

BMWi, Abteilung VII, Technologiepolitik

National Data Security Policy for Space-Based Earth Remote Sensing Systems

Background Information for the Draft of an Act to

Safeguard the Security Interests of the Federal Republic of Germany from Endangerment by the Distribution of High-Grade Earth Remote Sensing Data.

"Satellitendatensicherheitsgesetz" - SatDSiG

www.bmwi.de



Activities to Perpare the Draft Act (SatDSiG-E)

activities to set up a National Data Security Policy started end 2003

close cooperation with many relevant ministries, including:

AA, Foreign Office;

BMI, Federal Ministry of the Interior;

BMVg, Ministry of Defence;

BKAmt, Federal Chancellery;

relevant agencies:

BND, Federal Secret Service;

BKA, Federal Criminal Police Office;

BSI, German Information Security Agency;

BGeoBw, Geo-Information Office of Germany's Federal Armed Forces;

federal commissioners

and in consultation with Industry and international partners (USA, Canada)



Status of the Draft Act (SatDSiG-E)

24. Jan. 2007: Cabinet Decision

09. March 2007: Bundesrat (upper house)

24. April 2007: first Bundestag Committee Meeting

10. Sept. 2007: Public Hearing

19. Sept. 2007: Bundestag Committee

20. Sept. 2007: Bundestag (2nd and 3rd reading)

Bundesrat

Signature and Publication

Deutscher Bundestag 16. Wahlperiode Drucksache 16/4763

Gesetzentwurf der Bundesregierung

Entwurf eines Gesetzes zum Schutz vor Gefährdung der Sicherheit der Bundesrepublik Deutschland durch das Verbreiten von hochwertigen Erdfernerkundungsdahen (Satellitendatensicherheitsgesetz – SatDSiG)

A. Problem und Zir

In Deutschland entseden zurzeit sehr leistungsfühge Eriffernerknodingsatzte läten mit dam Zud dem geweitlichen sallevisien Vermenlang den Dausseitleitun mit dam Zud dem geweitlichen sallevisien beitre den bei dem entsedenschen Diete haben eine Qualität, welche bis von kurzen met von kanzifizierten mittigrieben Statiffiten enzungt werden bennte und daber met marchafte von mitdigmeiten Statiffiten enzuget werden bennte und daber met merchaft von mitdigmeiten Statiffiten enzuget, Deutschland wirden der delte Eriffernerknodingsgeben erhöhen verstellt von den dem Eriffernerknodingsgeben erhöhen verstellt von den.

Im deutschen Recht gibt es beine Regolungen, welche das Verbreiten von Date oder Bildem deutstiger Qualität betreffen.

whet Bildetti destaugut Quantum meeters. Zachen sind naheen alle keistingsfähigen Erflevelselsingsvollette and US amerikanische Bautelle angestissen. Die USA nuchen eine Exportgendingsge für desse Bautelle derivo stabsings, dass sationale Regularigen bestischen untelne Kristerheinistenseuen hel Ferengung oder Verheitens der Erfelben-erhondingsfanne berückslichtigen.

Mit dem Gesetz zellen die sicherheites und sollespolitischen Interessen der Durcherspolitik Dustachkalt bei dem Verbraien von Eröffernetzstandsgahten gewahrt werden. Dedorch werden mittelbar zuch Rezistratischehalt für betroffene Unrendennen erstellt und die Besetzung der sessen Geschäftsfelder im Geseinformationsausirk kelkularischer geraucht.

Lösung

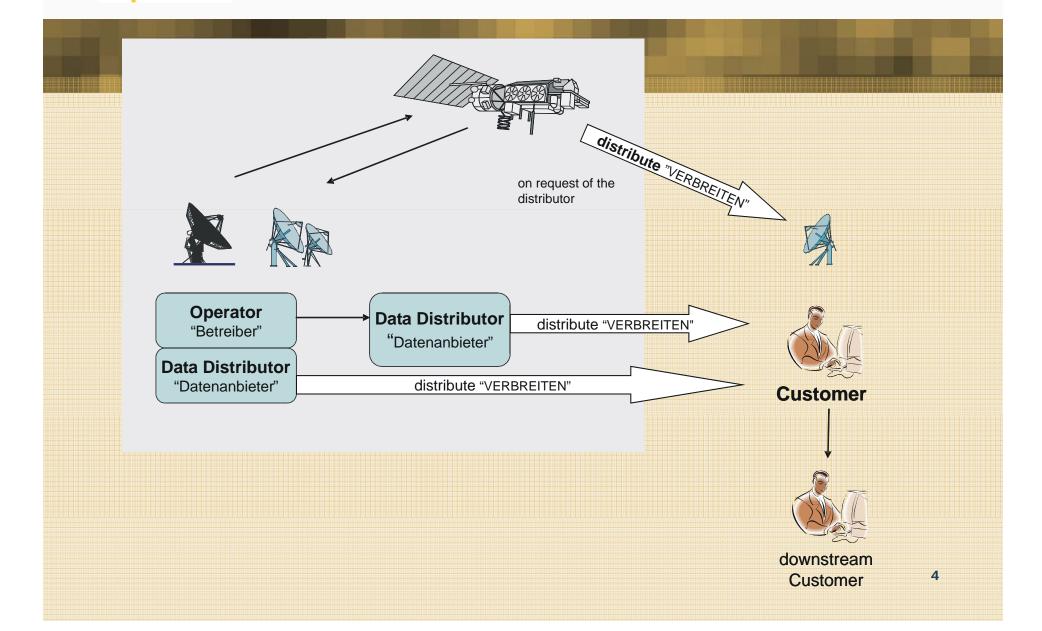
Mit dem Genetz werden die rechtlichen Ealtmenbedingungen für eine private Entliersekundung und eine weltweite Vennachtung der dabri geweueren Daten geschellen. Im Mittelpunkt der Regelungen des Gesetzes state eine Püldung des Invektaltwingens oder Zeglinglichnanchens von Entleuerskundungstaten und "datesprechteten.

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Bundestagsdrucksache 16/4763

http://dip.bundestag.de/btd/ 16/047/1604763.pdf







Draft Act, Area of Application is limited to

German satellites, satellites operated by German citizens non-military satellites

"High-Grade" earth remote sensing systems

- High Grade derives from the system's capacity for acquiring data of particularly high information content

First-Time or primary marketing/dissemination

the Draft Act consequently pertains to primary data distributors but generally NOT to

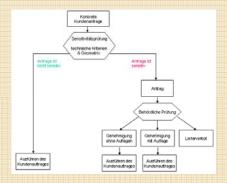
- remote sensing service providers, value-adding firms or
- data resellers

there might be indirect effects to downstream customers



Central Elements of the Draft Act (SatDSiG-E)

central Part of the Draft Act is a clearly defined and transparent procedure for distributing



- licensing requirements and obligations
 - satellite operators
 - data distributors

 regulations under company law concerning operators (acquisition of firms and stakes in firms or corporate takeovers)



Distribution of Data from High-Grade Satellites

two-layered approach for first-time/primary distribution:

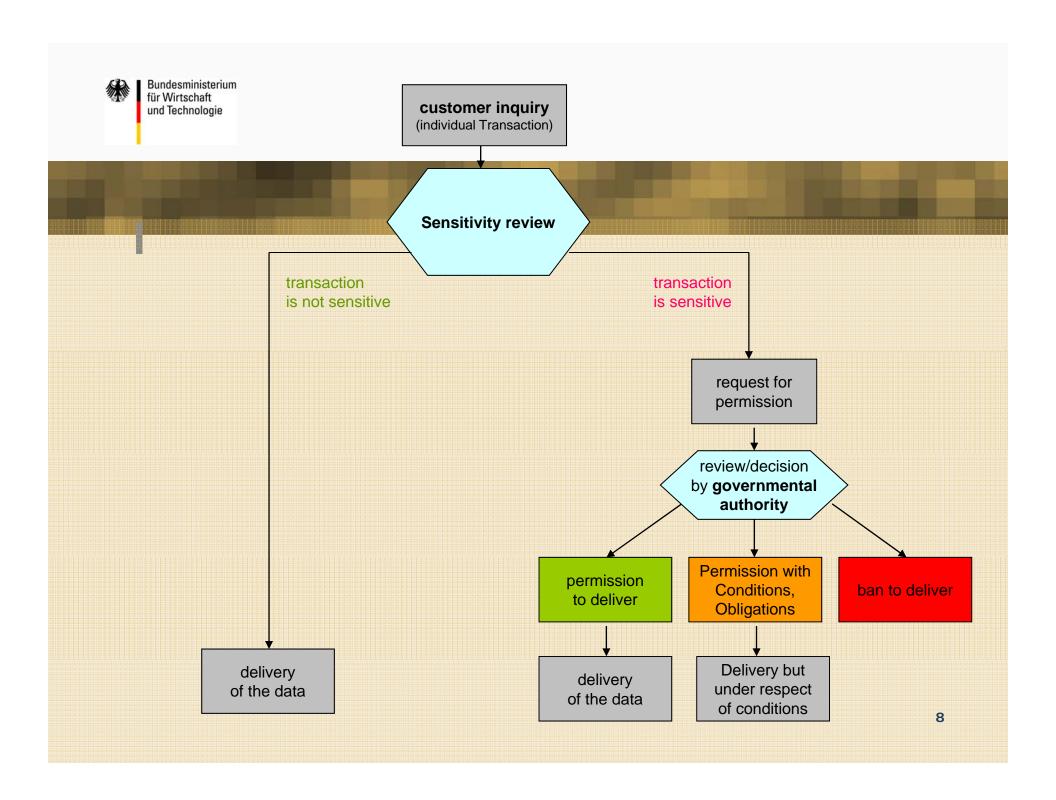
sensitivity review

- to be performed on a case-by-case basis for any transaction
- to be performed by and in the full responsibility of the data distributor
- predefined procedures and criteria without any power of discretion
- requirement to document and record any transaction for possible official audit/inspection
- → in case the transaction is "not sensitive", the distributor is free to deliver the data
- → in case the transaction is "sensitive", a permit is required

permission/refusal by governmental authority

(BAFA, Federal Office of Economics and Export Control)

- only for sensitive transactions
- decision is based on (probably classified) criteria and internal procedures





Criteria Examined during the Sensitivity Review, §17

Sensitivity review concerns the customer request and the meta data of the individual data set (never the data set itself)

- information content of the individual data product
 - operation mode of the sensor
 - processing (specification of the data product)
- target area surveyed by the data product
- time lag between data acquisition and supply to the customer, time of the data acquisition
- ground segments to which the data ate to be transmitted
- Customer



Structure of the Draft Act

| Part 1 | Area of Application |
|--------|---|
| Part 2 | Operation of a High-Grade Earth Remote Sensing System |
| Part 3 | Distribution of Data Chapter 1: General Provisions Chapter 2: Procedure for Distributing Data |
| Part 4 | Priority Treatment of Data Requests submitted by FRG |
| Part 5 | Implementation Provisions |
| Part 6 | Provisions for Administrative Fines, Criminal Provisions |
| Part 7 | Transitional and final Provisions |



Part 7

Structure of the Draft Act

Part 1 Area of Applica \$1 Area of application

Part 2 Operation of a

Part 3 Distribution of Chapter 1: Gene Chapter 2: Proc

Part 4 Priority Treatm

Part 5 Implementation

Part 6 Provisions for

§1 Area of application

§2 Definition of Terms

Operator ("Betreiber")
Data
Data Distributor ("Datenanbieter")
Sensor
Distribution ("Verbreiten")

High-Grade Earth Remote Sensing Systems
derived from the respective
system's capacity for acquiring data of particularly
high information content



Structure of the Draft Act

| Part 1 | Area | Part 2 Operation of a High-Grade Earth Remote Sensing System § 3 Licenses |
|--------|------------------------|---|
| Part 2 | Oper | § 4 License requirements Solution requirements |
| Part 3 | Distr i Chap | § 6 Obligation to notify § 7 Information requirements § 8 Right of access and inspection |
| | Chap | § 9 Possible measures by responsible government agency§ 10 Acquisition of firms and stakes in firms; corporate takeovers |
| Part 4 | Prior | Part 3 Distribution of Data |
| Part 5 | Imple | Chapter 1 General Provisions § 11 Licenses |
| Part 6 | Provi | § 12 License requirements§ 13 Obligation to notify§ 14 Information requirements |
| Part 7 | Trans | § 15 Right of access and inspection § 16 Possible measures by responsible government agency |



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| Part 5 | Implementation Provis | § 19 Permits § 20 Blanket Permits |
| Part 6 | Provisions for Adminis | trative Fines, Criminal Provisions |
| Part 7 | Transitional and final P | rovisions |



Status and Next Steps

interim Regulation has been set up in July required because of TerraSAR-X launch

Implementation via contracts between

- DLR with BMWi
- Infoterra with BMWi



the Final Act is planned to become effective in December 2007