

Getmapping believes that OS is abusing its position as the National Mapping Agency by competing unfairly against Getmapping and other imagery companies. OS receives over £50m pa in government grants and un-competed government mapping contracts. Getmapping believes that OS is using this money to support its own commercial aerial survey business. Since April 1999 OS has been a Trading Fund under the Office of the Deputy Prime Minister (ODPM). The history is as follows.

1. **January 1999. Getmapping begins work on the Millennium Map.** Getmapping decides to invest in a complete, map-accurate, high-resolution aerial survey of the UK (the Millennium Map). Getmapping asked OS whether this was a good idea, and OS were encouraging. OS said that they had no remit or interest in flying colour photography. Their business was to make maps, and photography was a by-product.
 - OS had never used colour photography. They said B&W was better for cartography
 - Aerial surveys had been an exclusively private sector business since 1923, and colour surveys had been offered since the 1970s. There was a well-established division of interest between OS (maps) and the private sector (aerial surveys)
2. **April 1999. OS sticks to B&W Photography for Map Updating.** OS announces the most intensive programme of aerial photography ever undertaken in Britain to speed up the revision of maps. The photography is B&W and is publicly funded.
3. **December 1999. Getmapping becomes an OS Licensed Partner.** Getmapping becomes a licensed partner of OS so that Getmapping can correct its photography to fit OS's maps by a process called Geocorrection. OS encourages Getmapping to use this technique because it makes sure that the errors in the OS maps are not exposed.
4. **March 2000. OS publishes DNF Consultation Paper.** The Digital National Framework (DNF) was a 1999 idea to provide a framework for all kinds of Geographic Information. The idea was that customers could get hold of all sorts of information from a single, OS-hosted database. But OS did not want to own all the data itself. The paper specifically states that there would be access to Imagery owned by third parties in DNF. DNF is 50% funded with public money (Minister's written answer 7 Feb 2002).
5. **September 2000. OS becomes a re-seller of the Millennium Map.** OS signed up as a Millennium Map reseller in September. Getmapping then spent over £18,000 teaching 30 of the OS sales force about the market for colour photography and providing marketing material. However, OS never offered the Millennium Map data to any of its customers (so far as we know) and never made a single sale. OS cancelled the agreement in 2002. OS allowed this training to continue into spring 2001 after OS had decided to enter the market in competition with Getmapping.
6. **January 2001. Getmapping offers the Millennium Map as DNF Layer.** With England and Wales almost complete, Getmapping proposed that OS should adopt the Millennium Map as a layer within DNF in accordance with the DNF policy.

Getmapping proposed that OS should adopt the Millennium Map free of charge and that OS should earn a commission on sales.

7. **March 2001. OS decides to compete with Getmapping.** OS reversed its policy of supporting third party imagery suppliers and decided to build its own competing Imagery Layer. The OS Operating Board confirmed a recommendation that *“in the short term OS should seek agreements with other imagery providers to create a temporary solution pending the collection of our own data.”*
8. **May 2001. OS begins the procurement of its Imagery Layer.** OS specified a different method of rectification (orthorectification) which made the Millennium Map non-compliant, even though OS had encouraged Getmapping to correct its Millennium Map to fit OS mapping (geocorrection). Getmapping believes that this was a deliberate ploy to justify OS’s decision not to adopt the Millennium Map as proposed by Getmapping and as recommended in the DNF consultation paper.
9. **June 2001. OS switches all its cartographic photography to colour.** OS switched its photography to colour even though OS acknowledged that *“[colour photography] is not considered ideal for internal [map] revision requirements”*. Thus OS is using flying resources funded by the Government for map revision in an inefficient way. This is a waste of taxpayer’s money and the inefficiencies are large (colour photography requires better atmospheric conditions and probably costs double B & W).
10. **November 2001. OS rejects Getmapping’s offer.** OS rejected Getmapping’s bid for the Millennium Map to be adopted as the Imagery Layer in DNF. In January 2002 OS also rejected Getmapping’s request that the Millennium Map (which was now complete for England and Wales) should be offered as an alternative Imagery Layer within DNF at least until the OS Imagery Layer was complete. DNF was created using public money specifically to help third party data suppliers to make their data available to customers.
11. **January 2002. Getmapping starts legal proceedings.** Getmapping starts legal proceedings against OS, mainly on the grounds of abuse of a dominant position. In May 2002 Getmapping seeks an injunction to force OS to offer the Millennium Map within DNF. The judge turns down the injunction but says that the issue is important and orders a speedy trial. Getmapping cannot afford a full trial and withdraws. None of the issues has been tested in court.
12. **May 2002. Urban Affairs Sub-Committee Investigates OS.** The Parliamentary Select Committee (Urban Affairs Sub-Committee chaired by Andrew Bennett) reviews OS. In its June report the committee recommends that *“If OS wants to enter into commercial activities we can see no reason why it should not do so, but the two activities ought to separately accounted for and its commercial arm should pay the same copyright fees as any other organisation/competitor.”*
13. **November 2002. OS responds to Urban Affairs Sub-Committee.** OS rejects most of the Sub-Committee recommendations. In particular, in answer to the recommendation about separate accounting OS says *“There will always be a need for cost allocation between commercial and national interest activity.”* In

response to ODPM's response the Chairman of the Urban Affairs Sub-Committee issues a press release which states "*...Disappointingly the Government has not accepted the rest of the Committee's recommendations thus failing to address OS's real problems. These are:*

- *Definition of the boundaries of its commercial work which has recently caused disagreement between OS and its partners and competitors*
- *And the lack of a regulator or arbitrator to rule on disagreements leaving no recourse other than to the courts"*

14. December 2002. Getmapping wins contract to fly Scottish Imagery Layer.

Getmapping is awarded a 5 year framework contract to fly the Imagery Layer of Scotland. The data will be owned by Getmapping and licensed to OS for use in the Imagery Layer. This is in line with the OS Strategy (see para 7) that OS will use commercial contractors in the short term before it completes its own flying based on cartographic photography. As it turns out the specification chosen by OS does not meet OS's subjective quality requirements so no data has been accepted to date.

15. February 2003. OS agrees that it is offsetting its Imagery Layer costs against its un-competed cartography budget, but states that this is for the benefit of its partners.

In a series of meetings and letters to resolve the legal dispute with Getmapping, OS admits that it is subsidising the costs of competing with Getmapping from its government-funded cartography budgets. However OS justifies this by saying that its business is to collect national data sets, but that OS itself does not intend to enter into the applications market. The OS Imagery Layer will be made available to direct customers and Licensed Partners on a fair and equitable basis. In other words, Getmapping, as an OS Licensed Partner, can use the OS Imagery Layer to build its business by creating value-added products and services.

16. March 2003. OS launches its Imagery Layer as a part of DNF. Although DNF was funded using public money to support the sales of third party data, it is now reserved exclusively for OS's own Imagery Layer. No competing imagery is allowed access to DNF.

17. March 2003. OS finds that it is unable to appoint Imagery Layer resellers.

Despite its undertaking to appoint resellers for the Imagery Layer on a fair and equal basis, in March 2003 OS finds that it is unable to do so because it has placed inappropriate contracts with its imagery suppliers. OS expects to get this problem sorted out in the near future.

18. September 2003. OS acknowledges that it may never be able to appoint Imagery Layer resellers. OS states that it may never be possible for its Licensed Partners to resell the Imagery Layer

19. Summary.

Getmapping believes that OS has wasted taxpayers' money and severely damaged Getmapping's business by unfair subsidised competition against the private sector.

- Getmapping offered OS its Millennium Map and associated internet tools free of charge for use in DNF. OS would have earned about £2m in commissions on sales by now. Instead, OS has commissioned its own competing Imagery Layer.
- To create its own Imagery Layer OS has switched all its flying to colour which is much more expensive for its core map revision task.
- The net cost to the taxpayer is probably c £10m.
- DNF was established using public funds to support the sales of third party data. Imagery was specifically cited as a third party dataset within DNF. However OS has now reserved DNF exclusively for its own use. More misuse of public funds.
- OS is offsetting much of its Imagery Layer costs against its un-competed cartography work against the advice of the Urban Affairs Sub-Committee.
- OS justifies its cost offsetting by saying that it will make the Imagery Layer available to its Licensed Partners which will help them grow their businesses and serve their customers. OS cannot deliver on this undertaking.

20. **Other Things.** In addition to the story of the Millennium Map there are a number of other issues which need to be raised.

- The Chief Executive of OS is also a Non-Executive Director of the Office of the Deputy Prime Minister, which is OS's sponsoring ministry. This creates a conflict of interest.
- The Chief Executive of OS is the Government advisor on Geographic Information. Since OS is now competing against other companies in the field, this is also a conflict of interest.
- ODPM has agreed a Pan Government Agreement for Central Government departments to use OS data. This was un-competed despite the fact that there were newer and better products on offer. For example Intermap's NEXTMap Britain is a newer, cheaper and more accurate height model than OS's Profile. Intermap asked to have its product considered for the Pan Government Agreement, but to no avail. Remember that the Chief Executive of OS is also a director of OS's customer, the ODPM.

For more information contact Richard Vessey at rcvessey@yahoo.co.uk