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Technology Industries of Finland Comments to the Data Governance Act

Technology Industries of Finland (TIF) represents more than 1,600 companies operating in Finland in various areas of technology. In Finland, the technology industry directly employs more than 300 000 people.

Technology Industries of Finland regards the Data Governance Act a key piece of regulation and would like to provide the following comments:

Chapter I

Concept of Data Sharing Service Provider should be defined. We will provide more detailed comments under Chapter III but in any case, there is a need for proper definition.

Chapter II

We do see value in providing a skeleton model for making available or usable sensitive datasets. However, we are not convinced that this model would be suited for making available sensitive business data held by public authorities. In these cases, control over data should remain at their originators. For non-sensitive business data, such as annual reports, there is no need for such arrangements referred to in this chapter.

The proposed arrangement might prove highly valuable in making available or usable highly sensitive data, such as health data for private research and development. We support European federated data networks that contribute to optimal research, development and healthcare delivery. Data access challenges are critical and the DGA and associated EU legislation must support data access for healthcare purposes. Thus, the relationship with the GDPR/Open data directive as well as non-legislative initiatives should also be taken into account (e.g. data spaces, 1+MG, GAIA-X).

Chapter III

Identifying the role of data intermediaries is a big step in European regulation. Due to the general wording of the article 9 of the proposed regulation and preamble 22, there is a wide confusion about the nature and content of the proposed regulation.

Data sharing arrangements are still very nascent among European companies and practices are still at early development stage. In our view it is important at this stage to be very clear about policy objectives so that they can be taken into account by the industry. However, establishing a regulation with strict requirements, such as structural separation at this nascent stage of development might have a stifling effect on the market.

It needs to be very clear whether the regulation is obligatory or optional for industries and what is the actual scope. There is concern that chapter III may have negative impact on especially SMEs if the scope is not carefully defined. Many tech companies provide data sharing platforms for their customers or for exchanging data with their suppliers.

It would seem plausible to exclude companies' mutual data sharing arrangements and regulate only those players that need the regulation to establish trust, e.g. the ones providing value-added services as a third party, such as services consisting of anonymisation, pseudonymisation or

annotation of data. We do see value also in protecting already established contractual data sharing arrangements.

The role of MyData operators is rather limited on the proposed regulation, compared to the MyData organisation's White Paper¹. One crucial aspect and policy objective is interoperability of the operators (not the data conveyed, though). At this early stage, it is not an issue of regulation, but it is time to clearly express the policy objective. Here, it might be good to take inspiration from design of GSM networks, where by means of standards and requirement of interoperability, we were able to create a robust platform for competitive market.

Inquiries

Head of Digital Regulation, Jussi Mäkinen, jussi.makinen@techind.fi, tel +358 40 900 3066

¹ please see <https://mydata.org/wp-content/uploads/sites/5/2020/04/Understanding-Mydata-Operators-pages.pdf>