DATA PORTABILITY INTEROPERABILITY

Florence Digitalisation Summer Conference
Global Data Governance
22 - 23 June 2023

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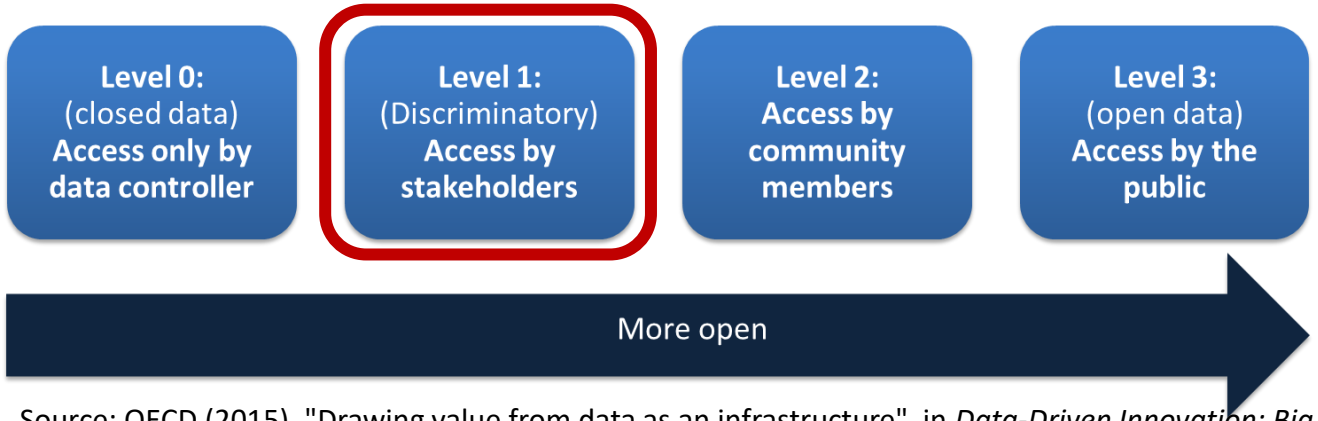
OECD
BETTER POLICIES FOR BETTER LIVES

Data portability as an approach for enhancing access to and sharing of data that puts users in control

Data portability is understood as:

- the ability (right) of a **natural or legal person** to request that
- a data holder transfers **to the person, or to a specific third party**, **data concerning that person**
- in a **structured, commonly used and machine-readable format** on **an ad-hoc or continuous basis**.

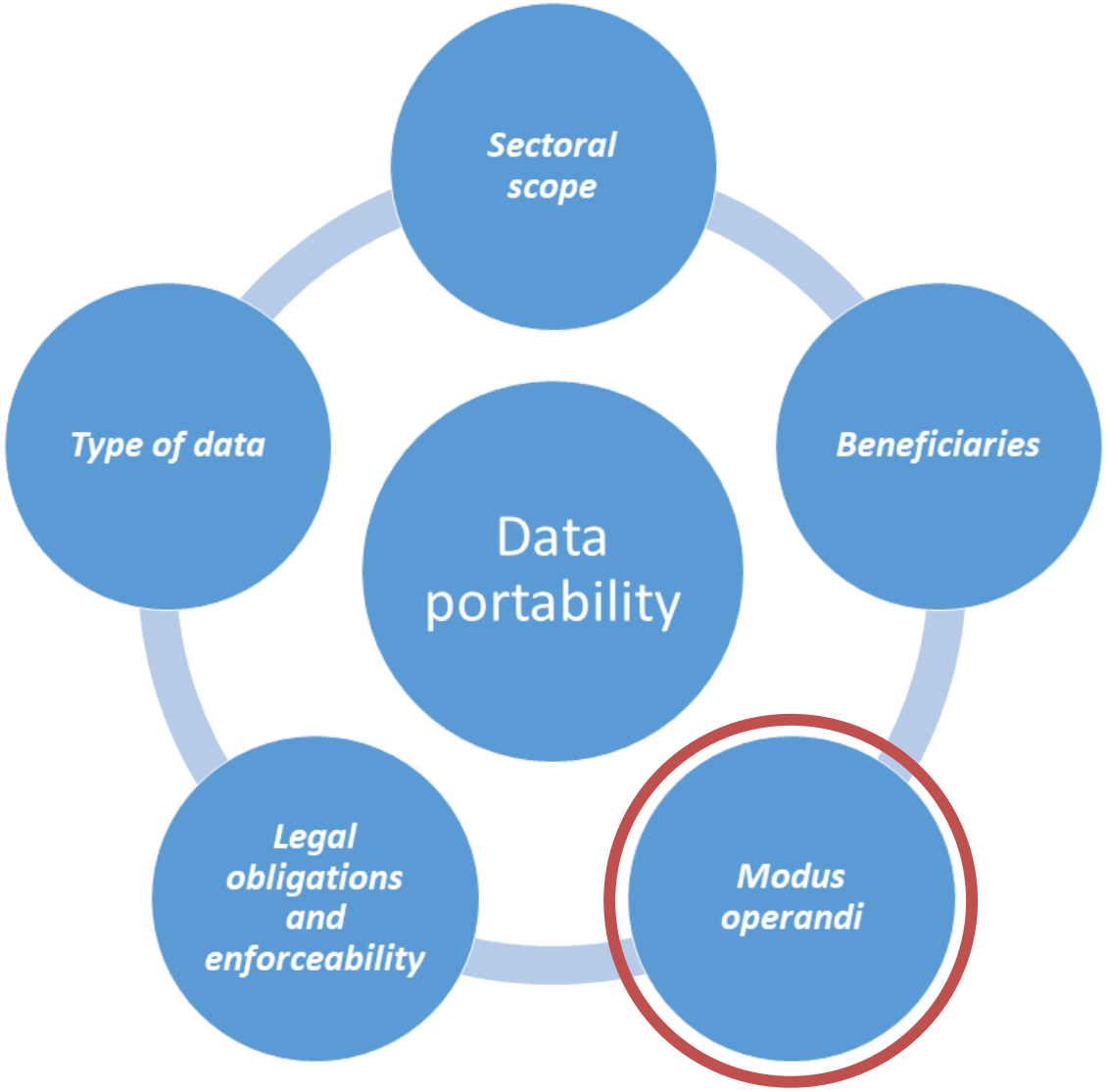


Source: OECD (2015), "Drawing value from data as an infrastructure", in *Data-Driven Innovation: Big Data for Growth and Well-Being*, OECD Publishing, Paris, https://doi.org/10.1787/9789264229358-8-en.

Interoperability is understood as:

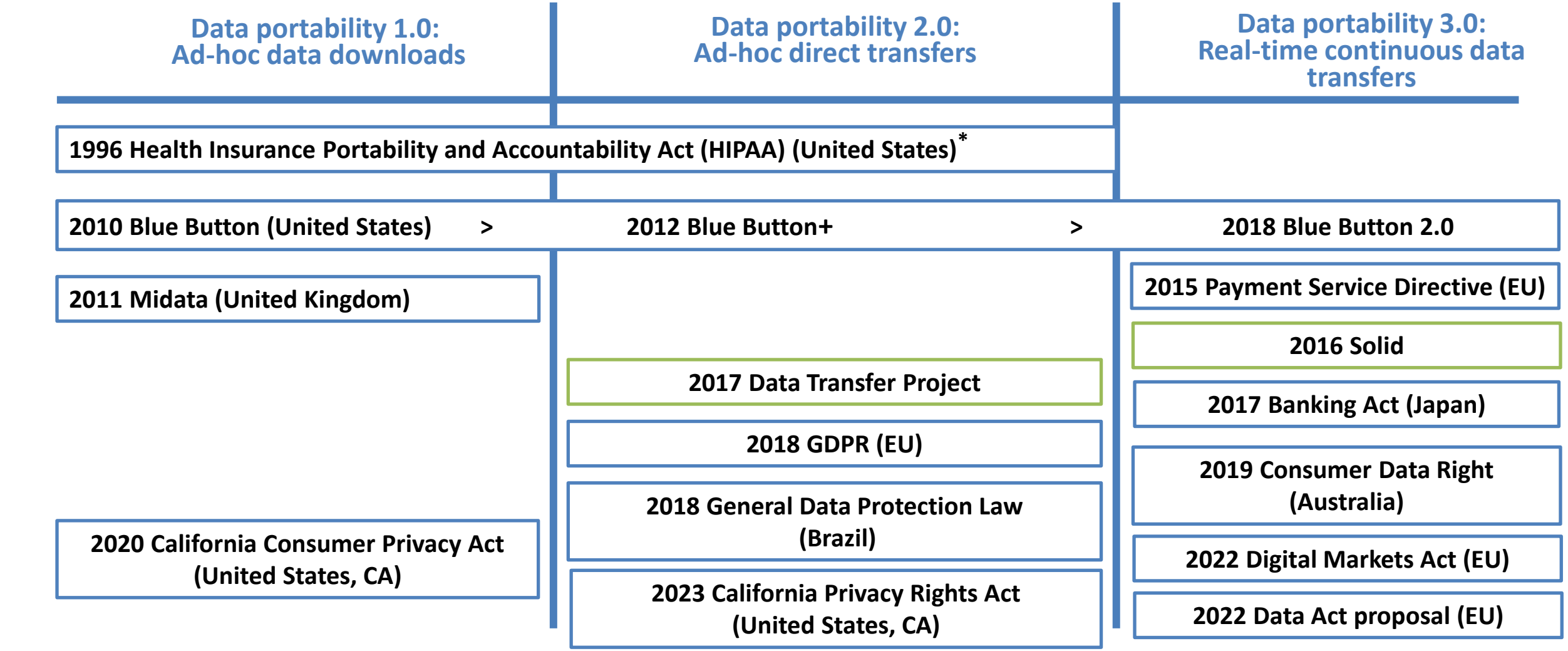
- the ability of **systems (incl. applications)** to exchange data such that these systems can work together.
- This will **typically require continuous, real-time transfers of data**.

5 key dimensions for mapping data portability measures



- **Sectoral scope**: Whether data portability initiatives are sector specific or horizontal (cross-sectoral);
- **Beneficiaries**: Whether only individuals or also organisations have a right to data portability;
- **Type of data that is subject to data portability**: whether data portability is limited to personal data and / or volunteered, observed or derived data;
- **Legal obligations**: The extent to which data portability is voluntary or mandatory, and enforced;
- **Modus operandi** in respect to data transfer mechanisms:
  - ad-hoc downloads (data portability 1.0),
  - ad-hoc direct transfers of data to 3rd parties (data portability 2.0)
  - **real-time (continuous) data transfers that enables interoperability (data portability 3.0).**

Mapping selected government and private sector initiatives on data portability based on their modus operandi



Note: Government initiatives | Private sector initiatives

* Changes proposed by the US Department of Health and Human Services in light of COVID-19 to enable individuals to directly share their data

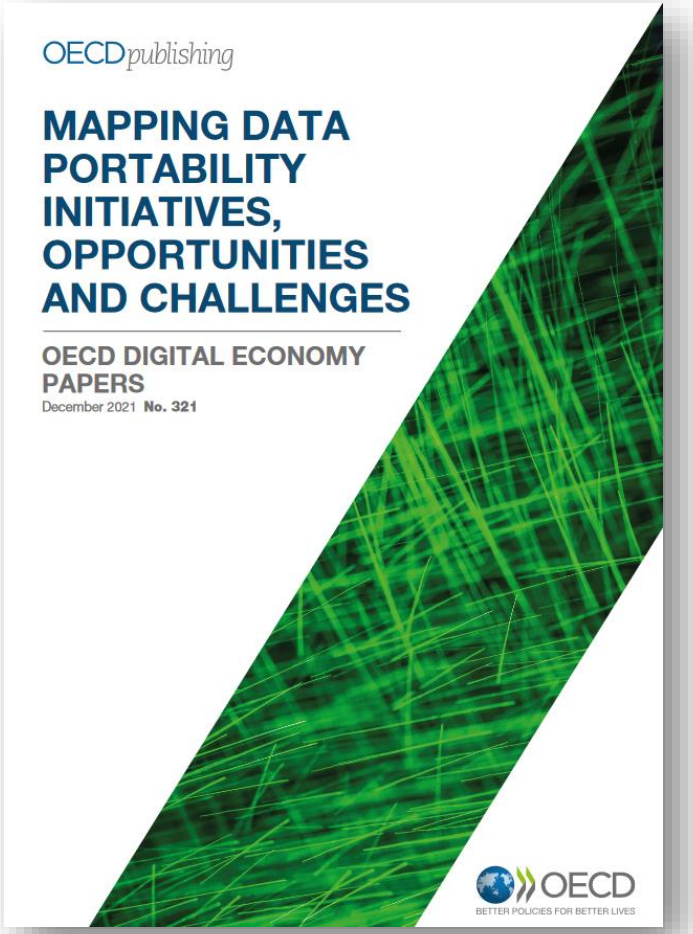
The opportunities of data portability come with respective risks

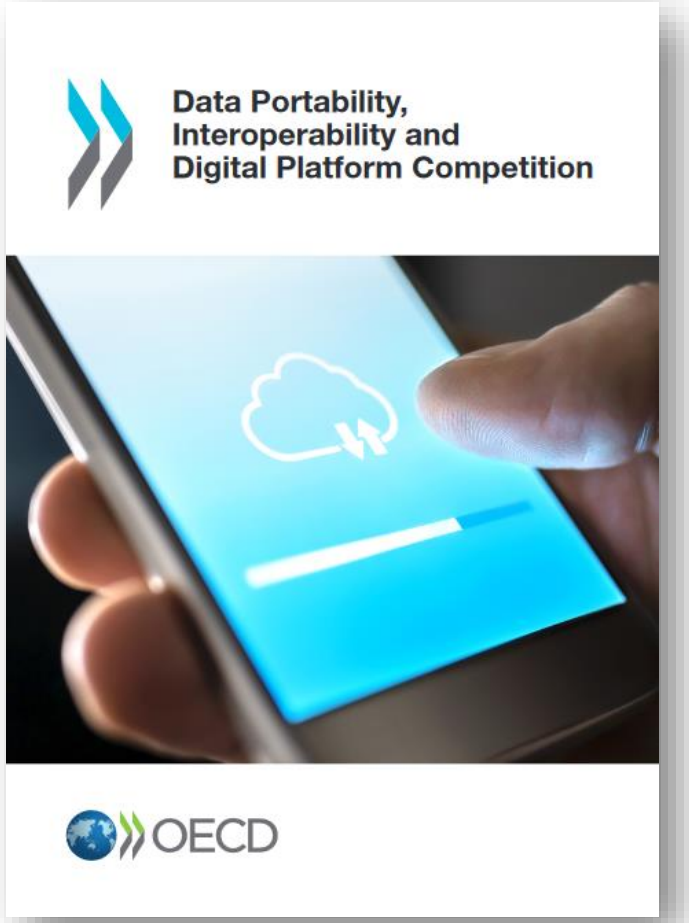
Opportunities	Risks
• **Increasing competition and consumer choice:** by i) reducing information asymmetries, ii) limiting switching costs and iii) reducing barriers to market entry	• **Possible unintended adverse effects on market structures:** available services may not interoperable and data portability may be more beneficial to incumbents;
• **Stimulating data-driven innovation:** enabling over the top services incl. personal information management systems (PIMS);	• **Possible unintended adverse effects on the incentives to invest**: Data portability, particularly if mandatory, may lead to lower expected returns on investments due to lower lock-in effects;
• **Facilitating data flows and data sharing:** higher availability of customer information to 3rd parties;	• **Digital security risks:** Higher risk of data breaches given higher exposures of IT vulnerabilities while also making 3rd parties a potential point of failure;
• **Achieving 'informational self-determination'**: making it easier for individuals to exercise their right of participation while also increasing transparency.	• **Privacy risks:** particularly if data portability is mis-used for the over-collection of data and consumers are pressured to provide their data.

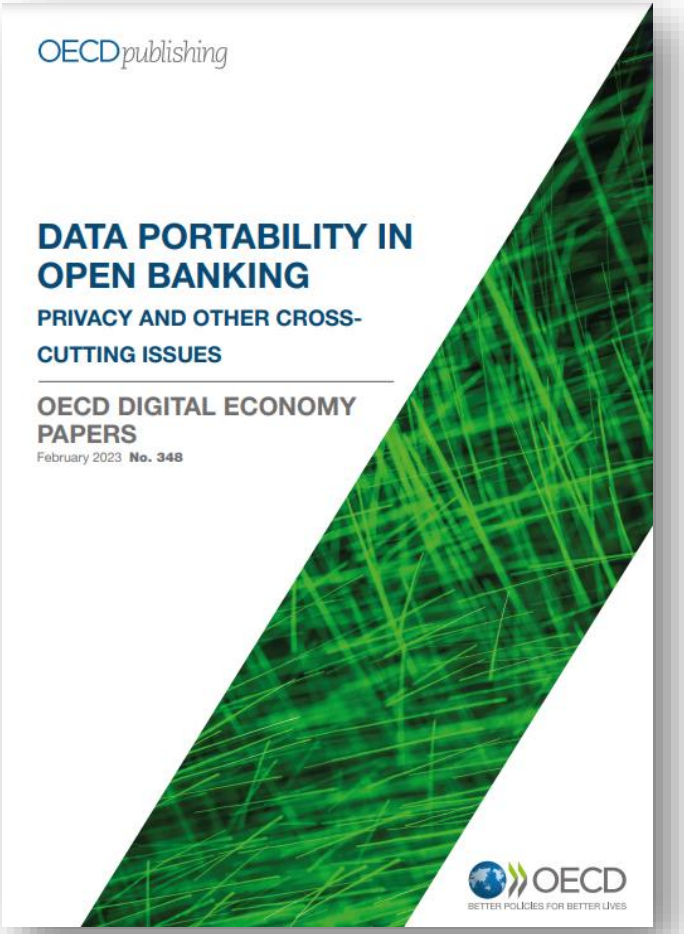
Implementation challenges to be addressed

- Uncertainties regarding the scope of data portability
- Digital security and privacy risks (+risks to 3rd parties)
- Responsibility and liability challenges
- Costs of compliance
- Interoperable specifications (e.g. standards and APIs)
- Cross-agency regulatory & enforcement co-operation

Thank you for your attention!







Find out more about our work at https://oe.cd/datagovernance | http://oe.cd/dpic

For further reading

- BEREC Report on Interoperability of Number-Independent Interpersonal Communication Services (NI-ICS)
- BEREC Report on the interplay between the EECC and the EC's proposal for a Digital Markets Act concerning number-independent interpersonal communication services
- BEREC High-Level Opinion on the ECs proposal for a Data Act
- BEREC Report on the Data Act Workshop (Workshop on Switching and Interoperability of Data Processing Services
- CMA-ICO joint statement on competition and data protection law - GOV.UK (www.gov.uk)
- Max Planck Institute Position Statement on the EU Data Act
- Max Planck Institute Position Statement on the Implementation of the Digital Markets Act (DMA)