

OECD Global Parliamentary Network - Building a secure and inclusive digital future in a post-COVID world  
Saeima of the Republic of Latvia, Jēkaba iela 11, Rīga  
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# ENHANCING ACCESS TO AND SHARING OF DATA (EASD)

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Introducing the OECD Council Recommendation on EASD  
[OECD/LEGAL/0463]

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# Structure and narrative of this presentation



Data openness leads to a loss of control over data that increases the risks of violations of rights and other interests, which in turn can undermine trust in the data ecosystem



Some restrictions to data openness can be necessary to control the risks, while some can stifle innovation, and the economic and social benefits of data

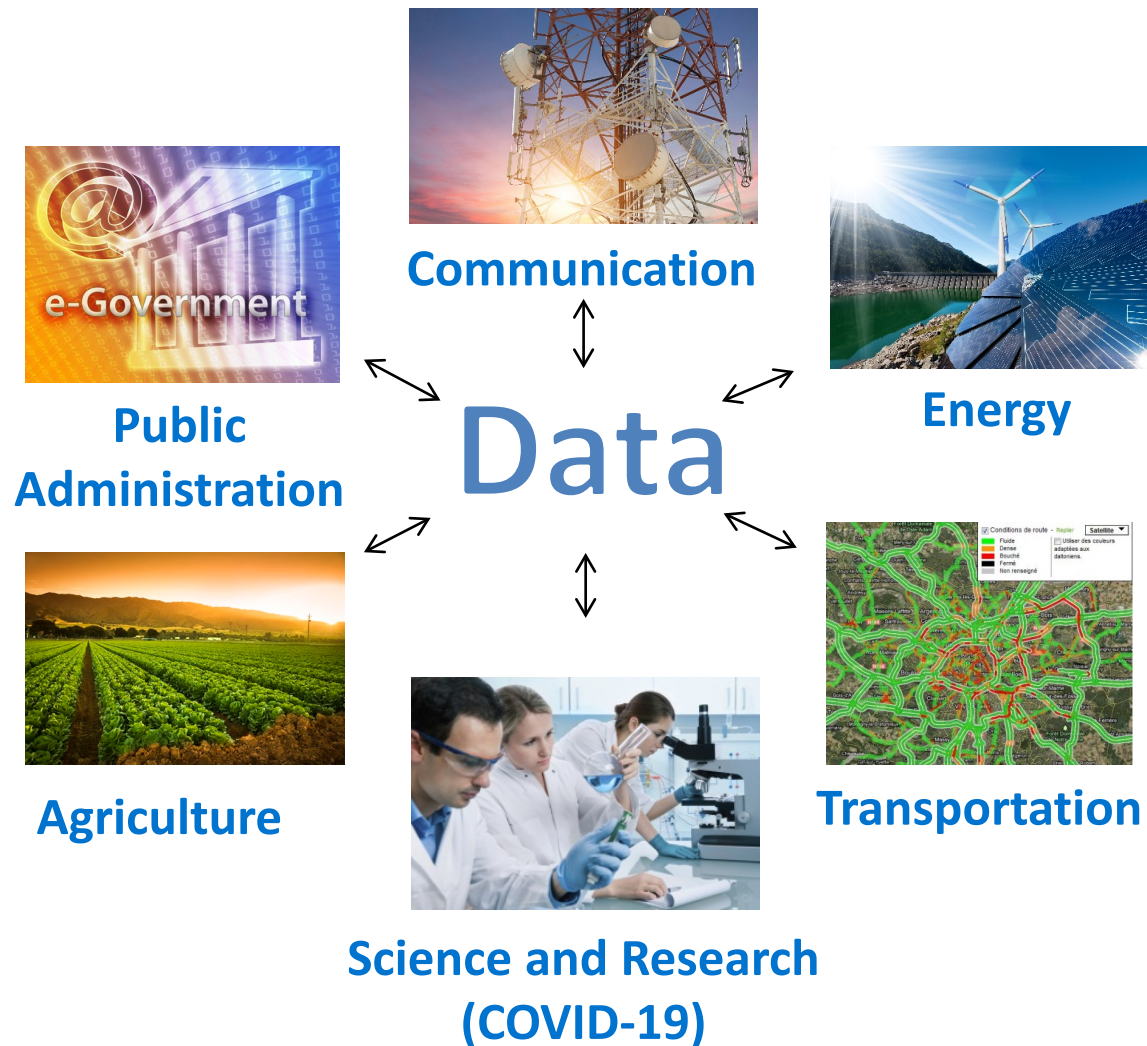


The need for more balanced and strategic approaches to maximise the benefits of data openness, while enhancing the trustworthiness of the data ecosystem

# THE ECONOMIC AND SOCIAL BENEFITS OF DATA OPENNESS

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# Data is an infrastructural resource with large spill-over benefits



## Data is:

1. Capital good
    - Data can be used as input for production
  2. General purpose good
    - The same data can be an input for multiple purposes
  3. Non-rivalrous good
    - Data can be re-used without diminishing its potential value for others
- **Data openness (e.g. data access, sharing and re-use) can maximize value**

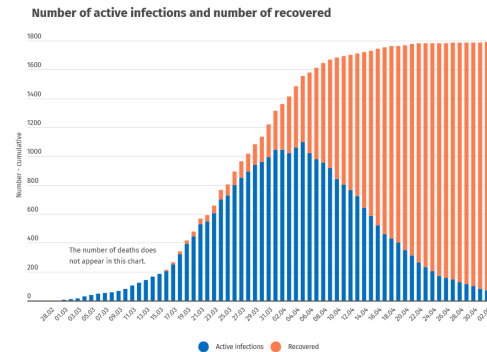
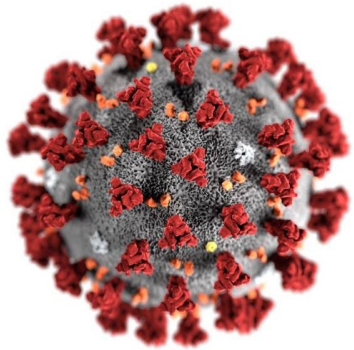
# Timely, secure and reliable data access and sharing are critical to effective COVID-19 responses and research

Understand and control the spread of the virus

Improve the capacity of health care systems

Evaluate the effectiveness of policies

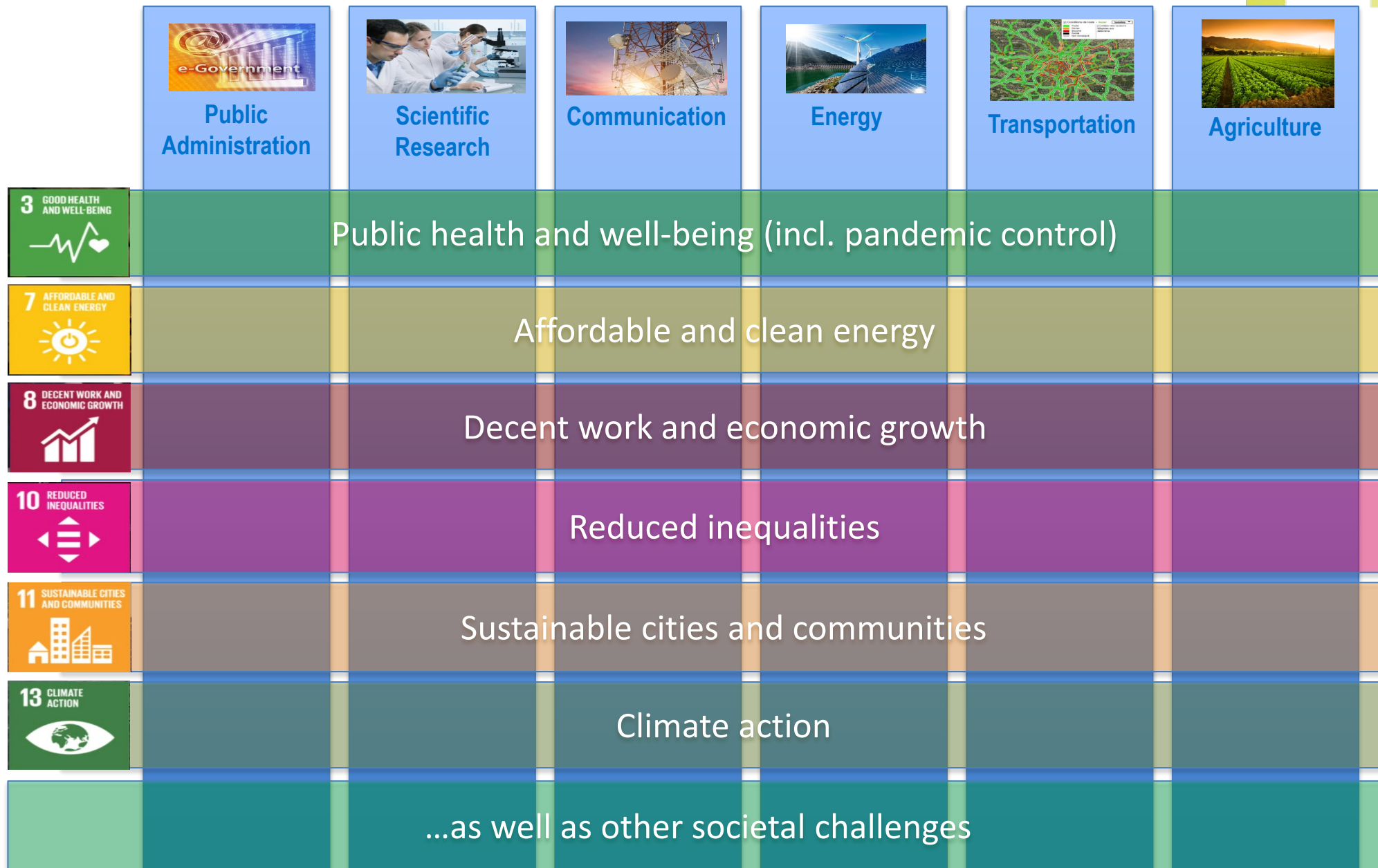
Boost research on and development of vaccines and drugs



For further information see:

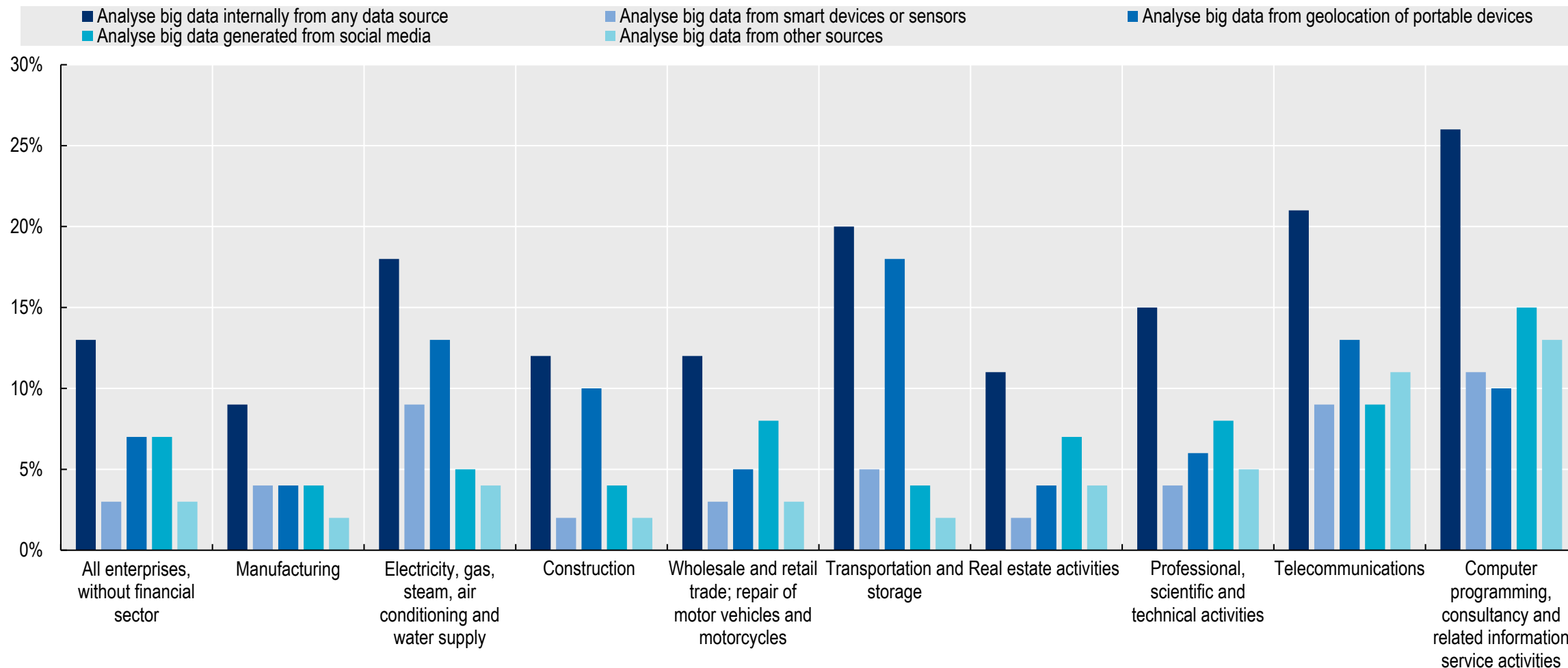
- [Ensuring data privacy as we battle COVID-19](#)
- [Open data in action: Initiatives during the initial stage of the COVID-19 pandemic](#)
- [Tracking and tracing COVID: Protecting privacy and data while using apps and biometrics](#)
- [Why open science is critical to combatting COVID-19](#)
- [The Covid-19 crisis: A catalyst for government transformation?](#)

# The use of data can advance achievement of the SDGs



# Firms use data of all kinds ...

## Share of EU27 firms performing big data analysis by sectors and data sources, 2020



Source: Eurostat (2022), ICT Usage in Enterprises Database

## ... with positive effects on innovation and productivity ...

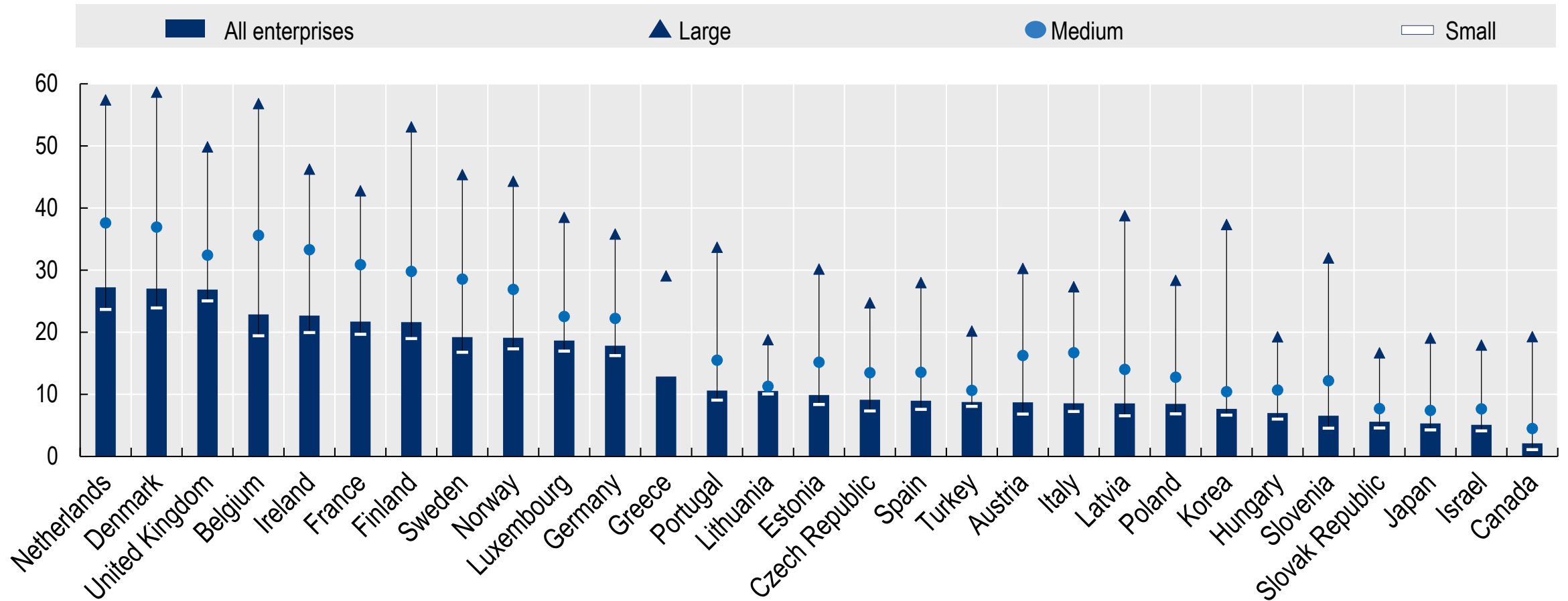


- Firms carrying out big data analysis are more likely to engage in product and process innovation.
  - Swedish service firms performing big data analytics from the geolocation of portable devices are ~25% more likely to innovate their services ([OECD, 2021](#))
- The adoption of big data related assets is associated with an average improvement in firm productivity of 3%-7%.



# ... but SMEs lag behind

## Use of big data analytics by firm size as a percentage of enterprises, 2020



Note: Data refers to 2020 or latest available

Source: OECD (2022) ICT Access and Usage by Businesses Database, <http://oe.cd/bus>

# THE RISKS OF DATA OPENNESS

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# Digital security breaches vary considerably by sector

## Prevalence and type of digital security incidents by industry, 2019

Number of incidents and as a share of total incidents (%)

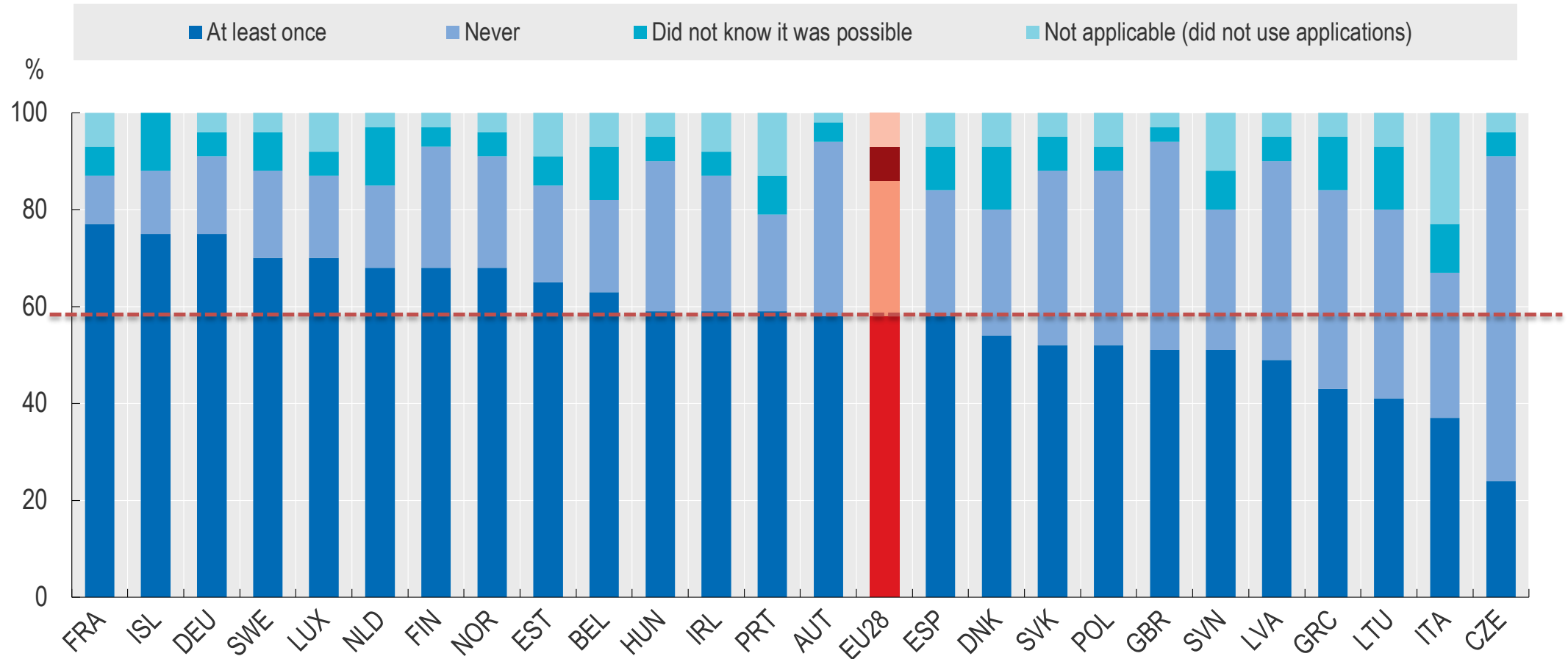
	Digital intensity	Prevalence of digital security risks		Actors (%)	Main data compromised (%)					
		Incidents	Breaches	External attacks	Personal data	Credentials	Internal data	Payment data	Bank data	Medical data
Professional, Scientific and Technical Services	High	7 463	326	75%	75%	45%				
Public Administration	Medium-high	6 843	346	59%	51%	33%				
Information services	High	5 741	360	67%	69%	41%	16%			
Financial and Insurance	High	1 509	448	64%	77%	35%			32%	
Manufacturing	Medium-low to high	922	381	75%	49%	55%		20%		
Educational Services	Medium-low	819	228	67%	75%	30%	13%			
Healthcare	Medium-low	798	521	51%	77%	18%				67%
Retail	Medium-high	287	146	75%	49%	27%		47%		
Arts, Entertainment and Recreation	Medium-high	194	98	67%	84%			25%		31%
Mining, extraction and utilities	Low	194	43	75%	41%	41%	19%			
Accommodation and food	Low	125	92	79%	44%	14%		68%		
Transportation and storage	Low	112	67	68%	64%	34%				
Other Services	Low to high	107	66	68%	81%	36%				
Construction	Low	37	25	95%	N/A	N/A				
Real Estate	Low	37	33	73%	83%	40%	43%			

Note: Digital intensity corresponds to a taxonomy of digital intensive sectors that accounts for some of the key facets of the digital transformation. The indicators used to classify 36 sectors defined along the international standard industrial classification of economic activities (ISIC revision 4) over the period 2013-15 are: share of ICT tangible and intangible (i.e. software) investment; share of purchases of intermediate ICT goods and services; stock of robots per hundreds of employees; share of ICT specialists in total employment; and the share of turnover from online sales.

Source: OECD (2021), OECD Studies on SMEs and Entrepreneurship, OECD Publishing, Paris, based on (Verizon, 2020; Calvino et al., 2018).

# The willingness of individuals to share data varies considerably across countries

## Individuals who restricted or refused access to their personal data when using or installing an app on a smartphone, 2018 As a percentage of individuals using a smartphone for private purposes

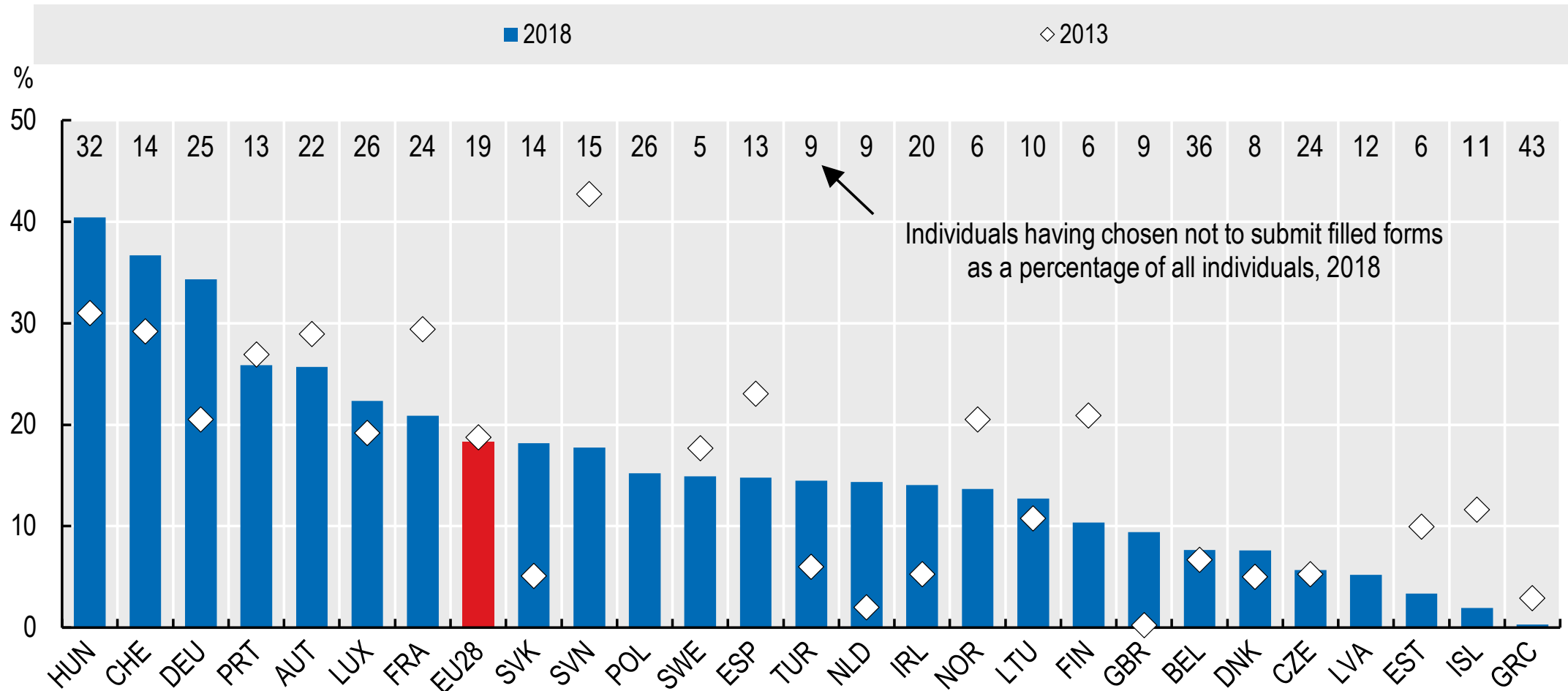


OECD (2019), *Measuring the Digital Transformation: A Roadmap for the Future*, OECD Publishing, Paris, <https://doi.org/10.1787/62ff8236-en>, based on Eurostat Digital Economy and Society Statistics.

# Privacy and security concerns are often highlighted as a major cause for not using digital services

## Individuals who did not submit official forms online due to privacy and security concerns, 2018

As a percentage of individuals having chosen not to submit official forms online



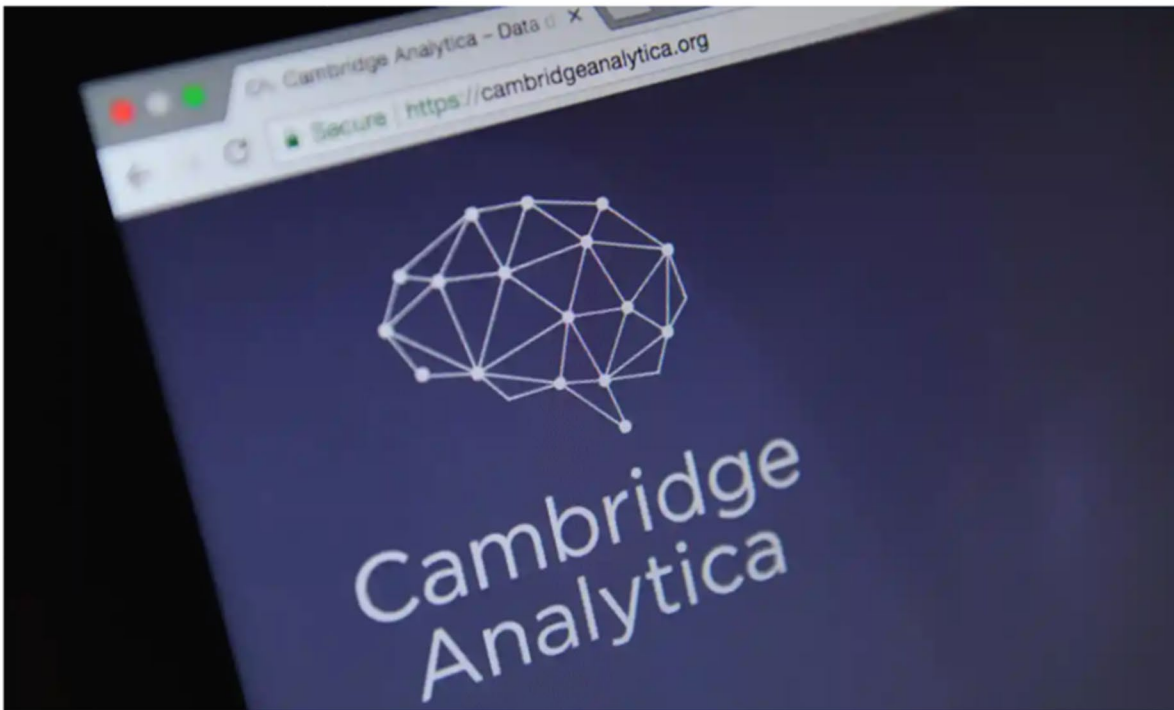
OECD (2019), *Measuring the Digital Transformation*, OECD Publishing, Paris, <https://doi.org/10.1787/86a789d9-en>, based on Eurostat, Digital Economy and Society Statistics, Comprehensive Database. For Switzerland, data refer to 2014 and 2017.

# Data openness can undermine the capabilities of data holders (data controllers) and data subjects to control how “their” data are re-used

## Cambridge Analytica

Cambridge Analytica deceived Facebook users, says FTC

Firm engaged in deceptive practices about data for voter profiling and targeting and relating to EU-US Privacy Shield framework



▲ The FTC's investigation was triggered by allegations that Facebook violated a 2012 consent decree by inappropriately sharing information belonging to 87 million users with Cambridge Analytica. Photograph: Alamy Stock Photo

Data may end up being re-used in violation with:

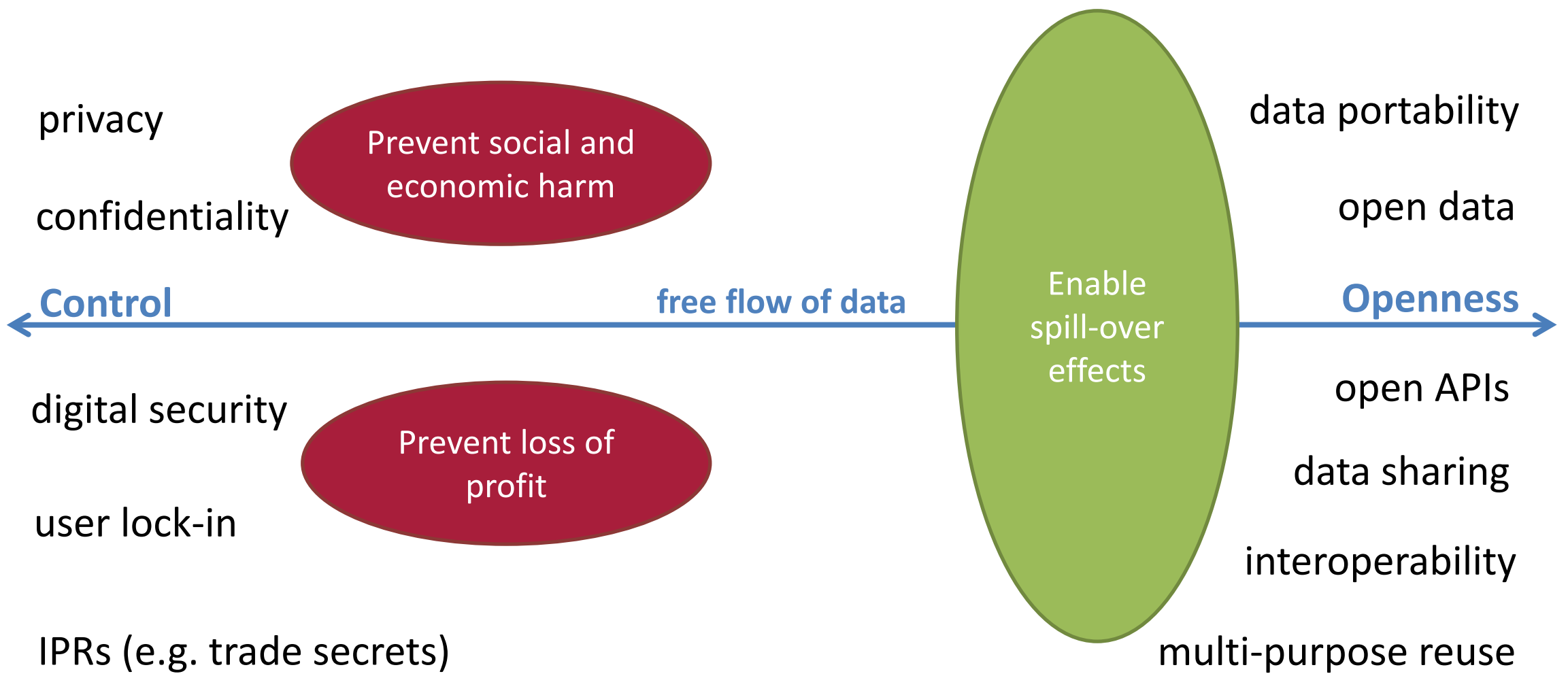
- users' expectations, and
- agreed terms and conditions of the original data holder.

➤ **Loss of control over data**

# THE TENSION BETWEEN DATA OPENNESS AND CONTROL

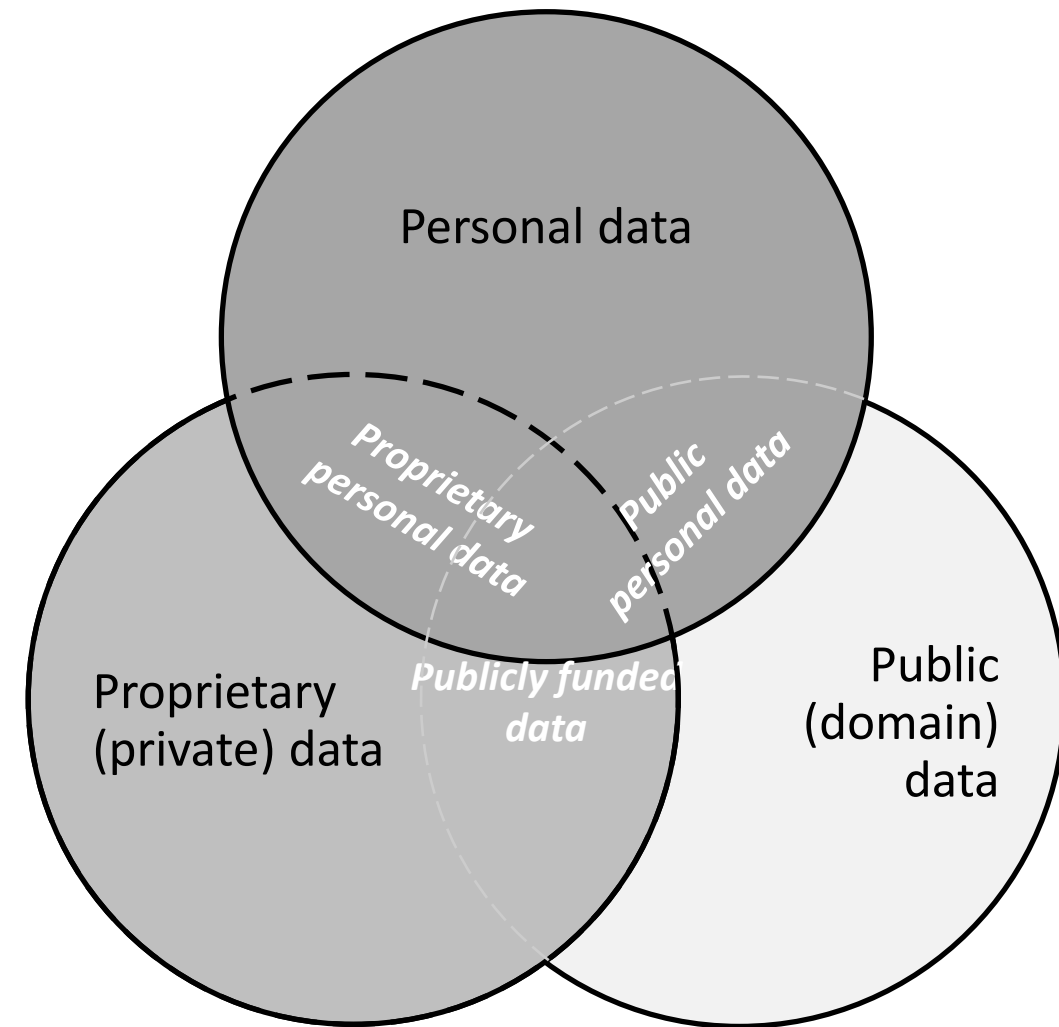
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# Key dilemma 1: Striking the right balance between “openness” and “control”





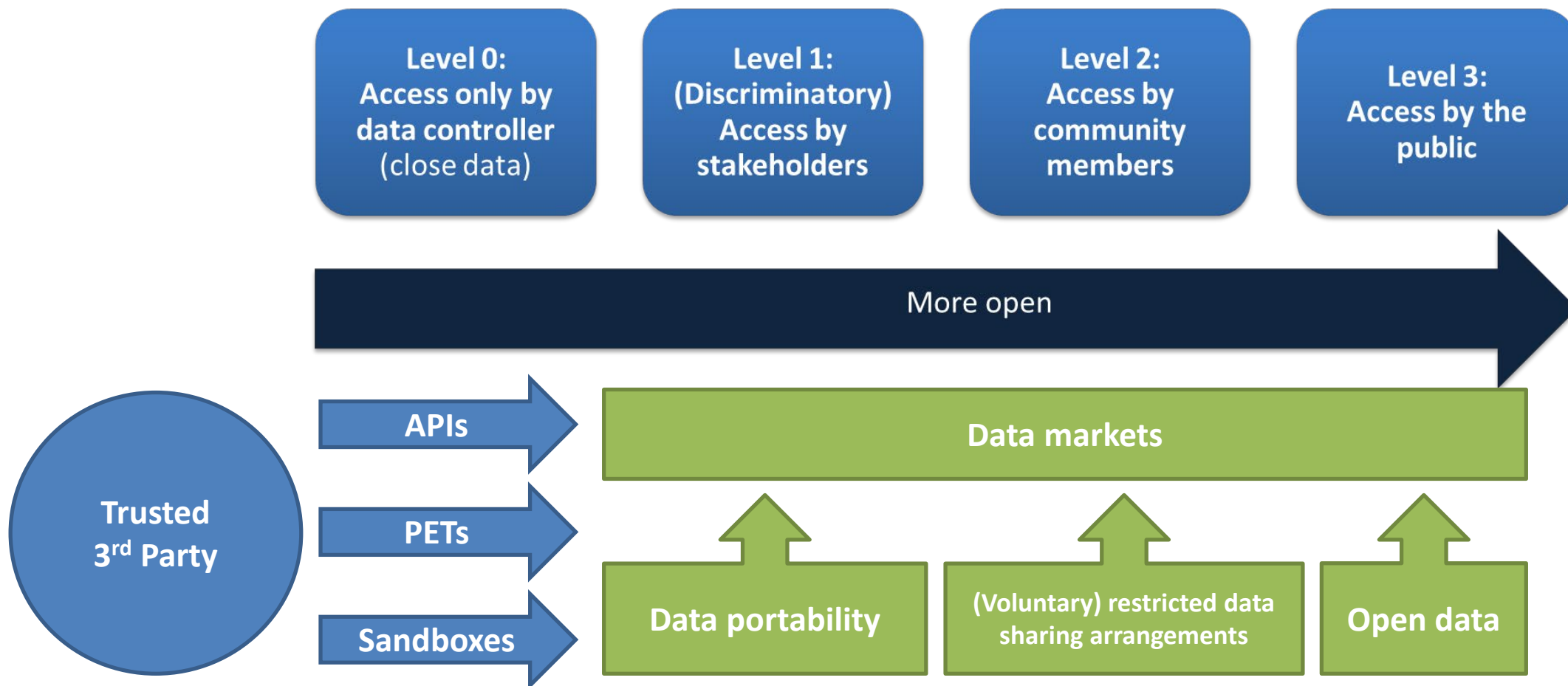
## Key dilemma 2: the overlapping (conflicting) rights and interests over data



- ***Personal domain*** covers all data “relating to an identified or identifiable individual” (personal data) for which data subjects have an interest for privacy;
- ***Proprietary domain*** covers all *proprietary data* that are typically protected by IPR (e.g. copyright and trade secrets) or by other access and control rights (e.g. contract law);
- ***Public domain*** covers all data that are not protected by IPRs and therefore lie in the “public domain” or that **are in the public interest**.

# Potential solution: Leveraging the continuum of degrees of data openness

## Degrees of data openness



Source: OECD (2019), "Enhancing Access to Data and Sharing of Data: Reconciling Risks and Benefits for Data Re-use across Societies".

# THE OECD COUNCIL RECOMMENDATION ON EASD

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# Work on EASD leverages the multi-stakeholder expertise across the OECD



**Enhancing Access to and Sharing of Data**  
RECONCILING RISKS AND BENEFITS FOR DATA RE-USE ACROSS SOCIETIES

OECD


**CDEP/DGP**



**Enhanced Access to Publicly Funded Data for Science, Technology and Innovation**

OECD

**CSTP**



**OECD Digital Government Studies**  
**The Path to Becoming a Data-Driven Public Sector**

OECD

**PGC/E-Leaders**

## Joint Steering Group (JSG)

Comprising more than 90 experts, including representatives from over 30 OECD Member and partner economies as well as [BIAC](#) (Business at OECD), [TUAC](#) (trade union), [CSISAC](#) (civil society), and [ITAC](#) (Internet technical community).

Find out more about our work at <https://oe.cd/easd21>

# The EASD Recommendation within the stack of OECD legal instruments on Data Governance

Access to Research  
Data from Public  
Funding

Health Data  
Governance

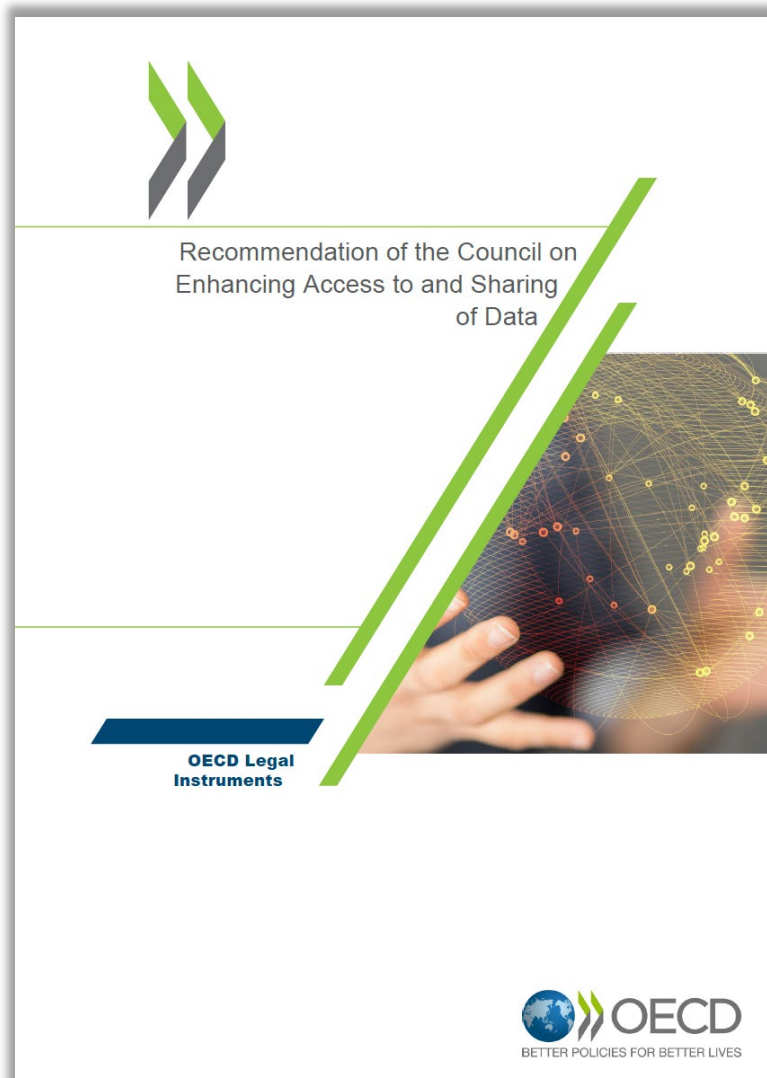
Enhanced Access and  
More Effective Use of  
Public Sector Information

Digital Government  
Strategies

Enhancing Access to and Sharing of Data (EASD)

Guidelines Governing the Protection of Privacy and Transborder Flows  
of Personal Data (Privacy Guidelines)

# OECD Members agreed in October 2021 on general principles for data access and sharing



## Objectives of the EASD Recommendation:

- Facilitating data access and sharing across sectors and jurisdictions,
- Enabling collaboration and the innovative re-use of data for growth and well-being,
- While protecting the rights of stakeholders and enhancing the trustworthiness of the data ecosystem, and
- Fostering the coherence of data governance frameworks across sectors and jurisdictions.

➤ Full text: <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0463>

# Key provisions of the EASD Recommendation

## Section 1. Reinforcing trust across the data ecosystem



III Empowerment and pro-active engagement



IV Strategic whole-of-government approach



V Maximising benefits while protecting rights and promoting a culture of responsibility

## Section 2. Stimulating investment in data and incentivising data access and sharing



VI Coherent incentives and sustainable business models and markets

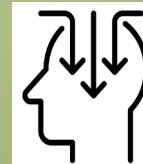
## Section 3. Fostering effective and responsible data access, sharing, and use across society



VII Improving conditions for cross-border data access and sharing



VIII Findability, accessibility, interoperability and reusability of data across organisations



IX Capacity building for effective use of data

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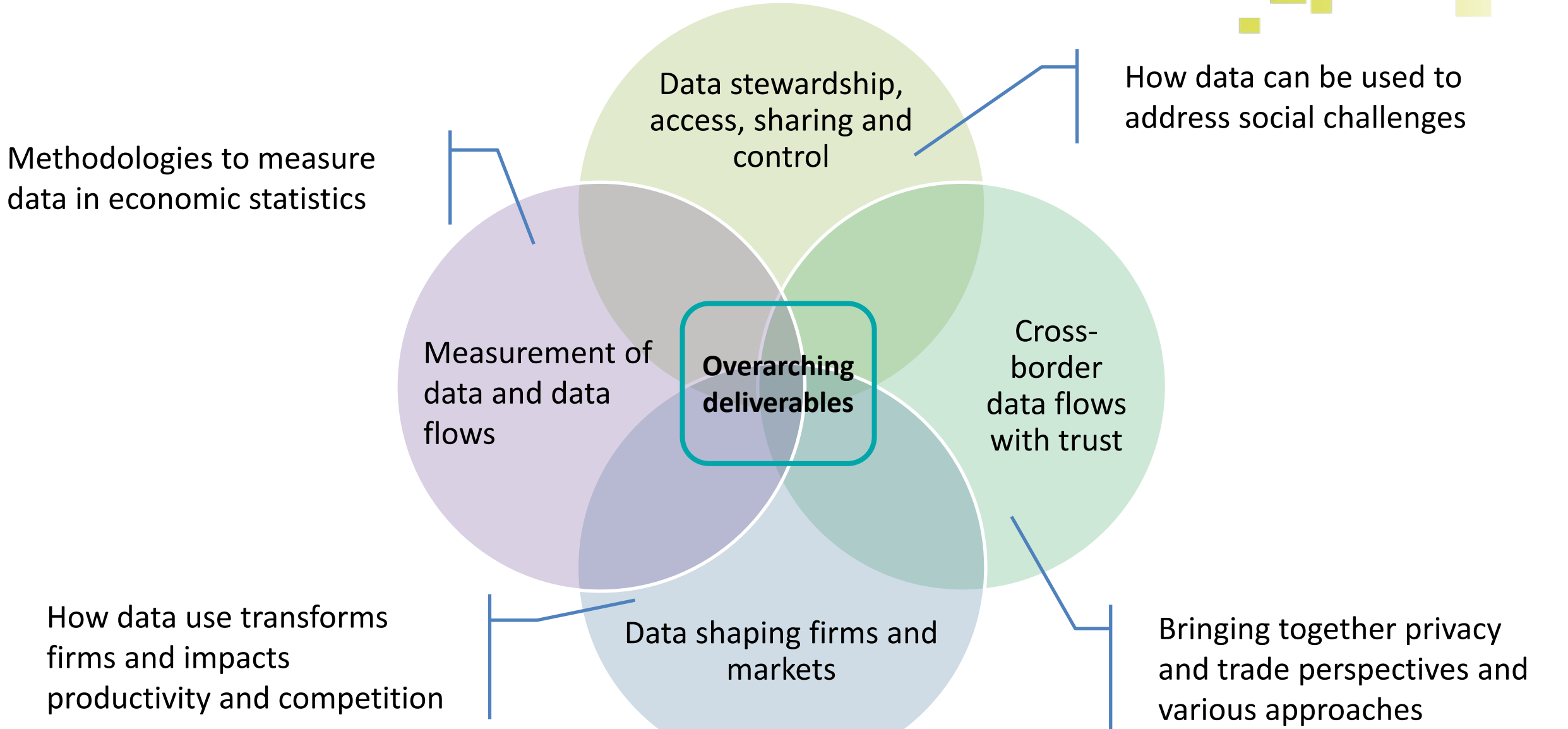


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# The OECD Going Digital III Horizontal Project on “Data Governance for Growth and Well-being” is a larger initiative in the same spirit



Find out more at <https://goingdigital.oecd.org/>

# Selected background documents



- [Data-driven innovation for growth and well-being](#) (October 2015)
- [Health in the 21st Century: Putting Data to Work for Stronger Health Systems](#) (November 2019)
- [Enhancing Access to and Sharing of Data: Reconciling Risks and Benefits for Data Re-use across Societies](#) [\[Policy note\]](#) (November 2019)
- [The Path to Becoming a Data-Driven Public Sector](#) (November 2019)

Find out more about our work at <https://goingdigital.oecd.org/>, [www.oecd.org/sti/ieconomy/privacy.htm](http://www.oecd.org/sti/ieconomy/privacy.htm), [www.oecd.org/sti/ieconomy/protecting-children-online.htm](http://www.oecd.org/sti/ieconomy/protecting-children-online.htm), [www.oecd.org/internet/ieconomy/enhanced-data-access.htm](http://www.oecd.org/internet/ieconomy/enhanced-data-access.htm), and [www.oecd.org/digital/ieconomy/digital-security/](http://www.oecd.org/digital/ieconomy/digital-security/)