

# EuDEco – The Legal Perspective

i-Know Conference – Graz, 11 October, 2017



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Funded by the Horizon 2020  
Framework Programme of the  
European Union

- **I. Framework**
  - Ownership of data
  - Data protection
  - Cyber security & Data localisation
  - Privacy
  - Copyright
  
- **II. Free flow of data – recent legal developments in relation to DSM**
  - Proposal for a new regulation
  - Revision of PSI directive
  
- **III. Questions**

# I. FRAMEWORK

# I. Ownership of data

*What it means?*

## Different regulations tackling this topic

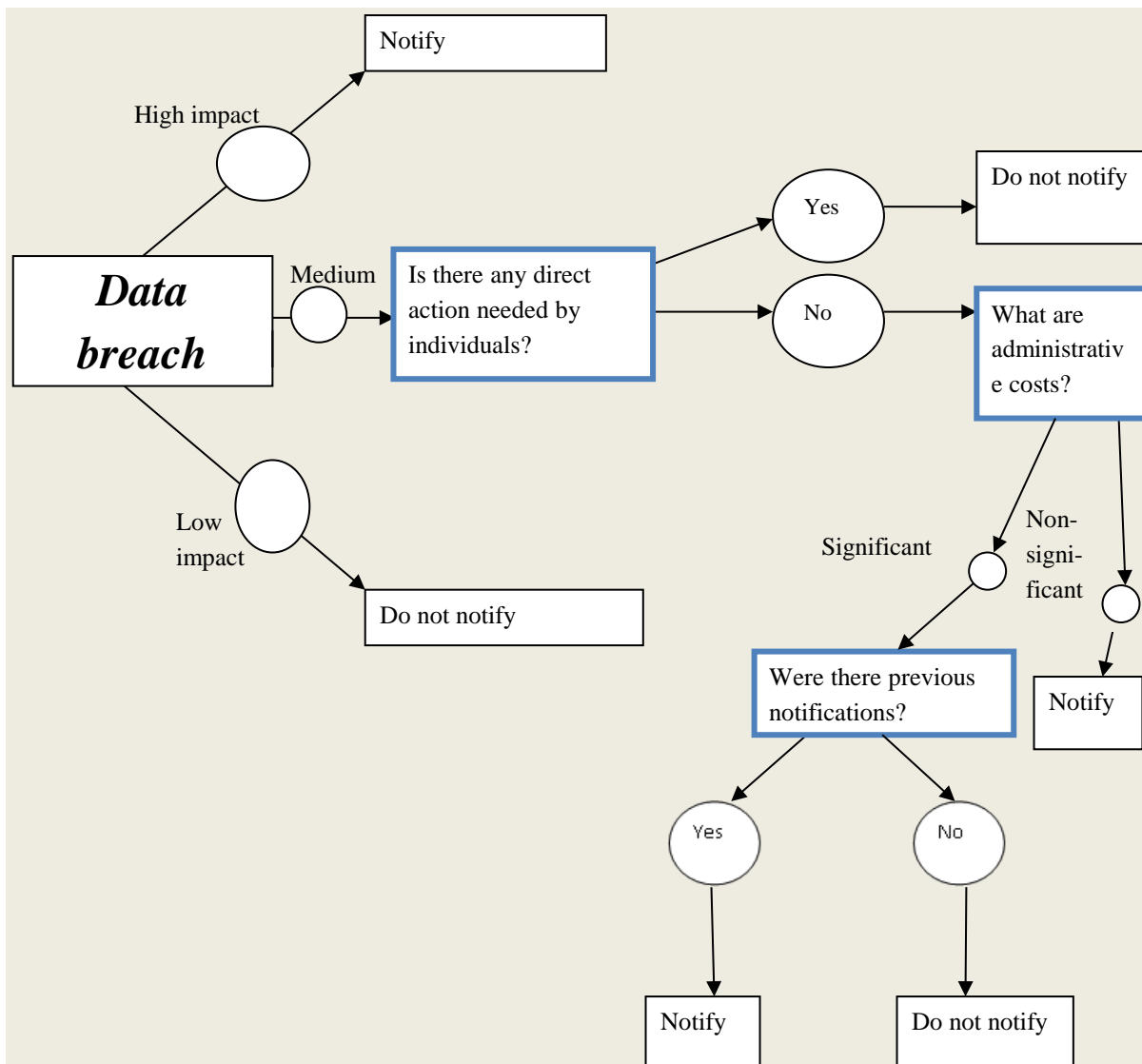
- IP
- Trade Secrets
- Competition law
- Consumer protection
- Contract law



## II. Data protection

- Directly applicable
- Broaden scope
- Stricter sanctions
- NEW: Data portability
- Complementary provisions





### Data anonymization

- Definition
- Effects



### AI and algorithmic tools

- Potential discriminatory effects
- What is yet to come?



# V. Intellectual Property

*What it means?*

## Copyright in relation to data

- New exceptions in order to promote text and data mining
- User Generated Content (UGC)

## Database protection law

- Reviewing task by the EC: update





## II. FREE FLOW OF DATA

# I. Proposal for a new EU regulation on free flow of data (October 2017)

## *Anti localisation*

- What is localisation? Implicit and explicit
- MSs should not impede mobility of data in the single market
- MSs' duty to identify localization measures and to notify the Commission of any new ones.
- Limited exceptions: public safety



# I. Proposal for a new regulation

## ***Data portability***

- Soft measures: a new duty on data (storage) service providers, namely to inform users about their terms of service
  - process and location of data back-ups;
  - data formats and supports;
  - IT configuration and min. network bandwidth;
  - time required prior to initiating the porting process
  - guarantees for accessing data in the case of a bankruptcy
- What is the difference from data portability under GDPR?

# I. Proposal for a new regulation

## *Tips for data service and storage providers*

Review terms and make sure all the relevant items are adequately addressed;

Consider the most appropriate standards to facilitate portability of data.

## *Tips for the member states*

Identify a body that has adequate expertise to monitor data localization requirements;

Start reviewing possible localization measures;

Consider which state body should take part in the ongoing EU discussion.

# I. Revision of the PSI Directive

## ***Revision***

- Is the PSI directive still useful?
- What is missing, how can we make it better?

## ***Data access requirement***

- Necessary or a step too far?

## ***On going EC-consultation***

- Open until December 2017
- Participate via: : [https://ec.europa.eu/info/consultations/public-consultation-review-directive-re-use-public-sector-information-psi-directive\\_en](https://ec.europa.eu/info/consultations/public-consultation-review-directive-re-use-public-sector-information-psi-directive_en)



# III. QUESTIONS

Thank you!