

Assessing the Value of Data

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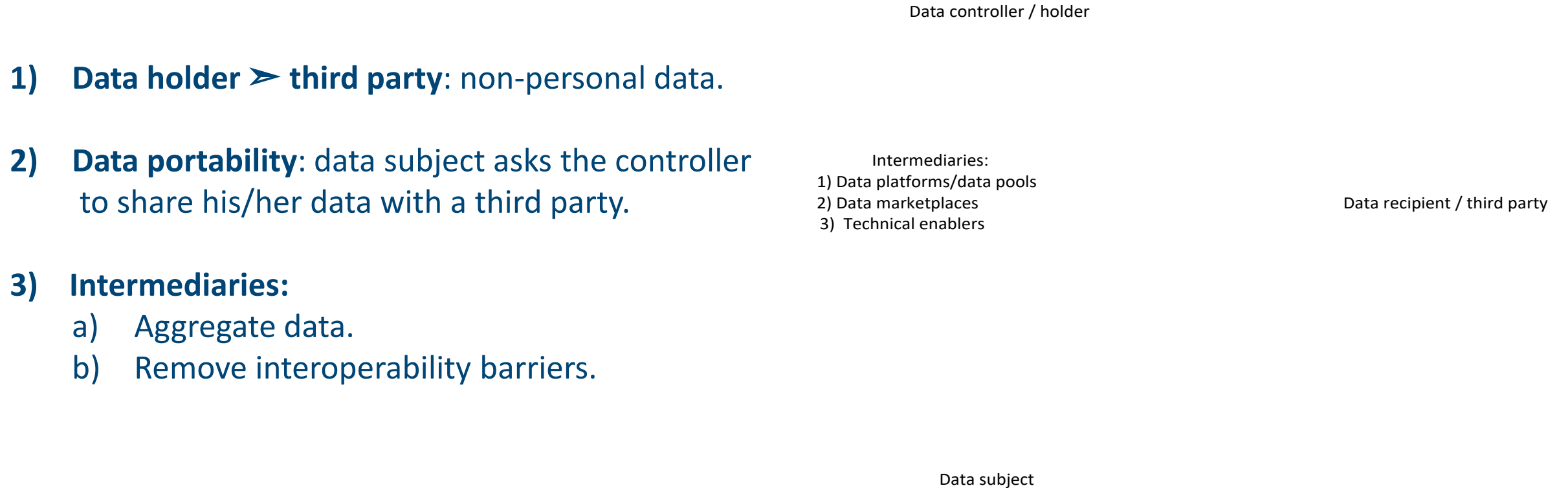
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Modalities of B2B data sharing



Assessing the value of data

Several factors affect the process of data evaluation:

- Volume of data.
- Novelty: updated v. historical data.
- Quality: raw v. inferred data.
- Personal v. non-personal data.
- Industry specificities ➤ commercial use of the shared data.
- Modality of sharing:
 - 1) data access v. re-use.
 - 2) copy dataset; synthetic data representation; real-time data access; Q&A data access.
 - 3) Direct B2B data sharing; data portability; intermediaries.

Data sharing paradox: data evaluation is complex ➤ firms prefer to 'seal' the collected data, rather than sharing them with third parties.

A vertical decorative image on the left side of the slide. It features a dark blue background with various financial data visualizations. At the top, there's a large number '92.97' in a light blue font. Below it, there are several line graphs with different colored lines (blue, orange, green) and candlestick charts. The overall aesthetic is high-tech and financial.

Compensation in B2B data sharing

- **EU Commission Data Strategy:** data sharing should be **compensated** ➤ encourage data collection/processing and establishment of new market-places.
- **Modalities of compensation in B2B data sharing:**
 - 1) Monetary remuneration: ad hoc v. subscription fee model.
 - 2) B2B data exchange:
 - a) Data pool.
 - b) Data v. service.
 - 3) Open/free access: re-use of historical data by a third party.
- **Who defines the degree of compensation:**
 - 1) Contractual freedom ➤ general rule.
 - 2) Regulated compensation in case of market failure:
 - a) Open/free access.
 - b) Cost of data sharing ➤ NO compensation for data collection/processing.
 - c) Fair, Reasonable and Non-Discriminatory compensation (FRAND).

EU regulatory framework on B2B data sharing

- **Data portability ➤ right of the data subject / user:**

- Art. 20(2) GDPR: controller shares personal data with a third party.
- Art. 5(1) Data Act proposal: holder shares non-personal data deriving from the product use with a third party.
- Art. 6(9) DMA: gatekeeper shares with a third party the data generated by end-user on the platform service.

- **Mandatory data sharing ➤ data holder shares data with a competitor to solve a market failure:**

DMA:

- Art. 6(8) DMA: gatekeeper shares with advertisers/publishers data on advertising campaign.
- Art. 6(10) DMA: gatekeeper shares with business-users data generated by end-users on the platform service.
- Art. 6(11) DMA: gatekeeper shares with competing online search engines data on ranking/query/clicks.

Sector-regulation:

- Art. 25 REACH: data holder shares data on previous registered chemicals with competitors .
- Art. 67 PSD2: commercial bank shares with third parties data on users' accounts.
- Art. 61 Motor Vehicles Reg.: car manufacturer shares diagnostic data with providers of reparation services.
- Art. 23 Electricity Directive: TSOs share users' metering data with electricity suppliers.
- Art. 112 EECC: telco shares users' telephone numbers with providers of telephone directories.
- Art. 11 Postal Service Directive: postal operator shares users' data with competing postal operators.



Compensation in EU regulatory framework on B2B data sharing

	Data portability	Mandated B2B data sharing
GDPR	FREE ???	
Data Act (draft)	FRAND; COST	
DMA	FREE	FREE; FRAND
REACH		FRAND
PSD2		Quasi-FRAND
Motor Vehicles		FRAND
Electricity		Quasi-FRAND
EECC		FRAND
Postal Services		Quasi-FRAND



Our panelists

A decorative graphic on the left side of the slide features a stylized map of Europe in white. The map is set against a blue background that is densely populated with various colored speech bubbles (yellow, red, pink, and light blue) and question marks. The speech bubbles and question marks are scattered across the entire left half of the slide, creating a visual theme of inquiry and discussion.

Questions for the panelists

- 1) From your experience, what are the key factors taken in consideration by a firm to estimate the value of its datasets?
- 2) Are data intermediaries an effective tool in solving the data valuation problem?
- 3) How could we concretely apply the principle of FRAND in the contest of B2B data sharing?
- 4) Should the draft Data Act differentiate the rules on compensation for different categories of data recipients?
 - a) General rule: FRAND compensation.
 - b) Cost-based compensation when the recipient is SME.

A decorative graphic on the left side of the slide shows a map of Europe in white, set against a blue background. The map is surrounded by numerous colorful speech bubbles (yellow, red, pink, and light blue) of various shapes and sizes, each containing a black question mark. The speech bubbles are scattered across the left side, some overlapping the map and others floating in the background.

Poll questions

- 1) Should compensation in data portability be regulated, by setting an *ex-ante* compensation scheme, due to a real risk of market failure?
 - a) YES.
 - b) NO.

- 2) If YES, which should be the appropriate compensation regime?
 - a) Open/free access.
 - b) Cost of data sharing.
 - c) FRAND.

Thank you for your attention!

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