

Bits

Brussels Internet & Telecom Seminars

Brussels
April 29
2014



KU LEUVEN

**Data Portability at
the crossroads of data protection
and competition policy**

LONG LIVE THE WEB

The Web is critical not merely to the digital revolution but to our continued prosperity—and even our liberty. Like democracy itself, it needs defending

By Tim Berners-Lee

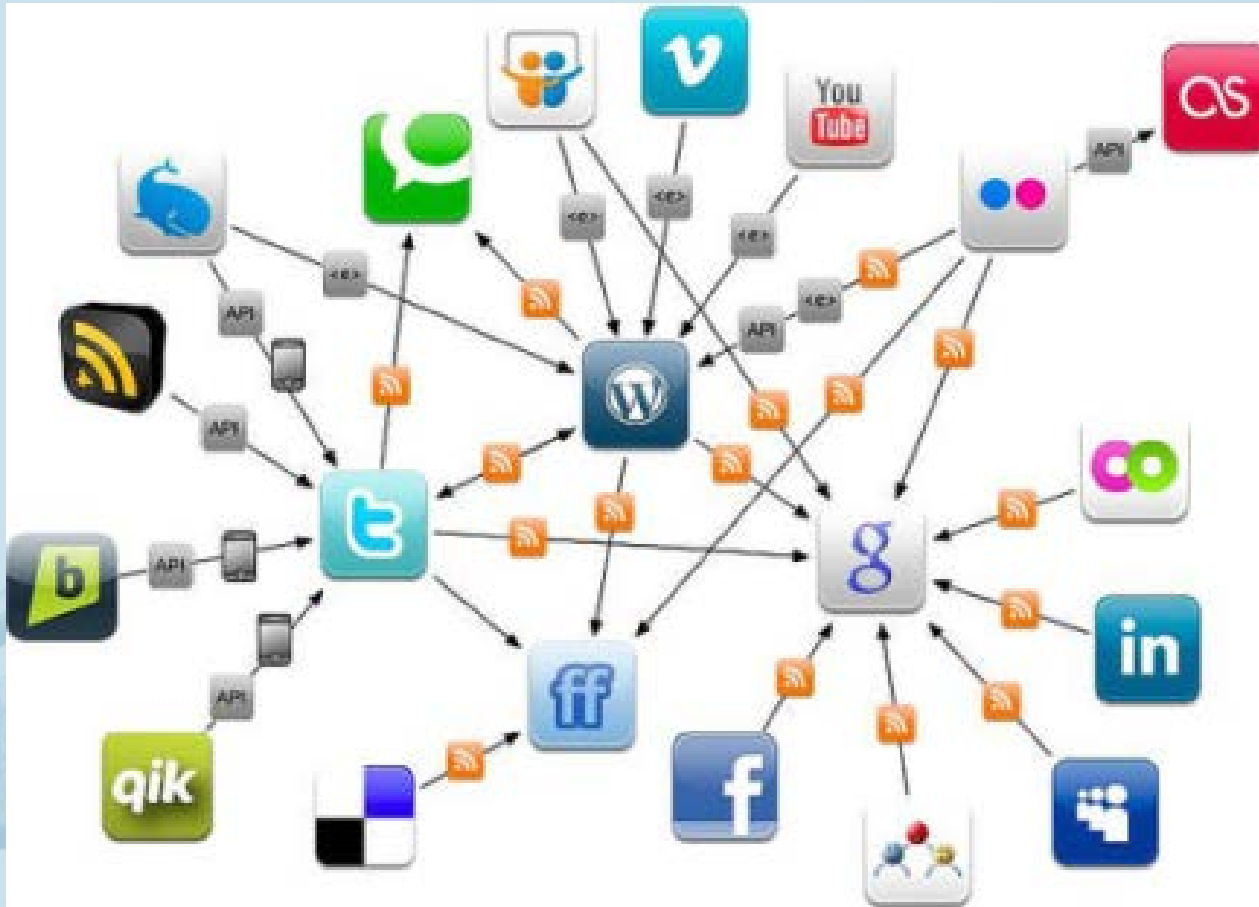
“The web evolved into a powerful, ubiquitous tool because it was built on egalitarian principles...The web as we know it is being threatened. Some of its most successful inhabitants have begun to chip away at its principles...



Large social networking sites are walling off information posted by their users from the rest of the Web... [C]losed silos of content risk breaking the web into fragmented islands.”

Tim Berners-Lee, “Long Live the Web: A Call for Continued Open Standards and Neutrality”, Scientific American, Nov. 22, 2010

DATA PORTABILITY



ability for people to exercise control over the data that a site has about them and to reuse their data across interoperable applications

DATA PORTABILITY

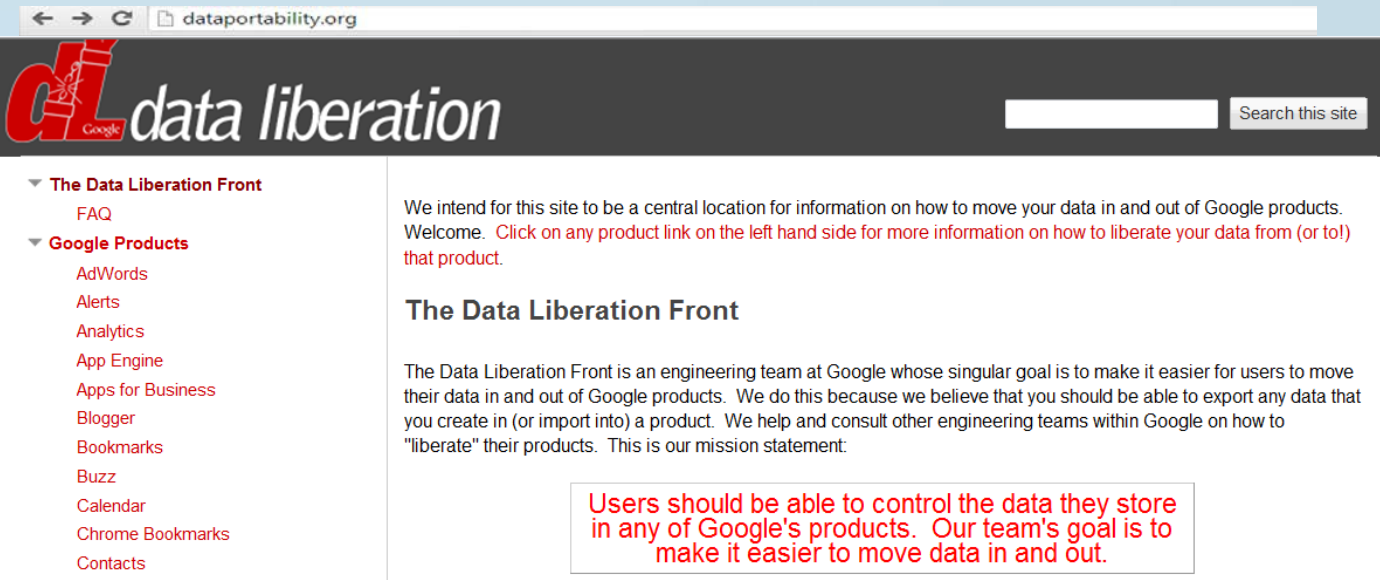
SNS, cloud...providers: different approaches

- Building strong walls around “data silos” in order to preserve business model



- Advocating the sharing of user data and profiles

← → ↻ dataportability.org



The Data Liberation Front

We intend for this site to be a central location for information on how to move your data in and out of Google products. Welcome. [Click on any product link on the left hand side for more information on how to liberate your data from \(or to!\) that product.](#)

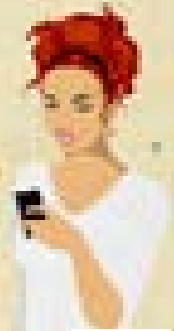
The Data Liberation Front

The Data Liberation Front is an engineering team at Google whose singular goal is to make it easier for users to move their data in and out of Google products. We do this because we believe that you should be able to export any data that you create in (or import into) a product. We help and consult other engineering teams within Google on how to "liberate" their products. This is our mission statement:

Users should be able to control the data they store in any of Google's products. Our team's goal is to make it easier to move data in and out.

Data Dollars?

Customer Data is Becoming a New Currency



By [unreadable]
[unreadable]
[unreadable]

BIG DATA

YOUR DATA FOR SALE

Everything about you is being tracked—get over it
BY JOEL STEIN

Household income: \$100,000+
Age: 38-39
Likes: online news
Lives in Los Angeles
Likes: Asian cuisine
Dislikes: cars
Likes: green living
Favorite celebrities: Pe
ZIP code: 10700
Wi-fi warrior
Likes: business & financ
Sister is a la
Frequent purchaser: appare
Recently traveled to Hou
Job: medical professional
Likes: parenting
Spent \$180 on intimate app. & undergarments on Oct. 10, 2010
Male
Mother: Rosalind Burd
Previous address: 711 Wilcox Ave.
Dislikes: autos & vehicles

Business decisionmaker
Owns a laptop
Likes: fashion
Major life-insurance holder
Age: 36-45
Wife works at home
Likes: cooking & recipes
High net worth
Lives in New York City
No kids
Likes: online shopping
& actresses
Occupation: textile designer
Has lived at same address for four years
Resolution: 1280 x 800
Favorite musician, Robert Goulet
Dislikes: home & garden
Politically active
Previous employer: Stanford Daily
House value: \$1M-\$1.5M
Works in transportation/travel warehousing
Favorite websites: sports
Religion: Jewish
Likes: hockey
Owns an RV
Influencer score: 91-100
Likes: hiking
Household income: \$150,000-\$175,000
Owns a smart phone
Married
Likes: music
ackBerry user

DATA PORTABILITY

- Recent policy developments in the field of **data protection**:
 - ➔ Draft General Data Protection Regulation (launched *January 2012*)
 - Article 18: right to data portability
 - Commission memo:

*“The proposals will make it easier for you to access your data and give you a right to data portability, which means it will be **easier to transfer personal data from one service provider to another.**”*



DATA PORTABILITY

- Commissioner Almunia (Privacy Platform event, Brussels, 26.11.2012)

In this respect, I believe that one of the principles of the current data protection reform goes to the heart of competition policy.

As I said, the proposed Regulation aims to ensure the 'right of portability'. This means that users should be able to move their personal data from one company to another without hassle and undue costs.

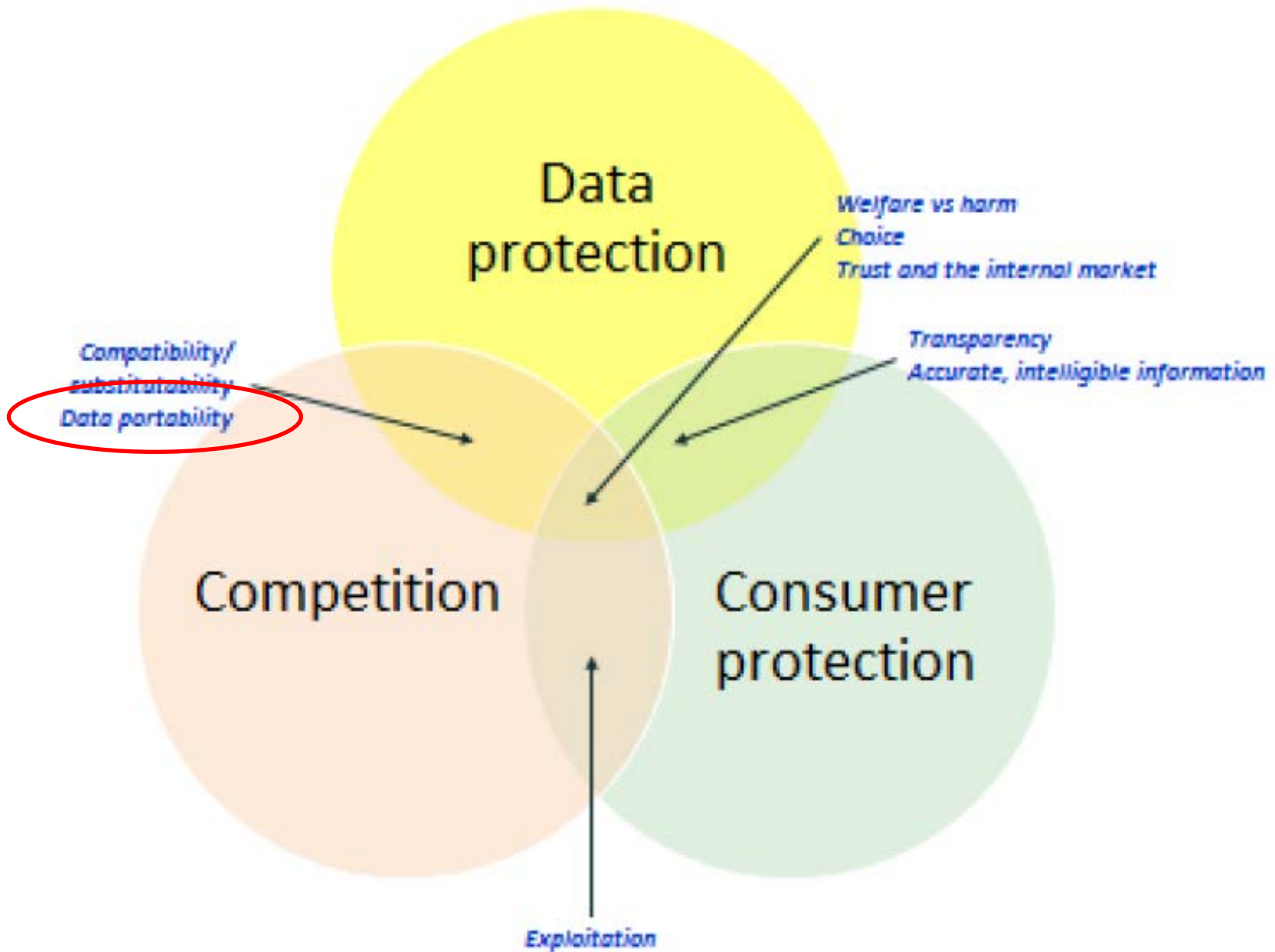
I believe that a healthy competitive environment in these markets requires that consumers can easily and cheaply transfer the data they uploaded in a service onto another service.

The portability of data is important for those markets where effective competition requires that customers can switch by taking their own data with them.

In those markets that build on users uploading their personal data or their personal content, retention of these data should not serve as barriers to switching.

Customers should not be locked in to a particular company just because they once trusted them with their content.

Whether this is a matter for regulation or competition policy, only time will tell.



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**Data Portability at
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Before the coffee break



Interdisciplinary and industry panel



N. Schifano
Microsoft



S. Fratta
Telefónica Digital



D. Geradin
Tilburg Univ. / Covington



T. Graf
Cleary (Google)

- What does “data portability” entail from a technical viewpoint? How does it work?
- To what extent do online service providers already facilitate data portability?
- What is the potential role of competition law in facilitating data portability and redressing consumer lock-in?

After the coffee break



Policy and consumer panel



N. Dubois
DG JUST



R. Bendorath
Eur. Parliament



C. Giovannini
ANEC



A. Klabunde
EDPS

- What positive or negative effects would data portability bring for consumer welfare? Would it create privacy risks?
- How can interests of businesses and consumers be balanced?
- What does (did?) the right to data portability, introduced by the Draft Data Protection Regulation, entail?



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ISPs will Break the Law if They Continue to Retain our Data

ICO Needs Input on Guidance for Media – Especially from “Citizen Bloggers”

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Data Portability Series: At the Crossroads of Data Protection & Competition Policy

Blog Administrator



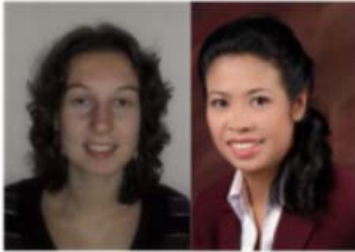
Ahead of the upcoming [Brussels Internet & Telecom Seminar on data portability](#) in Brussels, [Inge Graef](#) and [Yuli Wahyuningtyas](#) of the Interdisciplinary Centre for Law and ICT (ICRI) of the KU Leuven – University of Leuven will be curating a special series on the topic. In this first post of the series [Inge Graef](#) explains how data portability lies at the crossroads of competition and data protection policy.

In January 2012, the European Commission adopted a [proposal for a General Data Protection Regulation](#) that includes a new right to data portability which would enable data subjects to transfer their personal data “from one electronic processing system to and into another, without being prevented from doing so by the controller”. The review of the Commission’s proposal in the European Parliament that was concluded in March 2014 has led to the [adoption of a number of amendments](#) which substantially

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Data Portability Series: Interview with Ian Brown

Blog Administrator



In the context of the [Brussels Internet & Telecom Seminar](#) on data portability coming up on April 29, [Inge Graef](#) and [Yuli Wahyuningtyas](#) of the Interdisciplinary Centre for Law and ICT (ICRI – iMinds) of the KU Leuven – University of Leuven, interviewed internet governance expert [Ian Brown](#) of the Oxford Internet Institute about the new right to data portability and its implications for the online social network industry.

Inge: Online social network providers claim that they already enable data portability by giving users the possibility to download their data in a particular format. Does this correspond with what you think data portability should entail?

Ian: As long as social network providers use an open format that anyone can write software to parse, this would make data portability possible. This is what the [European Commission's proposal for the General Data Protection Regulation](#) stated in recitals 59, 130 and 131 and Article 18. We have to wait to see how far the Commission and the Council accept the version of the regulation approved by the European Parliament.

Yuli: Since data portability would enable users to switch between different online social networks more easily, how can a balance be struck between the interests of these businesses to keep users in their platform and the interests of users to have control over their data?

If you consider competitive markets as a good thing both for efficiency and for user control, I do not think there is a balance to be struck here. The social networking industry is currently



REGULATING CODE

GOOD GOVERNANCE AND BETTER REGULATION
IN THE INFORMATION AGE

IAN BROWN AND CHRISTOPHER T. MARSDEN

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KU LEUVEN

*We wish you an interesting afternoon
and stimulating discussions!*