) such sums as may be provided from time to time by Parliament for the purposes of the Centre;

- (b) all monies collected from fees charged for products and services provided by the Centre;
- (c) such gifts, donations, grants and other receipts given for use in the performance of the functions of the Centre by foreign states, international organizations, corporations, foundations, or private individuals —
 - (i) directly to the Centre; or
 - (ii) to the Government of The Bahamas for allocation to the Centre.

18. Establishment of GIS Spatial Data Acquisition Account.

- (1) There shall be established for the purposes of this Act an account to be called the "GIS Spatial Data Acquisition Account" which shall be maintained by the Centre as a Treasury deposit.
- (2) All monies received from fees charged for products and services provided by the Centre shall be deposited into the GIS Spatial Data Acquisition Account.
- (3) The GIS Spatial Data Acquisition Account shall be used solely to fund the maintenance of the BSDI System and its associated components including training, data acquisition, data collection, public awareness, workshops, seminars and conferences, consultancy services, and any related activities approved by the Minister.

19. Control of gifts and grants.

- (1) The Director shall inform the Minister of any gifts, donations, grants or other monies offered to the Centre and, subject to the Minister's approval in writing, shall accept such gifts, donations, grants or other monies.
- (2) The Minister shall not give approval pursuant to subsection (1) where a donor or grantor has attached any unreasonable stipulation to a gift, donation, grant or other monies.
- (3) Gifts, donations, grants or other monies accepted on behalf of the Centre shall be expended in such manner as the Director and the Council shall recommend in writing to the Minister and the Minister shall, in writing, determine.

PART VI – MISCELLANEOUS

20. Data pilferage.

A person pilfers data where such person obtains, uses, sells, transfers, or accesses, data to which this Act applies —

- (a) in contravention of the provisions of this Act and the regulations; or
- (b) in breach of the terms and conditions of any agreement made pursuant to this Act.

21. Offences.

- (1) A person who in contravention of section 20 pilfers data commits an offence and shall be liable on summary conviction to a fine not exceeding five thousand dollars, or to a term of imprisonment not exceeding twelve months, or to both such fine and imprisonment.
- (2) A person who fails to comply with any provision of this Act or the regulations relating to the standards, procedures and protocols of the BSDI System, BSDI Library, or the BSDI Program, commits an offence and shall be liable on summary conviction to a fine not exceeding two thousand dollars.

22. Exemptions.

- (1) The Minister may in accordance with the regulations —
 - (a) exempt a general user from the payment of any fees prescribed under this Act or the regulations; and
 - (b) exempt a government entity, or a general user, that is a data custodian from any provision in this Act or the regulations relating to the capture or maintenance of spatial information.
- (2) An exemption granted pursuant to subsection (1) may be made in respect of a specific data custodian and may be a temporary or a permanent exemption.

23. Regulations.

The Minister may make regulations for all or any of the following purposes —

- (a) prescribing fees or charges in respect of services and products provided by the Centre under this Act;
- (b) prescribing the forms or contents of applications, agreements, licenses and the documents required for the purposes of this Act;

- (c) prescribing the standards, policy and procedures for the implementation and operation of the BSDI System, the BSDI Library, and the BSDI Program;
- (d) imposing eligibility requirements in respect of applicants for participation in the BSDI Program;
- (e) imposing eligibility requirements in respect of applications for exemptions pursuant to section 22;
- (f) prescribing procedures for applications for exemptions pursuant to section 22;
- (g) providing for any matter as may be contemplated by or necessary for giving full effect to this Act and for its administration.

FIRST SCHEDULE (Section 5(q))**SPATIAL DATA THEMES**

Ref #	Spatial Data Theme
1	Utility Infrastructure & Government services
2	Buildings and Facilities
3	Biological Resources
4	Cadastral parcels
5	Addresses
6	Climate & Meteorological geographical features
7	Coastal and marine sensitivity mapping
8	Cultural Resources
9	Ortho Imagery
10	Surface/Land Cover/Soils/Earth
11	Elevation Bathymetric & Terrestrial
12	Flood Hazards & Natural Risk Zones
13	Geodetic Control
14	Geographical Names:
15	Geology
16	Electoral boundaries
17	Housing:
18	Hydrography
19	Law Enforcement Statistics
20	Shoreline
21	Transportation Network (Terrestrial)
22	Transportation Network (Marine)
23	Transportation Network (Air) & Aviation infrastructure
24	Vegetation
25	Watershed boundaries
26	Wetlands

27	Offshore Mineral Resource
28	Public Health:
29	Public Land conveyance records
30	State Owned Lands
31	Land Ownership Status
32	CENSUS & Statistical Units, Demography/population distribution, socio-economic statistics
33	International Boundaries
34	Landuse (existing and proposed) & Zoning
35	Scientific research
36	Geographic GRID Systems
37	Government Units
38	Settlement Boundaries
39	Energy Resources
40	Species Distribution
41	Agricultural & aquaculture facilities
42	Oceanographic geographical features
43	Bio-geographical regions
44	Protected Areas (Marine and Terrestrial)
45	Any other themes as may be required

SECOND SCHEDULE (Section 14(2))

GEOSPATIAL ADVISORY COUNCIL

1. Constitution and proceedings.

- (1) The Council shall consist of the following members appointed by the Minister —
- (a) Financial Secretary, Ministry of Finance, *ex officio*;
 - (b) Permanent Secretary, Ministry with responsibility for the Centre, the BSDI System and the BSDI Program, *ex officio*;
 - (c) Director of the Centre, *ex officio*, in his capacity as technical advisor to the Council;
 - (d) Director, Department of Physical Planning, *ex officio*;
 - (e) Director, Department of Lands & Surveys, *ex officio*;
 - (f) Director, Department of Civil Aviation, *ex officio*;
 - (g) Director, Department of Marine Resources, *ex officio*;
 - (h) Director, National Emergency Management Agency, *ex officio*;
 - (i) Director, Department of Statistics, *ex officio*;
 - (j) Permanent Secretary, Office of The Prime Minister, *ex officio*;
 - (k) Permanent Secretary, Ministry of Public Works and Utilities, *ex officio*;
 - (l) Permanent Secretary, Ministry of Education, Science and Technology, *ex officio*;
 - (m) Financial Secretary, Ministry of Finance, *ex officio*;
 - (n) Director, Bahamas Environment Science and Technology Commission, *ex officio*;
 - (o) Director of Legal Affairs, Office of the Attorney General, *ex officio*;
 - (p) Permanent Secretary, Ministry of National Security, *ex officio*;
 - (q) Registrar, Registrar General's Department, *ex officio*;
 - (r) Chief Valuation Officer, Valuation Department, Ministry of Finance, *ex officio*;
 - (s) a Director of Bahamas Electricity Corporation, *ex officio*;
 - (t) a Director of the Water & Sewerage Corporation, *ex officio*;
 - (u) a representative of the Bahamas Telecommunications Company;
 - (v) a representative of Cable Bahamas Ltd.;
 - (w) a representative of the Grand Bahama Port Authority;

- (x) a representative of The Bahamas Chamber of Commerce; and
 - (y) two other persons, as the Minister considers necessary or desirable, having special qualifications in, and practical experience of, matters relating to GIS, information technology, financial management, or any other area which the Minister, after consultation with the chairperson and the Director, considers will advance the special purposes of the Centre.
- (2) The Minister shall appoint the chairperson from among the members of the Council.

2. Tenure.

A member of the Council, other than an ex officio member, shall be appointed for a term not exceeding three years and shall be eligible to serve a maximum of two consecutive terms.

3. Resignation.

- (1) A member of the Council, other than an ex officio member or the chairperson, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairperson and shall, from the date of receipt by the Minister of such instrument, cease to be a member of the Council.
- (2) The chairperson, if not an ex officio member, may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of receipt by the Minister of the instrument.

4. Revocation of appointments.

The Minister may at any time, where the Minister considers it expedient to do so, revoke the appointment of the chairperson or of any ex officio member of the Council.

5. Vacancies and acting appointments.

- (1) A vacancy in the membership of the Council shall be filled by an appointment of another member who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed; so, however, that such appointment shall be made in the same manner and from the same category of persons, if any, as the appointment of the previous member.
- (2) A member of the Council shall be deemed to have vacated his seat on the Council where —

- (a) the member becomes bankrupt or is convicted of a criminal offence;
- (b) the Council passes a resolution declaring that the member has become incapable by reason of mental or bodily infirmity of discharging his duties;
- (c) the Council passes a resolution declaring that the member has been absent from not less than four of six consecutive meetings of the Council without first having obtained the leave of the Council; or
- (d) the member is an ex officio member of the Council and ceases to hold the office by reason of the holding of which he was appointed to the Council.

6. Gazetting of appointments.

The names of all members of the Council as first constituted, and every subsequent change in membership, shall be published in the *Gazette*.

7. Proceedings and meetings.

- (1) The Council shall meet at such times as may be necessary or expedient for the transaction of its business and shall hold a minimum of four meetings in each year.
- (2) Council meetings shall be held at least once every three months on such days as the Council may determine.
- (3) The chairperson —
 - (a) may at any time call a special meeting of the Council; and
 - (b) shall call a special meeting of the Council within seven days of the receipt of a written requisition for that purpose addressed to the chairperson by any two members of Council.
- (4) The chairperson shall preside at all meetings of the Council at which the chairperson is present and, in the case of the chairperson's absence from any meeting, the members present and constituting a quorum shall elect a chairperson from among their number to preside at the meeting.
- (5) A quorum of the Council shall be the minimum number constituting a majority of the total membership of the Council.
- (6) A decision of the Council shall be made by the majority of votes and, in addition to an original vote, the chairperson or other person presiding at a meeting shall have a casting vote in any case in which the voting is equal.
- (7) Minutes in proper form of each meeting of the Council shall be kept.
- (8) Subject to the provisions of this Schedule, the Council may regulate its own proceedings.