

Sharing of (personal) data in the light of the European data strategy – risks and safeguards



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Overview

1. Data sharing – new mindset from the EU
2. Learning from Freedom of Information practices
3. Risks ...
4. ... and safeguards:
How to implement “fair data sharing by design”?
5. Conclusion

European Data Strategy



The EU will create a single market for data where:

- ◆ Data can flow within the EU and across sectors, for the benefit of all;
- ◆ European rules, in particular privacy and data protection, as well as competition law, are fully respected;
- ◆ The rules for access and use of data are fair, practical and clear.

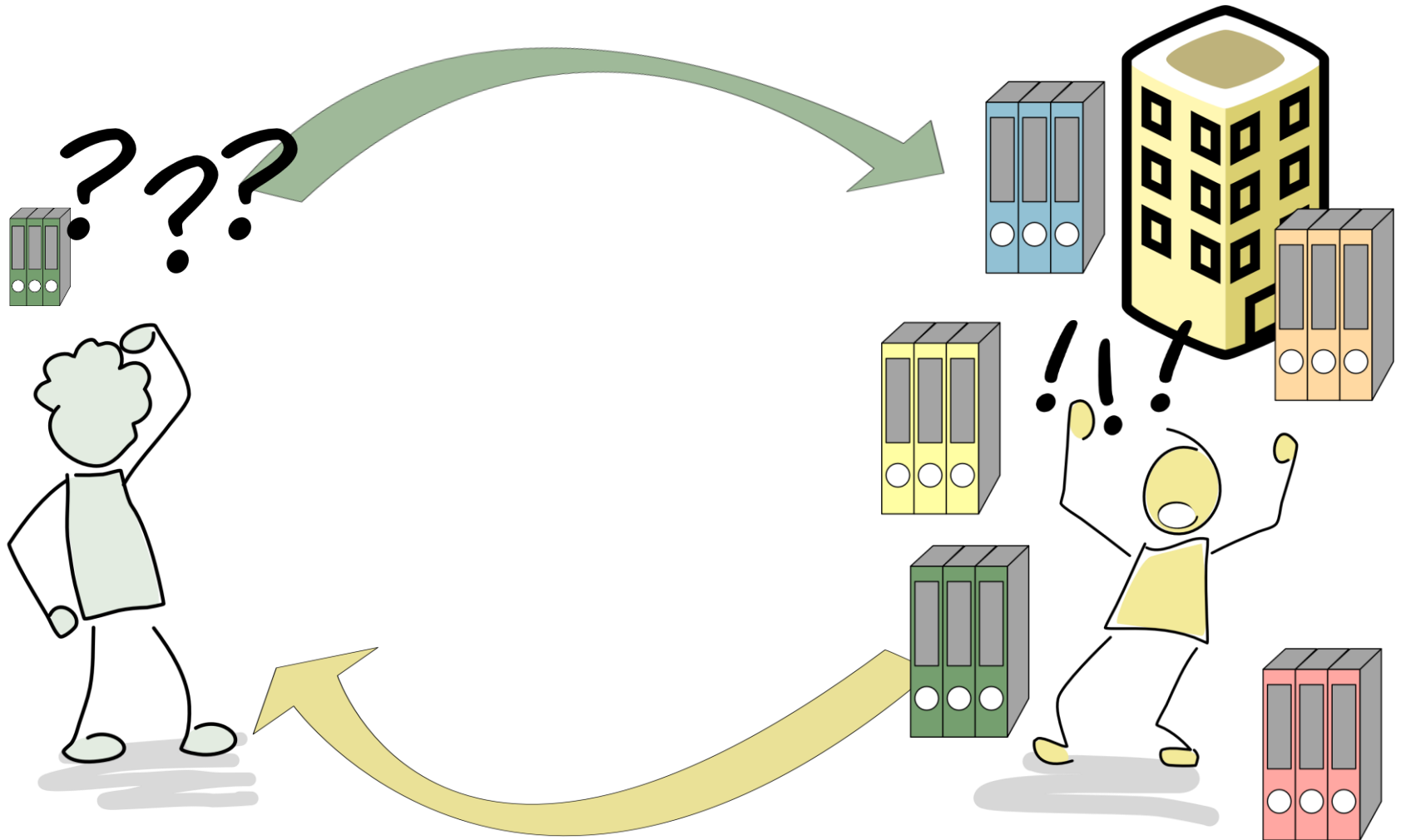


Creating a single market for data will make the EU more competitive globally and will enable innovative processes, products and services.

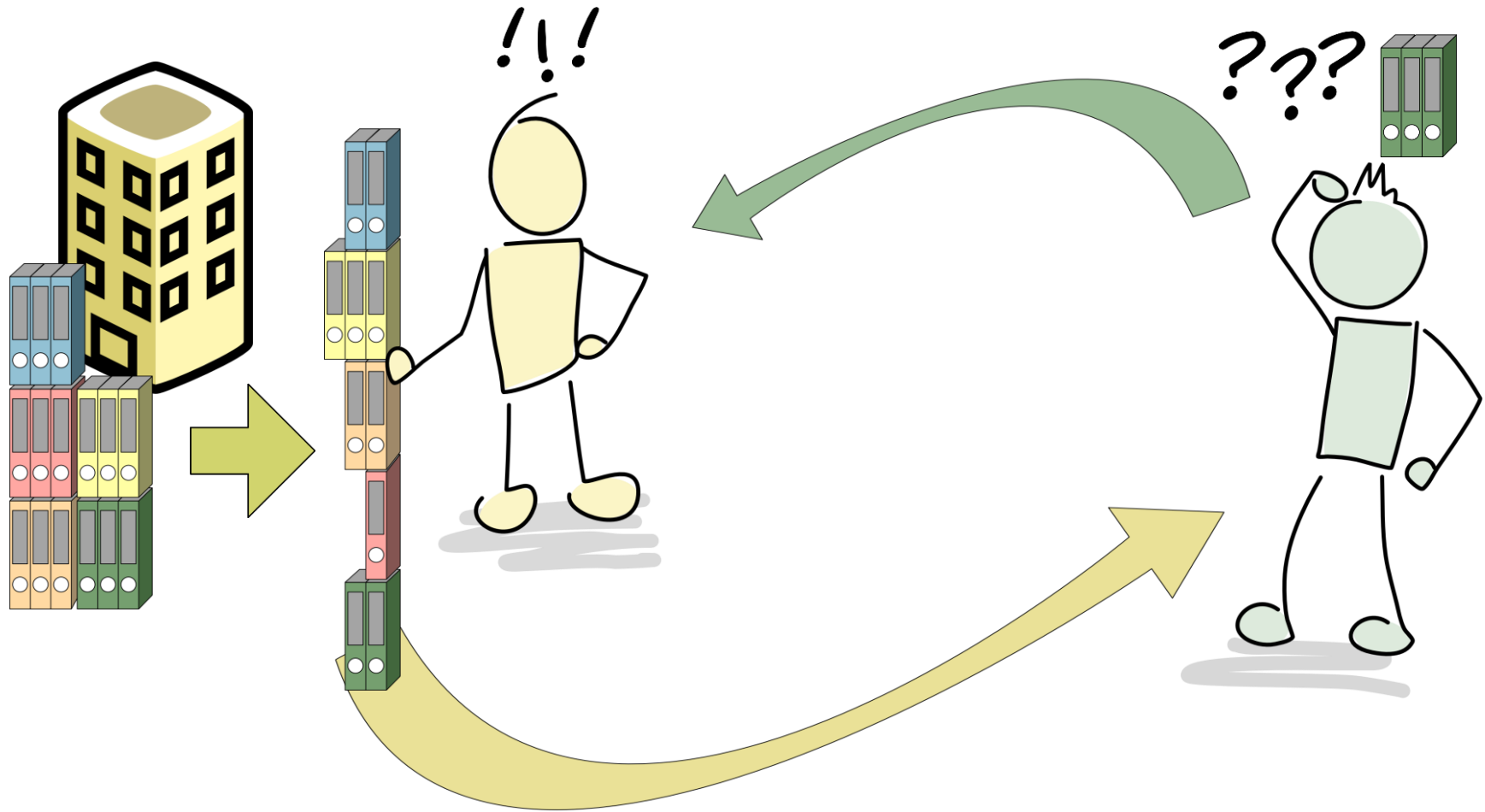
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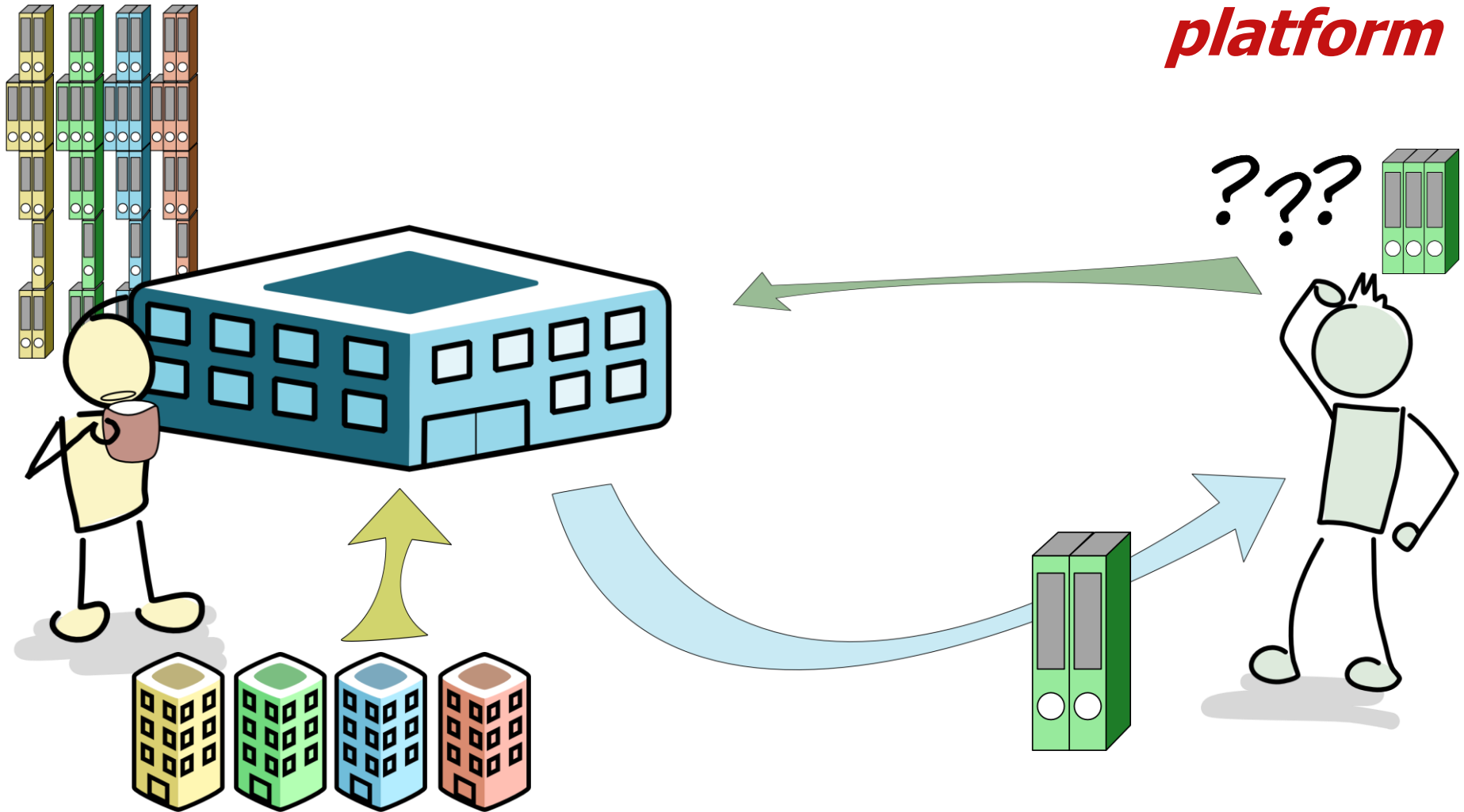
Freedom of information request to Gov I



Freedom of information request to Gov II



Freedom of information request to Gov platform



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What not to disclose in an FOI request?

If **public interests** were harmed, e.g.

- State security
- Internal + ongoing processes for decision-making



If **private interests** were harmed, e.g. disclosure of

- Personal data
- Business secrets

Risks of accumulated disclosure may not be detectable for any single controller!

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Assigning responsibilities

(e.g. in the Schleswig-Holstein coalition agreement from 22.06.2022)

7366 Die **Bereitstellung öffentlicher Daten** wird damit künftig zum entscheidenden Standortvorteil.
7367 Oft sind der Abruf und die Verwendung öffentlicher Daten mit Kosten verbunden, was
7368 insbesondere kleine Unternehmen und Start-ups vor erhebliche finanzielle Hürden stellt und
7369 das Schaffen von Wertschöpfung verhindert.

7370 Wir starten deshalb eine **Landesdatenbereitstellungs- und -nutzungsoffensive**, die neben dem
7371 Aufbau eines Kompetenzzentrums für Datenmanagement, in dem wir unser Daten-know-how
7372 bündeln wollen, einen weiteren Kern unserer künftigen Landesdatenstrategie bilden wird.

7373 In der Verwaltung erschaffen wir eine Datenkompetenz (Data Literacy) mit einer **Kultur des**
7374 **Datenteilens und Datennutzens**. ~~Dazu werden wir in den Ressorts die Funktion einer oder~~
7375 ~~eines **Datenbereitstellungsnutzungsbeauftragten** einführen und das Thema Datennutzung als~~
7376 ~~verpflichtende **Standardfortbildung** etablieren.~~ Wir erkennen den verstärkten Bedarf an
7377 Mitarbeitenden mit Kenntnissen in Data Science und werden diese Kompetenzen in den
7378 Landesministerien in den kommenden Jahren weiter aufbauen.

Data provision usage officers
Daten / bereitstellungs / nutzungs / beauftragte



Freedom of information “by design”

– and data protection?!



← More than “privacy”:
all public and private
interests

Relevant: infrastructures, formats,
standardised risk assessment etc.

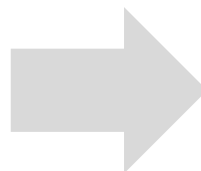
Towards a systemisation of FOI by design



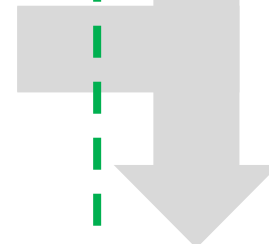
**1) Preparation:
organisation of data
according to risk
concerning disclosure**



**2) Legitimacy
check of access
request**



**3) Risk
assessment,
selection or
aggregation**



4) Management

- Standardisation
- Open APIs
- Risk mitigation measures (ex ante, ex post)



5) Check, audits

Case handling

Generalisation

Bigger picture: Towards fair data sharing by design

- Throughout the **entire data lifecycle**
- Organisation of data collection to provide **separability**
 - Metadata on “sharing possible with/without restrictions”
- Provision of restrictions for sharing or access if necessary
 - Selection, **pseudonymisation**, aggregation, anonymisation, ...
 - Synthetic data
 - Differential privacy
 - Homomorphic encryption
 - Secure multiparty encryption
 - Federated learning
 - **Data custodians** as neutral parties
- **Risk assessment**: ex ante, ex post

How to ensure the rights of the persons concerned?

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Because of irreversible effects: choose **positive progress** instead of **harmful haste**



Source: Michael Ofurum via Pixabay

Conclusion

"by design"

- ... for support of data providers and data users
- ... to avoid errors
- ... better than learning via ***"by disaster"***

- Not only personal data, also **business secret data**
- **Linkage-enabling data** deserve closer attention
- **Holistic impact assessment** including ways to detect, understand and mitigate risks