

CartoBCN – the map-downloading website

Terms and conditions of use

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Introduction

The terms and conditions of use of the data sets that Barcelona City Council provides are subject to the corresponding regulations currently in force: Spanish Act 37/2007, of 16 November, on the reuse of public-sector information, which implements Directive 2003/98/EU and Directive 2013/37/EU of the European Parliament and of the Council, Spanish Act 29/2010, of 3 August, on the use of electronic media in the public sector in Catalonia, the state Law 19/2013, of December 9, of transparency, I access to the public information and good government, and the Law of the Parliament of Catalonia 19/2014, of December 29, of transparency, access to the public information and good government, which aims to protect and promote the undertaking that Barcelona City Council has given regarding the reuse of public-sector information.

Should you have any queries or comments regarding these terms and conditions you can email them to cartografia@bcn.cat.

Definition of service user

A CartoBCN service user (to be referred to henceforth as "User" or "Users") shall be understood to be any person or entity that uses, copies, amends or distributes the data sets that the CartoBCN service offers.

Any person who creates or offers applications or services that derive from the CartoBCN service shall also be deemed to be a "User".

Corresponding licence for reusing data

Use of the data and services provided in this portal implies acceptance of these terms and conditions, although such acceptance does not imply any assignment of intellectual property rights over the data sets to the User.



Every data set that the CartoBCN service offers shall state its user terms and conditions.

Most data sets are published under the terms and conditions of the Creative Commons Attribution 4.0 International license (CC BY 4.0)¹, which allows:

- their copying, distribution and public disclosure;
- their use as a basis for work that is derived from their analysis or study;
- their use for commercial and non-commercial purposes, provided that such use does not constitute a public-authority activity;
- their modification, transformation and adaptation;
- so long as reference is made to Barcelona City Council's authorship (as stated below).

In addition, under Article 8 of Spanish Act 37/2007, the reuse of information contained in the data sets shall be subject to the following general terms and conditions:

- that no change is made to the content of the information;
- that the meaning of the information is not distorted;
- that the source of the information is mentioned;
- that the latest updated information is mentioned.

On the other hand, Barcelona City Council reserves the right to publish data sets under other specific terms and conditions of reuse, including the possibility of demanding payment, in accordance with the provisions of Article 7 of Spanish Act 37/2007, for the purposes of covering the costs associated with the gathering, production, copying and dissemination of the data sets.

Users must also bear in mind that certain types of information may come under the scope of specific legislation, as is the case, for example, with geographical information and urban-planning.

On the same website, when downloading products subject to specific terms and conditions, the latter will be set out in an attached document.

Where it is mandatory to acknowledge authorship and mention Barcelona City Council as the source of the data sets, such references must be set out as follows:

Data source: Barcelona City Council

Where this citation is included in HTML format, the following marking can be used:

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<p> Data source: <a href = "http://www.bcn.cat/CartoBCN" title = "CartoBCN">Barcelona City Council </ a>. </ p>
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Any modification to or transformation of the data sets published by Barcelona City Council must be identified as such at the time of their distribution.

Users are required to inform Barcelona City Council of every project involving the use of the data sets or derived from them, so that they are shown publicly for the purpose of fostering the public sector's information-reuse policies.

Barcelona City Council may likewise require Users to supply it with statistical data on the products and services that arise from the reused information, to find out the actual use of that reused information and improve the catalogue of available data.

Guarantee and liability for the data sets

Barcelona City Council offers its available data sets precisely as they appear in its archives and, despite its efforts to duly manage these data sets, it is unable to ensure their integrity, updating, accuracy or continued access and consequently offers no guarantees in that respect.

Barcelona City Council may at any time add, remove or change the data sets published and their terms and conditions of use. Announcements of such changes will be published in www.bcn.cat/cartobcn. Any change that is made shall take effect as soon as it is published, unless otherwise stated.

Neither Barcelona City Council nor any of its bodies, entities or officers shall be liable for any damage or loss that is or may be directly or indirectly caused (including anything that leads to financial, material or data loss) by the use of the data sets.

Liability of the User or agent of the reuse

The user is submitted to the Law 37/2007, of November 16, on reutilization of the information of the public sector, specially to his sanctioning regime, the state Law 19/2013, of December 9, of transparency, I access to the public information and good government, the Law of the Parliament of Catalonia 19/2014, of December 29, of transparency, access to the public information and good government, as well as all regulations that apply to the use of the information, as the organic Law 15/1999, of protection of information of personal character and the Law 21/2014 that which modifies the consolidated text of the law of Intellectual Property.

Should any legal action or financial penalty be taken against Barcelona City Council or any of its bodies, entities, companies or officers, as a result of a breach of the terms and conditions of use set out herein or of the terms and conditions of the licence under which the data sets are published, the User shall fully indemnify Barcelona City Council or its bodies, entities, companies or officers for all costs and expenses (even procedural ones), penalties and damages that may be ordered.

In this regard Users agree to indemnify Barcelona and all its bodies, entities, companies and officers for, and exempt them from any liability that they may incur from any claims that may arise from breaching any of these terms and conditions of use or from using, copying, modifying or distributing the information.



Barcelona City Council, on the other hand, reserves the right to take appropriate legal measures to safeguard its interests, without that implying a waiver of the User's liability or requirement to indemnify and/or compensate.

Other legal restrictions

Data sets may not be reused for illegal purposes or for attacking the principles of people, entities or public authority actions.

Barcelona City Council may, of its own accord, deny or block access to the data sets, without having to give prior notice, to any person whom it considers, under its own unilateral criteria, to be in breach of these terms and conditions of use and/or the laws currently in force, or to any person who uses, copies, changes or distributes the data sets in a harmful or unsuitable way.

This denial or blocking does not affect persons or entities that have received the data sets in good faith, through the person or entity subject to the cancellation or blocking, and who are otherwise complying with these terms and conditions of use.

Users may not state, imply or suggest to final users, through any medium, that Barcelona City Council or its bodies, entities, companies or officers are participating in or supporting the activities of the person using the information or data sets.

