

DIGITALEUROPE views on the Regulation on the Framework for the Free Flow of Non-Personal Data

Brussels, 15 December 2018

DIGITALEUROPE believes it is of the utmost importance that every effort is made to guarantee the free flow of data, which is a vital source of innovation, growth and jobs. In our opinion, to maximize the benefits of cross border data flows the scope of the legislation should not be narrowed.

We are very concerned with the latest discussions in the Council where several Members States are advocating the limiting of the scope or extending the exemptions.

We invite the Council to take the necessary time to consider this important piece of legislation rather than rushing to a conclusion under the Estonian Presidency that would eventually defeat the purpose of the proposal.

Widening the exemptions to public security, public policy, or activities connected public authorities will risk creating a blank license for Member States to localise data. We fully respect the Member State's competence to decide when and if they want to outsource via public procurement. However, public data should be covered by this regulation in the cases where Member States make public tenders. More dialogue is still needed to determine if other types of non-personal data, not already covered by the exemption for public security, is sensitive enough to justify localisation requirements.

Removing public data from the scope risks incentivising public authorities to (i) insource their data storage and processing or (ii) not to outsource it at all. As public institutions adopt cloud, they lower the tax burden for their operations, bring more efficiencies to their internal work processes, and improve constituent interactions by offering e-governance solutions. Removing public data from the scope or introducing a wide range of exceptions will encourage insourcing, and put up barriers preventing SMEs from creating and offering services and products for the Government. Member States would be put at risk to unnecessarily increase capital expenditures and decrease operational efficiencies including weakening cybersecurity options.

Our members and national trade associations stand ready to discuss this topic with the co- legislators.

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ABOUT DIGITALEUROPE

DIGITALEUROPE represents the digital technology industry in Europe. Our members include some of the world's largest IT, telecoms and consumer electronics companies and national associations from every part of Europe. DIGITALEUROPE wants European businesses and citizens to benefit fully from digital technologies and for Europe to grow, attract and sustain the world's best digital technology companies. DIGITALEUROPE ensures industry participation in the development and implementation of EU policies.

DIGITALEUROPE's members include in total 25,000 ICT Companies in Europe represented by 61 corporate members and 37 national trade associations from across Europe. Our website provides further information on our recent news and activities: <http://www.digitaleurope.org>

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