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How to Reap Benefits of Data: Technology Industries of Finland Remarks to the Data Act Consultation

Business-to-Government Data Sharing

The existing legal environment, especially regarding personal and communications data is rather challenging for the companies. Sharing of data to beneficial public purposes, such as to facilitate better education, allocation of services or getting foresight on people flows, may not be an easy task for the companies if these purposes have not been taken into account in their data policies.

Business-to-Government Data sharing is an issue, where the existing legislation needs thorough analysis. Here is certainly room for clarity from the EDPB and national DPAs as well. Ability to use data may be instrumental for the ability to develop data-driven solutions to implement Green Deal goals. Technology Industries of Finland would like to highlight also the possibilities offered by the MyData operators on facilitating access to personal data. It is also vital that possible requirements for companies do not lead to additional administrative burden and follow ask only once-principle.

Business-to-business data sharing

We have been steady advocates of industry-driven approach on data sharing. We published our own model [terms](#) for data sharing on 2019, and they are now available also as [Orgalim Legal Guide to Industrial Data](#). Balanced standards for data access are the best way to promote fairness. Field of the industrial data is so heterogenic that it is very challenging to develop an all-encompassing fairness test.

Data usage and sharing in our industries is still at a very nascent stage and hence, overtly encompassing regulation may have a curbing effect on development. As a rule, access to data should be a matter of contract. Freedom of contract also means freedom to choose trusted partners. Regulation could be used to grant access to essential datasets that are required for pressing societal needs.

We have good examples from business-to-business market of balanced data practices, where, by virtue of contract, rights of access and usage of data are granted to various players of the value network. Too bold regulation may lead to stifling effect. We also would like to highlight the importance of having trustworthy soft infrastructure for data, facilitating data sovereignty.

Database Directive and Sui Generis Right

We would like to highlight that the data environment of today is quite essentially different from the days of creation of sui generis right. IP protection tends to lead to exclusive rights and restrictive practices. It should be quite clear that data cannot be subject to IP protection, otherwise our copyright regime is in state of crisis. Best way to develop EU data economy is to invest in skills, contracts, and rulebooks to facilitate data usage rather than creating new forms of IP protection.

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