



The Data Governance Act and Data-Driven Policy Making **Impact and Practical Implementations**



The Data Governance Act and Data-Driven Policy Making: Impact and Practical Implementations

The proposed [regulation on European data governance](#) will foster the availability of data for use by increasing trust in data intermediaries and strengthening data-sharing mechanisms across the EU

"We are defining today a truly European approach to data sharing. Our new regulation will enable trust and facilitate the flow of data across sectors and Member States while putting all those who generate data in the driving seat. With the ever-growing role of industrial data in our economy, Europe needs an open yet sovereign Single Market for data. Flanked by the right investments and key infrastructures, our regulation will help Europe become the world's number one data continent."

Commissioner for Internal Market, Thierry Breton. 25 November 2020.

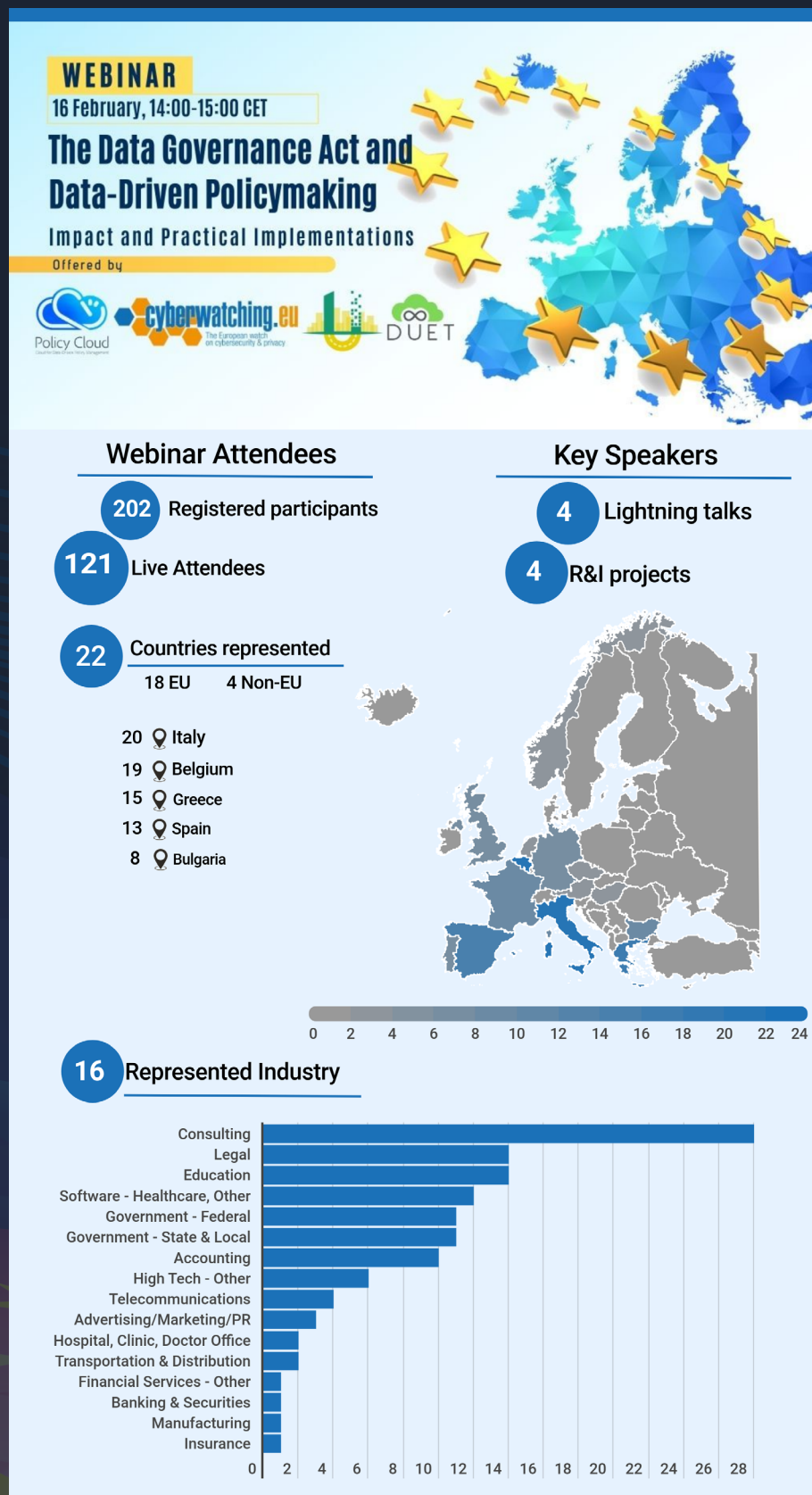
Impact and Practical Implementations of the DGA for Data-Driven Policy Making

On 16 February 2021, [Policy Cloud](#), [Cyberwatching](#), [DUET](#), and [URBANITE](#) invited big data and cloud solutions providers and policymakers from industrial, commercial and public realities to an [expert briefing](#) on the perceived scope of the Data Governance Act, the implications for cybersecurity and GDPR, and the practical ramifications for public and business administrations.

Four presentations were offered by speakers from the host projects and are available for download here. Alternatively a video recording of the full session is available here.

- [Introduction to the DGA and the Policy Cloud Legal and Ethical Framework for Data-Driven Policymaking - Alberto Bettiol & Martim Taborda \(ICTLegal Consulting & Policy Cloud\)](#)
- [The DGA and the Cybersecurity/Privacy Implications for Policymakers, Public Administrations, R&I Projects, and SMEs - Paolo Balboni \(ICT Legal Consulting & Cyberwatching\)](#)
- Practical Implications of the DGA for Data-Sharing in Urban Policy Making
 - [Digital Urban Twins DUET- Pavel Kogut \(21cConsultancy\)](#)
 - [URBANITE - Sergio Campos \(Tecnalia\)](#)

Outputs from the discussion session are presented below in Q&A format.
Key recommendations emerging from the session are also provided.



The webinar gathered over 200 registered participants from 22 countries around the globe, 18 from EU countries and 4 non-EU. The majority of the participants came from Italy (20), followed by Belgium (19), Greece (15), Spain (13) and Bulgaria (8). Representing 16 different industries. See the graph below for the complete details.

Chairs & Speakers



Marieke Willems - Project Manager Trust-IT Services

Marieke Willems is a Project Manager at Trust-IT Services. With an MBA and an MSc in Communication Science. Marieke is involved in several activities on research projects, involving stakeholders' engagement, marketing research and communications.



Dr. Paolo Balboni – Founding Partner ICT Legal Consulting

Top tier European ICT, Privacy & Cybersecurity lawyer and DPO) for multinational companies. Professor of Privacy, Cybersecurity, and IT Contract Law at the European Centre on Privacy and Cybersecurity (ECPC) - Maastricht University Faculty of Law. Member of the EUMETSAT Data Protection Supervisory Authority. Lead Auditor BS ISO/IEC 27001:2013.



Alberto Bettiol – Partner ICT Legal Consulting

Compliance & legal expert specialised in privacy law, compliance systems, anti-money laundering, counter financing of terrorism, and compliance audits.



Martim Taborda Barata – Partner ICT Legal Consulting

Legal consultant specialised in intellectual property and information law, manages privacy and data protection compliance strategies for global multinational businesses and European agencies.



Pavel Kogut - Researcher 21c Consultancy

Experienced researcher, project manager, and training facilitator specialised in the use of data and new tech to drive insights for improving government services.



Sergio Campos Cordobes - Project Director TECNALIA

Senior researcher and project manager, focusing on data-driven methods, architectures and services to support planning and operational aspects of urban mobility.

Questions & Answers

As a Data Marketplace with a focus on mobility data, are there specific new legal developments/certifications that we should investigate?



Martim Taborda Barata
Partner ICT Legal Consulting

"There will be specific requirements applicable to platforms such as data marketplaces, which in the regulation are referred to as data sharing providers. These requirements will include prior notification and the numerous restrictions I mentioned, such as the restriction on reuse of the data for purposes other than making it available to data holders, and the need for appropriate security measures to ensure resilience, data availability, security, and so on."

Concerning data from the public sector, the DGA seems to aim at public administration data rather than at public research data. Do you see a significant impact of the DGA on the way the huge volume of public research data will be shared?



Dr. Paolo Balboni
Founding Partner ICT Legal Consulting

"We shouldn't look at the DGA as the legal source to unleash the power of research data. The text is quite clear. Provision three makes an exception for educational establishments. And if you read this in combination with recital eight, it seems that unleashing the power of research data isn't really the purpose of this legal source. I think rather that you can find this purpose in the combination of the Open Data directive and the general data protection regulation and possibly other legal means at the member state level."

Is the idea of creating a centralised data entity to enable sharing of information that can be collected by distributed sources? If so, are there also restrictions on types of applications that can be used?



Dr. Paolo Balboni
Founding Partner ICT Legal Consulting

"The DGA does not go much into the details, but there is a more general call to establish an adequate level of data security, data protection, and also cyber security when it comes to information more generally. I tried to stress the point in my presentation. One thing that really needs to be thought through in this legislative process is whether all the questions related to cyber security and data security that this additional source enables, that is, the flow of data and the reuse of data, been asked? And I also mentioned the 2019 OACD study, which I think is quite interesting in this respect."

What is the strategy to attract individuals and organisations to become data altruists?



Martim Taborda Barata
Partner ICT Legal Consulting

"One core point is that data altruistic organisations will be the not-for-profit bodies that collect data from individuals and organisations. So the data altruist organisations work with data altruists, who are individuals and organisations that make data available. The organisation is collecting that data and then offering that data to other users that may want to use it for a certain purpose. The DGA creates rules under which these entities can operate, and defines how they can register to gain formal title of acknowledgement within the European Union to improve their standing and trustworthiness among the altruists that might want to give them data. From there, each organisation will have its own strategy to create incentives for individuals and companies to share their data for the common good - research, or any other purpose that might be defined in the public interest."

When digital twins are mentioned, does this refer to city twins derived from the sum of other twins? So device twins, personal twins, organisational twins and so on?



Pavel Kogut
Researcher 21c Consultancy

"We were quite specific, because we wanted to focus on three key areas that we think are important for smart cities: environment, mobility, and air and noise pollution. We have specific models corresponding to these three areas. The models exchange data between themselves. For example, changes in traffic are automatically calculated, and changes in air quality and noise levels are computed automatically using high performance computing. Other digital twins may focus more on energy. They have semantic models that show different buildings on a 3D map, and indicate their energy use and energy levels, and they simulate the possibility of mounting solar panels on different buildings. Therefore it depends on your interest, on the specific policy issues that you're trying to address etc. What is important is that the models are loosely coupled and that there's a central data broker that can connect multiple models in a plug and play solution."

Is the DGA directly applicable? Is this without local or national ratification?



Alberto Bettiol
Partner ICT Legal Consulting

"Yes. Since the instrument chosen by the EU is a regulation which is directly applicable to all member states of the (European) Union, there will be no need for specific ratification by laws that are enacted by each member state."

A similar approach has been recently chosen by the EU for data protection, in which we switch from the Data Protection Directive of 96, which was deployed in several different ways in all the member states, to the general data protection regulation that enables a consistent application of the law across all (EU) countries."

Could or should reuse of controlled data be overseen by a third party instead of or in addition to data providers? This could prevent possible misuse of results from the second party by the first party/data providers.



Martim Taborda Barata
Partner ICT Legal Consulting

"The Data Governance Act will not replace other types of EU legislation already in place such as legislation on trade secrets, intellectual property, and personal data, for example. So it's not that because data is made available to data users for reuse, this can be done without attention being paid to the applicable legal obligations."

The DGA will create the possibility for public sector bodies regarding public sector data to control the reuse of their data to an extent, and also the results of those data. But we also have the GDPR creating restrictions and what data users can do with personal data, we have trade secret directives creating restrictions on what can be done with data that might include trade secrets, we have intellectual property rights creating limitations on what can be done with intellectual property rights protected data and so on."

This legislation, , in particular, the GDPR, is monitored by competent supervisory authorities. So the reuse of a data set involving personal data, for example, will involve the DGA-monitoring authority in monitoring the performance of the data-sharing provider. It will involve the public sector body when it comes to their own abilities to monitor the use of their data and results. And it will involve the Data Protection Authority. This is an example of how the reuse of data may trigger other legal obligations: other supervisory authorities may be involved to monitor that reuse."

Preparing for the upcoming DGA: Recommendations for SMEs, policymakers and public administrations working on data-driven policymaking.

#1

Internal policies, data management systems, and relationships with third parties

Organisations (especially SMEs and public bodies) should adopt data governance policies and raise awareness to inform their employees and stakeholders. To be able to keep up with their competitors, SMEs should perform SWOT analysis regarding their strengths and weaknesses and the opportunities, and threats surrounding the faster circulation of data which may result from the implementation of the DGA. Also, organisations should start revising their agreements with clients, suppliers, and other stakeholders to identify the provisions regulating the use of data and to evaluate if those provisions are aligned with their interests in exploiting (or limiting the exploitation) of the information exchanged with third parties.

#2

Cybersecurity and data flow management

The higher volume and speed of circulation of data which may result from the implementation of the DGA require a higher level of data protection and cybersecurity. Consequently, organisations should revise their information security management systems, starting from a risk assessment to evaluate the likeliness and impact levels of potential confidentiality, integrity, and/or availability breaches. Indeed, the reliability of the information security management system will be a key element to be considered for allowing the participation of companies to the larger and more competitive European data marketplace which will be enabled by the DGA.

#3

The data ecosystem

Define the whole ecosystem for data sharing, and understand the organisation in relation within the whole data chain, including customers, suppliers, stakeholders and relevant actors. For public administration, the governance among the authorities (at different geographical and functional levels) and private initiatives offers multiple opportunities to exploit data, assuming different roles and commitments. Strategic decisions should involve active collaboration among different departments, organisations and stakeholders.

#4

User-centric approach

Address the expectations of civil servants, citizens and other stakeholders to the sharing and exploitation of data. There are subjective barriers that must be overcome by instilling confidence in the data process from gathering to provisioning.

Preparing for the upcoming DGA: Recommendations for SMEs, policymakers and public administrations working on data-driven policymaking.

#5

Analysis of Data Governance tools

There is an extensive list of data governance tools. An important decision is selecting an adequate solution according to your strategy and Data Governance Model. Aspects to be considered include business architecture, the data to be exchanged or shared, how new information is generated from consumer interactions and activities, control over how that data is consumed by third parties to generate services, data policy and rules definition, platform technologies and alignment with the operational process.

#6

Technology

The success of adopting a data sharing policy depends on creating trust. This applies both to collaboration with data providers and to the end consumers. The new DGA determines an adequate legal framework, but we understand that the processing of information must also be supported by reliable and trusted technology. The Ethics Guidelines for Trustworthy Artificial Intelligence identifies the requirements that should be met to achieve acceptance. It should be worked together with the governance and specific aspects of personal data pointed in the GDPR.

#7

Digital twins to facilitate data-driven innovation

Data-driven innovation is a generic term that should be operationalised. DUET recommends looking at it through the prism of digital twins. What started as a tool for engineers and product designers is now used widely across many different industries, including those identified by DGA, notably health and smart cities. Many projects have focused on these kinds of digital twins, so public administrations in Europe would be well-advised to review available use cases and decide whether digital twinning is a relevant solution for their city and citizens. If the answer is yes, the next step would be to determine the type of digital twin that is needed. Some cities may see a need for a smart city twin that provides a digital replica of infrastructure objects. Some may want to see energy, traffic and pollution in a single environment. Others may already have a large-scale IoT testbed, so for them a health-oriented digital twin could be a priority. Once this is settled, stakeholders will have a better understanding of what information should be shared through the data spaces.

About the projects

Policy Cloud will harness the potential of digitisation, big data and cloud technologies to improve policy modelling, creation and implementation.

Cyberwatching is the European observatory of cybersecurity and privacy research and innovation and promotes the uptake and understanding of cutting-edge services emerging from Research and Innovation initiatives across Europe.

DUET is changing the public sector policy creation landscape through the Digital Twins initiative which leverages high performance and cloud computing to place citizens at the forefront of urban decision making.

URBANITE will facilitate urban traffic planning using disruptive technologies such as AI to inform data-driven decision making in the public sector and along the mobility and urban transformation value chain.



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<https://www.policycloud.eu/news-eventevents/data-governance-act-and-data-driven-policymaking-impact-and-practical>

Download the presentation slides and watch the webinar recording



[ZENODO Presentation Slide](#)






These projects have received funding from the European Union's Horizon 2020 Research and Innovation program. Under the following grant agreement numbers: **Policy Cloud No.870675, Cyberwatching No.740129, DUET No.870697, URBANITE No.870338.**





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