

EU High Value Data Study Informally Published (<https://www.zylstra.org/blog/2021/09/eu-high-value-data-study-informally-published/>)

Posted on 29 September, 2021 (<https://www.zylstra.org/blog/2021/09/eu-high-value-data-study-informally-published/>), by Ton Zijlstra (<https://www.zylstra.org/blog/about-me/>).

Last year I spent a large amount of time participating in the study that provided advice on which government data sets to include in the mandatory list that is part of the Open Data Directive.

The Open Data Directive, which should have been transposed by EU Member States into national law by last July (<https://digital-strategy.ec.europa.eu/en/news/new-rules-open-data-and-reuse-public-sector-information-start-apply>), but still mostly isn't (<https://digital-strategy.ec.europa.eu/en/policies/public-sector-information-directive>), provides a role to the EC to maintain a list of 'high value data sets' that all EU countries must make freely available for re-use through APIs and bulk download. This is the first time that it becomes mandatory to pro-actively publish certain data as open government data. Until now, there were mandatory ways to provide open data upon request, but the pro-active publication of such open data has always been voluntary (with various countries making a wide variety of voluntary efforts btw). Also the availability of government data builds on the national freedom of information framework, so the actual availability of a certain data set depends on different legal considerations in different places. The high value data list is the first pan-EU legal requirement that is equal in all EU Member States.

I was part of a team that provided a study into which data sets should appear on that high value data list. The first iteration of this list (to be extended and amended periodically) by the EC covers six thematic areas: geographic data, statistics, mobility data, company information, earth observation and environment, and meteorology. I was responsible for the sections on earth observation and environment, and meteorology, and I'm eager to see how it has been translated into the implementation act as for both those thematic areas it would mean a very significant jump in open data availability if the study results get adopted. We submitted our final report by September 2020, and in the year since then

we're all waiting to see how the implementation act for the high value data will turn out. Our study only is a part in that, as it is itself an input for the EC's impact assessment for different choices and options, which in turn forms the basis for a negotiation process that includes all Member States.

Originally the implementation act was expected to be published together with other EC proposals, such as the Data Governance Act last December. This as the EU High Value Data list is part of a wider newly emerging EU legal framework on digitisation and data (<https://www.zylstra.org/blog/2021/07/the-proposed-eu-digital-and-data-legal-framework/>). But nothing much happened until now. First the expectation was Q1, then by the summer, then shortly after the summer, and now the latest I hear from within the EC is 'hopefully by the end of the year'.

It all depends on political will at this stage it seems, to move the dossier forward. The obstacle to getting the implementing act done apparently is what to do with company data (and ultimate beneficial ownership data). Opening up company registers has clear socio-economic benefits, outweighing the costs of opening them up. There are privacy aspects to consider, which can be dealt with well enough I think, but were not part of our study as it only considered socio-economic impacts and expected transition costs, and the demarcation between the Open Data Directive and the GDPR was placed outside our scope.

There apparently is significant political pressure to limit the openness of such company registers. There must be similarly significant political pressure to move to more openness, or the discussion would already have been resolved. It sounds to me that the Netherlands is one of those politically blocking progress towards more openness. Even before our study commenced I heard rumours that certain wealthy families had the ear of the Dutch prime minister to prevent general free access to this data, and that the pm seemed to agree up to the point of being willing to risk infringement proceedings for not transposing the Open Data Directive completely. As it stands the transposition into national law of the Open Data Directive hasn't happened mostly, and the implementing act for high value data hasn't been proposed at all yet.

Access Info, the Madrid based European NGO promoting the right to access to information, has in June requested documents concerning the high value data list from the EC, including the study report. The report hasn't been published by the EC themselves yet because it needs to be published together with the EC's impact assessment for which the study is an input, and alongside the implementation act itself.

Access Info has received documents, and has published the 400+ page study report (PDF (<https://www.access-info.org/wp-content/uploads/Deloitte-Study-2020.pdf>)) that was submitted a year ago, alongside a critical take on the company register data issue (<https://www.access-info.org/2021-06-03/open-company-registers-eu-at-risk/>).

I am pleased the study is now out there informally at least, so I can point people to sections of it in my current work discussions on how to accommodate the new EU legal framework w.r.t. data, of which the high value open data is a part. Previously there were only publicly available slides from the last workshop that was part of the study, which by necessity held only general information about the study results. Next to company registers, which I am assuming is the roadblock, there is much in the study that also is of importance and now equally suffering under the delays. I hope the formal publication of the report will follow soon. The publication of the implementing act is a key step for European open data given its first ever EU-wide mandates.



(<https://www.flickr.com/photos/tonz/15750658128/>)

A 2014 workshop, Virk Data Dag, at the Danish Business Authority discussing use cases for the open Danish company register, where I presented and participated.

Finally, a declaration of interests is in order for this posting I think:

- My company was part of the consortium that did the mentioned study. I led the efforts on earth observation and environmental data, and on meteorological data.
- In current work for my company, the implementation act for high value data, and other recent EC legal proposals are of importance, as I am helping translate their impact and potential to Dutch national (open) data infrastructure and facilitating data re-use for public issues.
- I am a voluntary board member of the NGO Open State Foundation. OSF advocates full openness of company registers, and co-signed the critical take Access Info published. The board has no influence on day to day actions, which are the

responsibility of the NGO's director and team.

- I am personally in favor of opening up company registers as open data.
 - I think that privacy issues can be readily addressed (something that is directly relevant to me as a sole trader business, as co-owner of an incorporated business, and as a board member of an association for which my home address is currently visible in the company register)
 - I think that being visible as a business owner or decision maker is part of the social contract (<https://www.zylstra.org/blog/2016/04/on-open-data-and-the-panama-papers/>) I entered into in exchange for being personally shielded from the business risks I am exposed to. Society is partially shielding me from those risks, as it allows social benefits to emerge (such as creating an income for our team), but in turn people need to be able to see who they're dealing with.
 - I think there is never a business case where charging fees for access to a monopolistic government database such as company registries makes sense. Such fees merely limit access to those able to afford it, causing inequality of access, and power and information asymmetries. Data collection for public tasks is a sunk cost by definition, access fees are always less over time than the additional tax revenue and social value resulting from re-use of freely available data. The only relevant financial aspect to address is that provision costs accrue with the dataholder and benefits with the treasury, which general budget financing is the remedy for
 - I think that already open company registers in Europe and elsewhere provide ample evidence that many formulated fears w.r.t. such openness don't become reality.

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De Europese Commissie moet op basis van de Open Data Directive een 'high value data list' maken. De datasets uit die lijst moeten alle EU landen verplicht publiceren. Maar de lijst is er nog niet! Waarom? Onze bestuursvoorzitter [@ton_zylstra](https://twitter.com/ton_zylstra) (https://twitter.com/ton_zylstra) legt uit: [zylstra.org/blog/2021/09/e...
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