

XXXII NORDIC CONFERENCE ON LEGAL INFORMATICS



ASPIRATIONS AND LEGAL REALITIES

OSLO - NORWAY
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Data Sharing and the Data Economy: Aspirations and Legal Realities

Reducing proprietary and other legal ‘fences’ around data so that the data may better be shared and exploited by a wide range of entities has become a major concern for many organizations. It is a concern that has given rise to numerous policy and regulatory initiatives. Many such initiatives have an overt economic rationale; they are aimed at enhancing the ability of multiple entities to leverage economic profit from exploitation of shared data resources. The European Commission’s recent Communication on ‘Building a European Data Economy’ (COM(2017) 9 final), along with other Commission strategies aimed at realizing the Digital Single Market, are key examples in point. Other initiatives are motivated less overtly by economic factors. For instance, data sharing is emerging as an ideal and, indeed, requirement in many fields of scientific research, with the primary aim of enhancing the quality and utility of research output. An example here is the data-sharing policy of the International Committee of Medical Journal Editors (ICMJE), published in *New England Journal of Medicine* in January 2016. Nonetheless, while economic concerns tend not to dominate the data-sharing drive of the research community, they are not entirely absent, and the efforts of the research community are often seen by governments and businesses as providing key assets for commercial exploitation. Thus, while scientific data-sharing is far from fully commensurate with data economy initiatives, there exist significant parallels and links between them.

The goal of the conference is to examine aspects of European regulatory policy that critically impact upon data sharing and data economy initiatives. In particular, the conference seeks to cast light on the extent to which these initiatives are supported by the European legal framework. This is an essential step along the path to improving, if necessary, the fit between the law on the one hand and the ideals of data sharing and data economy on the other.

Day 1 of the conference presents various European data economy initiatives and legal frameworks, with focus on the following areas: (i) contracts for supply of digital content; (ii) re-use and sharing of government-held data; (iii) data protection law and the right to data portability; and (iv) competition law. Day 2 of the conference assesses data-sharing arrangements in medical and health research, applying legal, ethical and medical research perspectives. The conference concludes by considering various empowerment strategies for the data subject.

The conference is preceded by a doctoral workshop and the holding of the Knut Selmer Memorial Lecture.

PROGRAMME

Monday 13 November

12:00 - 17:00	Doctoral Workshop, NRCCL	
18:00 - 19:00	Knut Selmer Memorial Lecture on 'Data Sovereignty'	Professor Radim Polčák, Institute of Law and Technology, Masaryk University
19:00 - 20:00	Welcome reception, NRCCL Library	

Tuesday 14 November

08:30 - 09:00	Registration and coffee/tea	
European Data Economy initiatives and their Legal Frameworks Chair: Professor Lee Bygrave, University of Oslo		
09:00 - 09:10	Opening Address	Professor Lee Bygrave, Norwegian Research Center for Computers and Law, University of Oslo
09:10 - 09:50	Building the European Data Economy: The Aspirations of Brussels	Kristina Kjerstad, Telenor ASA (formerly with the European Commission) [TBC]
09:50 - 10:10	Discussion	
10:10 - 10:50	The Proposed Digital Content Directive and its Implications for the Data Economy	Professor Christiane Wendehorst, University of Vienna / European Law Institute
10:50 - 11:10	Discussion	
11:10 - 11:30	Coffee/tea	
11:30 - 12:10	Sharing of Government-Held Data, with Focus on, i.a., the PSI Directive (as amended) and the new European Interoperability Framework	Sharing of Government-Held Data, with Focus on, i.a., the PSI Directive (as amended) and the new European Interoperability Framework
12:10 - 12:30	Discussion	
12:30 - 13:30	Lunch	
13:30 - 14:10	Data Protection: EU Data Protection Norms in Data Economy Perspective	Hanne Marie Motzfeldt and Kim Østergaard, University of Southern Denmark
14:10 - 14:30	Discussion	
14:30 - 15:00	Data Portability as Facilitator of Data Sharing	Associate Professor Emily Weitzenboeck, Oslo and Akershus University College
15:00 - 15:15	Discussion	
15:15 - 15:35	Coffee/tea and fruit	
15:35 - 16:15	Competition Law: Its Impact on Data Sharing and the Data Economy	Samson Esayas, Norwegian Research Center for Computers and Law, University of Oslo
16:15 - 16:30	Discussion	
End of the first day. Take a rest!		
19:00	Conference Banquet	

PROGRAMME

Wednesday 15 November

08:45 - 09:15 Coffee/tea. Good morning!

Sharing and Security of Health Data: Legal, Ethical and Medical Research Perspectives
Chair: Professor Dag Wiese Schartum

09:15 – 09:20 Opening Address Professor Dag Wiese Schartum, NRCCL, University of Oslo

09:20 – 09:50 Impact of GDPR on Sharing of Data for Research Purposes Professor Peter Blume, University of Copenhagen

09:50 – 10:20 Swedish Proposal for Research Data Act Professor Cecilia Magnusson Sjöberg, Swedish Law and Informatics Research Institute, University of Stockholm

10:20 – 11:00 Panel discussion based on previous two presentations, with ethical and medical research perspectives Professor Salvör Nordal, Centre of Ethics, University of Iceland; Dr. Deborah Mascalon, Centre for Research Ethics and Bioethics, Uppsala University; Dr. Sarah Coy, Nuffield Dept. of Population Health, Medical Sciences Division, Oxford University [TBC]; Heidi Bentzen, NRCCL, University of Oslo [TBC]

11:00 – 11:20 Coffee/tea

11:20 – 12:00 The Impact of Intellectual Property Rights Professor Timo Minssen, Center of Excellence for Biomedical Innovation Law, University of Copenhagen

12:00 – 12:15 Discussion

12:30 - 13:15 Lunch

The status of the data subject: empowerment strategies
[Chair: Professor Rauno Korhonen, University of Lapland]

13:15 – 13:20 Opening remarks Professor Rauno Korhonen, Institute for Law and Informatics, Univ. of Lapland

13:20 – 13:50 Predictive modelling and (counter-)strategies of empowerment Stanley Greenstein, Swedish Law and Informatics Research Institute, University of Stockholm

13:50 – 14:20 Personal Information Management Systems Nina Chung Mathiesen, Evry AS [TBC]

14:20 – 14:50 Lessons from #toyfail Finn Myrstad, Norwegian Consumer Council

14:50 – 15:30 Discussion / Summing Up

End of conference. Have a safe journey home!