

**UiO** : **Department of Private Law**  
University of Oslo

**Norsk forening for jus og edb**  
**EU Data Governance Act**



## A Europe fit for the digital age



“Europe must now strengthen its digital sovereignty and set standards, rather than following those of others – with a clear focus on data, technology, and infrastructure.”

“It will be a truly European project – a digital society based on **European values** and European rules - that can truly inspire the rest of the world.”

## European Data Strategy



The European data strategy aims to make the EU a leader in a data-driven society.

Creating a single market for data will allow it to flow freely within the EU and across sectors for the benefit of businesses, researchers and public administrations.

## A single market for data



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.

THIS IS  
THE WAY



GDPR	Database directive	<b>Data governance act</b>
Open data directive	Trade secrets protection directive	Digital services act
Regulation on free flow of non-personal data	State aid guidelines	Digital markets act
Guidance on free flow of mixed datasets	Cybersecurity act	<b>Data act 2021</b>
Ethics guidelines for trustworthy AI	State aid guidelines	<b>Legislative proposal for AI 2021</b>
White paper on AI	Digital content directive	<b>Cloud rulebook 2022</b>

## **Data Governance Act**

The Regulation will facilitate data sharing across the EU and between sectors to create wealth for society, increase control and trust of both citizens and companies regarding their data, and offer an alternative European model to data handling practice of major tech platforms.

## Common European data spaces



HEALTH



INDUSTRIAL &  
MANUFACTURING



AGRICULTURE



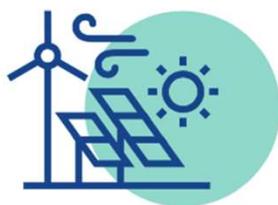
FINANCE



MOBILITY



GREEN DEAL



ENERGY



PUBLIC  
ADMINISTRATION



SKILLS

## Examples of industrial and commercial data use



Jet engines filled with **thousands of sensors** collect and transmit data back to ensure **efficient operation**.



Wind farms use industrial data to **reduce visual impact and optimise wind power**.



Real-time traffic avoidance navigation can save up to **730 million hours**. This represents up to **€20 billion** in labour costs.



Real-time notification of delayed trains can save **27 million working hours**. This amounts to **€740 million** in labour costs.



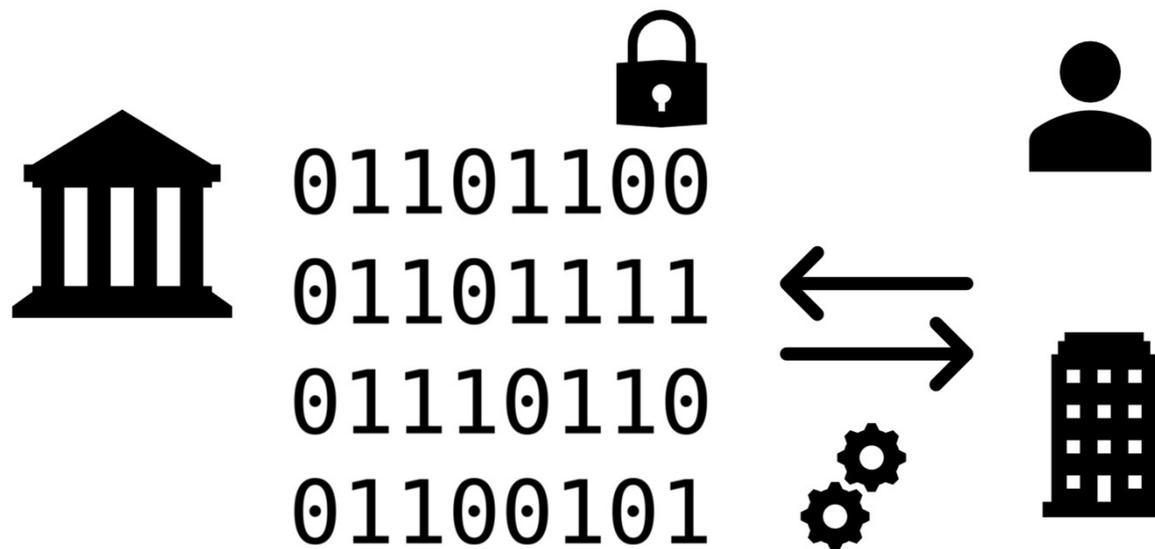
Better allocation of resources to fight malaria could save up to **€5 billion in healthcare costs globally**.

## The proposal regulates

1. Conditions for re-use of public sector data, in situations where such data is subject to rights of others\*

\*data protection, intellectual property, trade secrets or other commercially sensitive information

2. Data sharing service providers
3. Data altruism organisations



# RE-USE OF PUBLIC SECTOR DATA

## The data in scope

- Held by public sector
- Restricted by commercial or statistical confidentiality, intellectual property right, data protection.
  
- Complementing the Open Data Directive, not amending.
- No exemptions from the GDPR, ePrivacy directive, Trade secrets directive or sector specific legislations.

## **No obligations or rights**

- Not creating any right to re-use
- Not creating any obligation to allow re-use of data
- Not releasing public sector bodies from confidentiality obligations.
- Not extending or restricting existing rights or obligations for access to and re-use of data
- Not covering exchange of data between public sector bodies

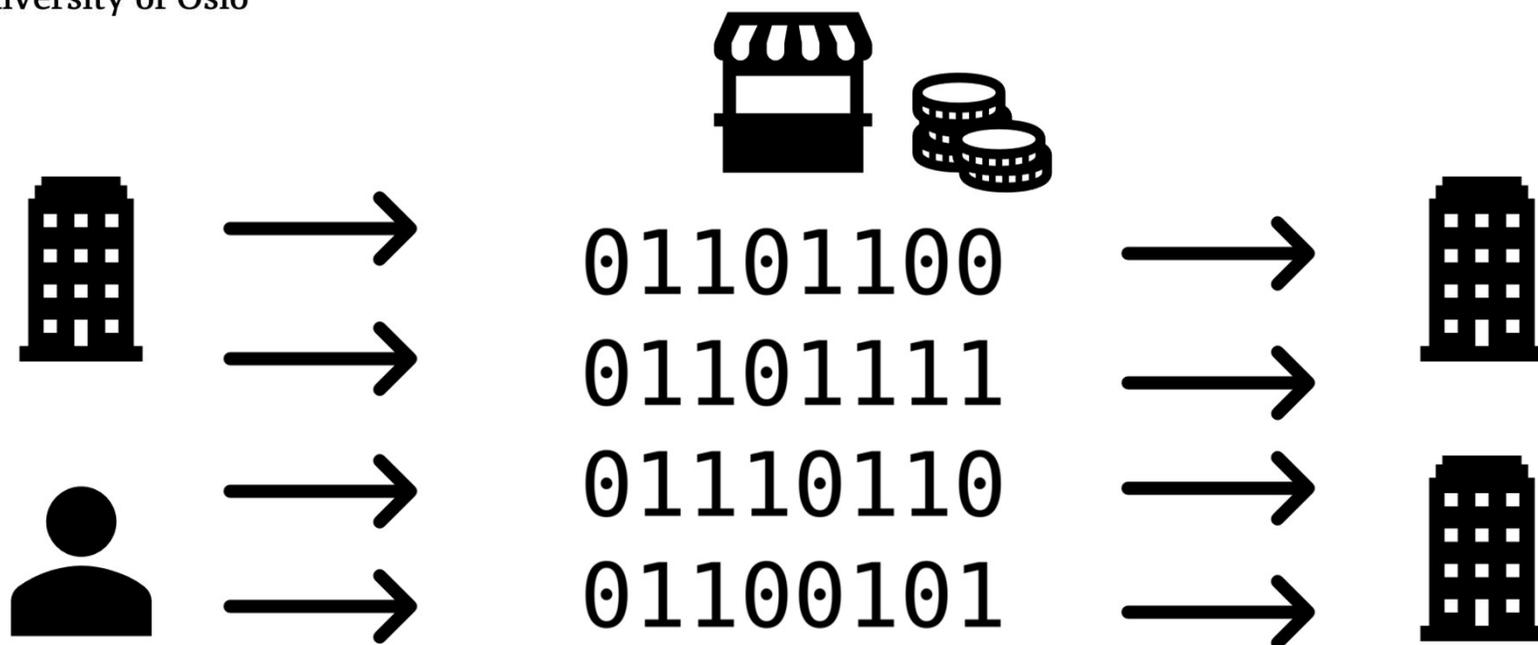
## May impose obligations for re-use

- Pre-processed data aimed at anonymisation and pseudonymisation, deletion of trade secrets
- Use a secure processing environment controlled by public sector
- Virtual or physical premises
- Preserve integrity of secure premises
  - Verify results, right to prohibit use of results jeopardising 3<sup>rd</sup> parties

## When allowing re-use, must ensure

- In compliance with intellectual property rights
- Confidential information is not disclosed
- If re-use can't be granted in accordance with obligations and no legal basis for transmitting under the GDPR, the public sector body shall support re-users in **seeking consent** of the data subjects and/or **permission** from the legal entities whose rights and interests may be affected by such re-use\*

\*if feasible without disproportionate costs



# DATA SHARING SERVICE PROVIDERS

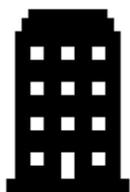
## Data sharing service providers

- intermediation services between data holders which are legal persons and potential data users
- intermediation services between data subjects that seek to make their personal data available and potential data users
- services of data cooperatives

“a novel, ‘European’ way of data governance, by providing a separation in the data economy between data provision, intermediation and use”

## Conditions

- data sharing services shall be placed in a separate legal entity
- the provider may not use the data for other purposes than to put them at the disposal of data users
- the provider offering services to data subjects shall act in the data subjects' best interest



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# DATA ALTRUISM

## **Data altruism**

There is a strong potential in the use of data made available voluntarily by data subjects based on their **consent** or, where it concerns non-personal data, made available by legal persons, for **purposes of general interest**.

Such purposes would include healthcare, combating climate change, improving mobility, facilitating the establishment of official statistics or improving the provision of public services.

## Data altruism organisation

- a legal entity constituted to meet objectives of general interest
- operate on a non.profit basis and be independent from any entity that operates on a for-profit basis
- legally independent structure, separate from other activities.
- ensure that the data is not be used for other purposes than those of general interest for which it permits the processing.
- European data altruism consent form

# COMPETENT AUTHORITIES

## **Competent body (1) public sector re-use**

- Provide support to public sector bodies with state-of-the-art techniques, including secure data processing environments, which allow data analysis in a manner that preserves the privacy of the information.
- Data processing should be performed under the responsibility of the public sector body responsible for the register containing the data, who remains a data controller.
- Adequate legal and technical capacities and expertise to comply with access regimes for data categories

\*data protection, intellectual property, trade secrets or other commercially sensitive information

## **Competent authority (2) data service providers**

- Notification framework
- Monitoring of compliance
- Power to
  - to impose dissuasive financial penalties
  - to require cessation or postponement of the data sharing service.
- Should be chosen on the basis of their capacity and expertise regarding horizontal or sectoral data sharing
- Independent, transparent and impartial in the exercise of their tasks

## **Competent authority (3) data altruism**

- Keep register of data altruism organisations
- Monitor compliance
- Power to require the cessation of a breach, and shall take appropriate and proportionate measures aimed at ensuring compliance
  - lose its right to refer to itself as a ‘data altruism organisation recognised in the Union’
  - be removed from the register of recognised data altruism organisations

## European Data Innovation Board

### Expert group

- Representative of competent authorities of MS
- Representative of the EDPB
- The Commission
- Representatives of relevant data spaces
- Representatives of competent authorities in specific sectors

Advise and assist the Commission



## Useful links

- [European legislation on open data and the re-use of public sector information](#)
- [Practical guidance for businesses on how to process mixed datasets](#)
- [Data Governance Act proposal](#)
- [The European Digital Strategy](#)
- [European Data Strategy](#)
- [European Data Strategy, communication](#)
- [Impact assessment Data governance act](#)



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[VIROS](#) Vulnerability in the robot society