

Data Sharing, CNIL's point of view

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Data sharing is at the core of data protection regulation

- GDPR (and previous legislation back to the 70's aim) = regulate data processing
 - Including how data is transferred to/shared with third parties
 - Only personal data but very broad scope
- Personal data sharing must comply with GDPR principles (article 5) : purpose, proportionality, recipients, retention periods, etc.
- GDPR is transversal – specific sectoral provisions may apply
 - Health
 - Finance
 - Transportation
- New in GDPR: specific provisions for research (presumably compatible with any data processing)

Transparency and 21st century data sharing: new issues

- Increased transparency
 - open data in public sector, transparency provisions in finance
 - More and more sectors become “data - driven”
 - Need for new infrastructure : (shared) data lakes...
 - New technological needs
 - AI require large amounts of data, especially for the training phase
 - “Data to control data” : bias, etc.
- B2G, B2B, data governance act, data altruism : new legislative initiative(s) to unlock data sharing
- Many interplay with GDPR

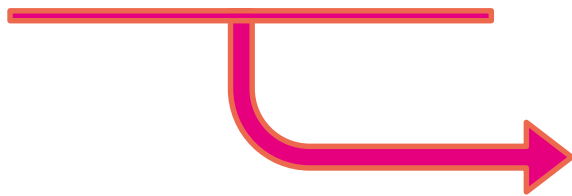
“General interest data”, a new framework for sharing data

- B2B & B2G data schemes to stimulate innovation and enhance public policies
- API, anonymization, data portability : new means
- Scenarios for data sharing that restore the balance between public and private spheres (→ next slides)

Scenarios for data sharing that restore the balance between public and private spheres

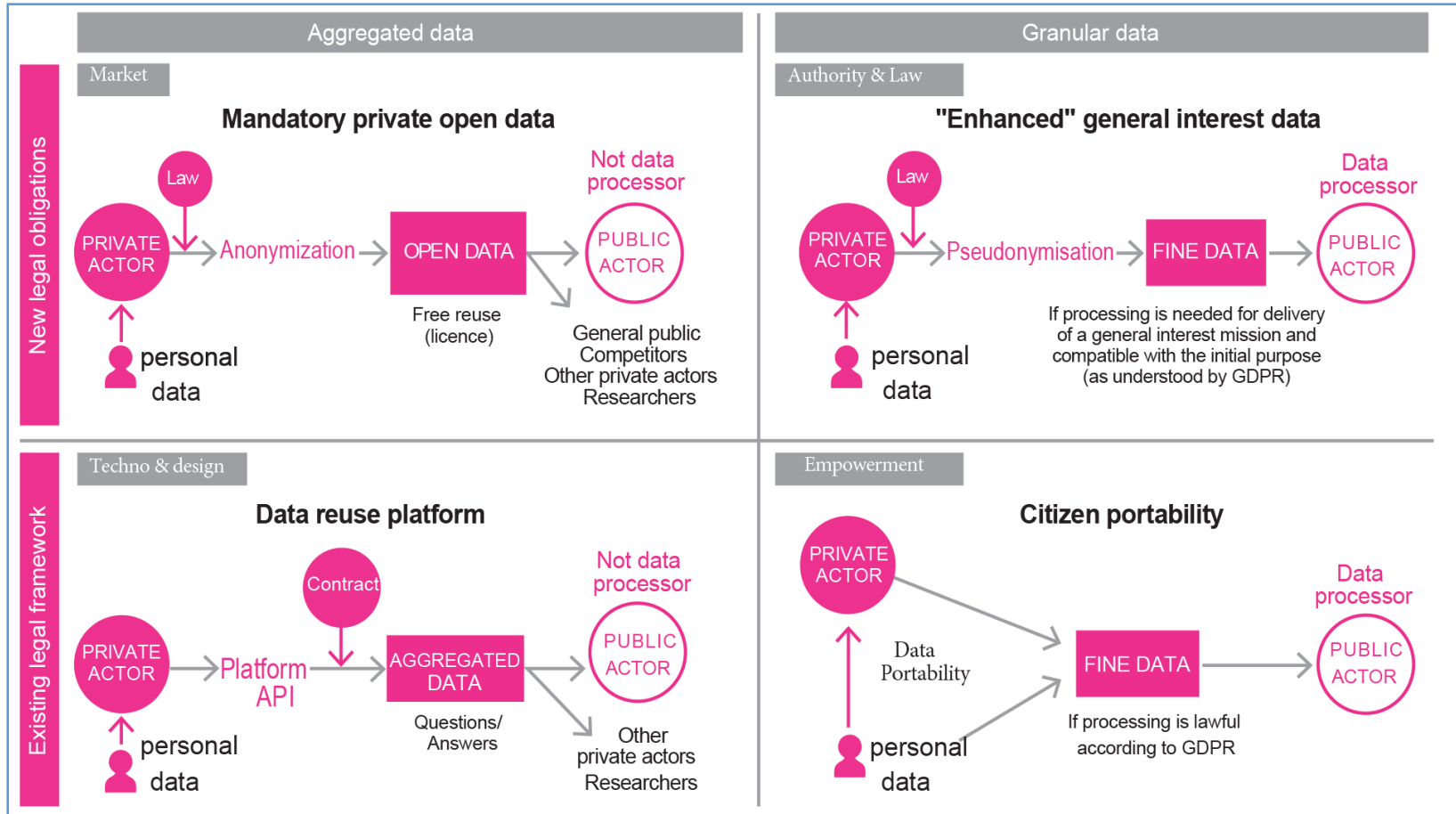


Data produced outside the organic scope of the public service (direct management, concession) would be valuable to fulfill missions of general interest.



Design data sharing scenarios for public service missions, while respecting the rights of the data subjects.

Scenarios for data sharing that restore the balance between public and private spheres



Implementation is key

- General approach seems to difficult to define and enforce
 - Private companies are reluctant to share data (and GDPR is often a reason – or an excuse)
 - Balance between intellectual property/business freedom and general interest is difficult to define “in general”
- Sectoral approach are more effective to develop data sharing and collaborations
 - It's important and difficult to secure and open in the same time: protocols, rules, interfaces, etc.
 - Example 1 : open banking and PSD2 API provisions → works with a sectoral regulator to enforce and coordinate with data protection authorities
 - Example 2 : Health data hub → publicly-led platform with actual means (>80 M€) and a dedicated team to “make it happen”