

Establishing The Free Movement of Data

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I wrote [recently](#) about the march towards a free movement of data in healthcare, with a new [report](#), commissioned by the Estonian government, aiming to discover some of the barriers to the free movement of health data across the European Union. Pleasingly, in most countries, it reveals that those barriers are rather lower than we might think.

A second report, by the Lisbon Council, examines some of the issues to be overcome if data is to be liberalized, and Europe is to lead the world in the new data economy. It analyzes a range of proposals for facilitating data flow, before outlining a roadmap for achieving the free movement of data throughout Europe.

The report highlights the importance of data, especially in a new economy that is based upon artificial intelligence, machine learning and other high-performance-computer-driven processes.

“Put simply, we need a new framework for data access, use, reuse, storing and mining that looks at – and adequately answers – the very real challenges of the future,” the authors say.

The authors outline five clear ways better data usage could benefit society:

1. Technological innovation, especially in areas such as AI
2. Business model innovation, especially towards more service-based models based around analytics
3. Market creation, especially in areas that free up consumer choice and avoid lock-in
4. Social innovation, especially as personal data is put to social causes
5. Evidence-based policymaking, with sound data informing policy decisions

The authors believe that to achieve this, we need a simpler framework where the rights and responsibilities of data sharing are clearly defined and understood.

Opening up data tends to run into a number of challenges, including maintaining personal data privacy, retaining data ownership for individuals and groups who don't wish to share their data, and abiding by existing rules, laws and regulations.

Co-ownership

The authors believe that these problems can be overcome by a concept of co-ownership, whereby the overlapping levels of ownership are recognized, as are the various ways in which data is stored and analyzed, and indeed generated. The concept is appealing because it emphasizes the cooperative nature of data stewardship, that no individual's data is really an island, with a wide range of stakeholders involved in the collection, analysis and general management of it.

To get to this point, the report suggests we need a much better framework for aggregating and anonymizing public data, avoid moves to lock data within national borders to ensure that Europe has enough anonymized data to become a world leader in analytics-based services.

They propose three clear steps to undertake to move us towards this free movement of data:

1. **Once only** - with the EU consisting of so many member states, fragmentation is a big risk, both within countries and across the continent. The authors propose a move towards 'once only' rules whereby data is entered only once.
2. **Move to reduce data localization and strengthen cybersecurity** - many EU countries legislate that data on citizens is held locally, due in large part to fears that the data is not managed securely. Of course, locally stored data is not always more secure than data held elsewhere, and the authors argue that it's a practice that needs to go if the data economy is to thrive.
3. **New frameworks for sharing proprietary data** - Much of our data is collected by companies, and this data is enormously valuable to the companies that own it. Indeed, data is what makes so many of our biggest companies so valuable. Tech such as the Internet of Things promises to make big data even bigger, and the question of who owns, and can therefore profit from, such data becomes more pressing. To help overcome any issues around this, they propose four principles for data ownership:
 - a) All parties involved in data production are co-owners of the data, with the rights non-exclusive.
 - b) Government should lead the way, especially with opening up its own data.
 - c) Data reuse should be the default state.

d) Full portability for all data producers; and portability-based access for competitors in some sectors.

“Underlying all of these proposals is one clear concept that will be vital for Europe’s success in the next round of modern economic development: sharing data is good for society and necessary for competitiveness. We all benefit from it, so long as it is done effectively, carefully and within the deftly defined confines of the law,” the authors say.

It’s a journey that we will inevitably embark upon, and the paper provides a nice contribution to what is a growing volume of works published around data and its applications.