

Natalia Aleksejeva

**Attorney (LL.M Eur)
Law Firm Deloitte Legal**

naleksejeva@deloittece.com



Deloitte helps establish the free movement of data as the EU fifth freedom

Deloitte is helping the European Commission to conduct a study, which aims at identifying and analyzing the key aspects, which hamper or may hamper the free flow of data in the EU. All the Deloitte clients, whose businesses depend on data or who are interested in implementing the free flow of data into their business activities, are welcome to fill in the following survey: <https://www.surveymonkey.com/r/WQ796JB>

The survey can be completed in ca 10 minutes and all the answers will be kept anonymous and confidential. The results of this survey will be used by the European Commission in developing new policies for the free movement of data. We believe that the free movement of data should be supported as the EU fifth freedom, in addition to the already existing free movement of persons, goods, capital and services. The quick, uninterrupted, secure and safe flow of data would give a possibility for innovation in the services sector, contribute to the emergence of the new business forms and models and raise the effectiveness of the already existing businesses.

In order to achieve the described vision, it is, however, necessary to overcome a number of obstacles, including legal and technical barriers, difficulty in establishing the value of data and high costs. The new General Data Protection Regulation, which comes into force in the EU as of 04.05.2018 contributes to overcoming the above stated obstacles. In particular, this new regulation establishes a completely new right to data portability, i.e. a person's right to require that all the data collected with regard to him be transferred from one service provider to another. It is thereby possible to avoid the so-called data lock-in situation, where it is not possible or very difficult for a person to move between different data processors, because too much of his data has already been gathered into one place and a person doesn't have any real control over this data. For companies, whose business activities involve the processing of personal data, this new right means an opportunity to compete with each other more efficiently and create new data-based innovative solutions. However, on the other hand it also means a challenge to ensure that it is technically possible for a company upon a client's request to provide him with a copy of all the data collected with regard to him and, if necessary, transfer this data to another service provider.

In conclusion, a right to data portability may help achieve the right balance between the high level privacy protection of an individual and the free movement of data. However, the ways of practical application of the right at hand and challenges related to it need to be further analyzed and developed, which Deloitte is currently in the process of doing.

Deloitte.

What barriers does your company face when sharing and accessing data from third parties?

Participate to Deloitte study for the European Commission on emerging barriers to #FreeFlowOfData and contribute to tackling the main obstacles to data sharing and accessing in Europe.

 #DigitalAgenda #FFoD @DeloitteEU