



Proposal for a Regulation on the Free flow of Non-personal data

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Free movement of data is essential to enable the European Data Economy

- Relying on and working alongside EU Data Protection rules
- Creating legal certainty and raising trust for cross-border data storing and processing within the EU
- Removing localisation restrictions
- A competitive EU single market for secure, reliable and affordable cloud services (avoiding vendor lock-in and multiplication of IT systems)



Proposal for a Regulation on the Free Flow of Non-personal Data

- **Adopted** by the College of Commissioners on 13 September 2017 (SoTEU).
- Currently **negotiations with** co-legislators.
- Working alongside the **General** Data Protection Regulation (**GDPR**), completely avoiding overlap with this Regulation.



The Commission's proposed Regulation

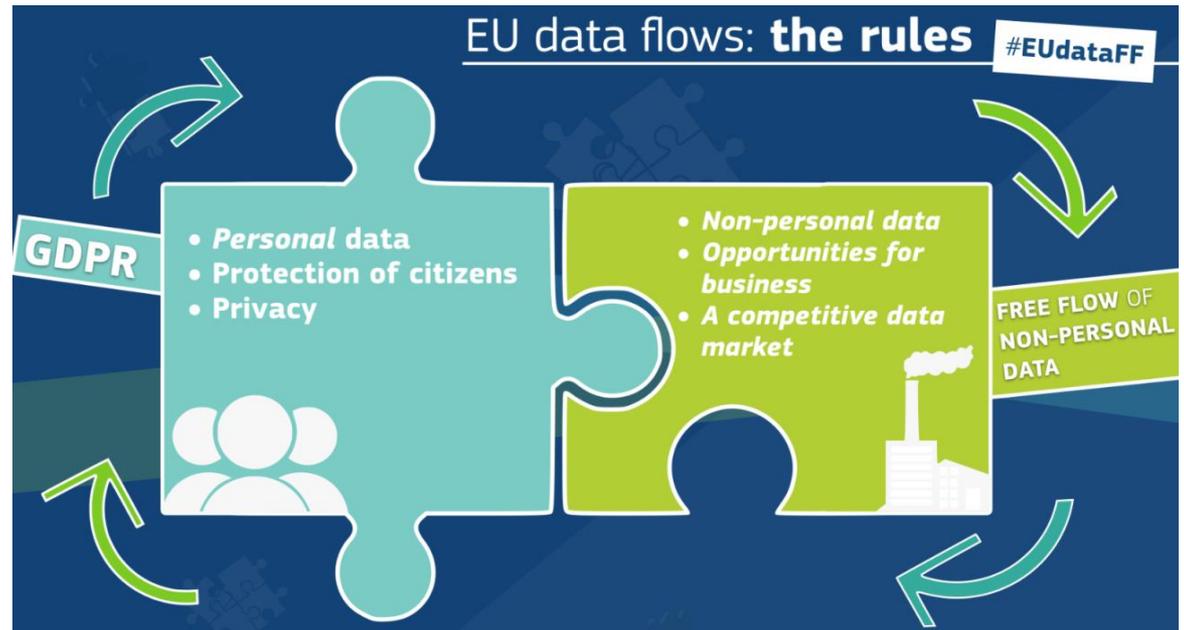
Principles-based

- The **free movement of non-personal data**
- The **availability of data** for regulatory control purposes
- Easier switching of cloud service providers or porting back to in-house servers with actions encouraging the development of self-regulatory **codes of conduct** by the industry
- **Single points of contact** in each Member State
- Synergies with the **cybersecurity** package

Scope (i)

Single EU Dataspace:

- Scope: *non-personal* data
- No overlap with the GDPR
- Together, GDPR and FFD should lead to a 'Single EU Dataspace'





Scope (ii)

- Applicable to outsourced (cloud) and on-premise data storage & different types of processing
- Only applicable to digital data
- Territorial scope: *exclusively* the territory of the European Union (no implications for EU foreign policies regarding data flows)

Switching and data porting

Article 6

→ Self-regulatory codes of conduct at EU level:

- Best practices for making porting of data easier for professional users, to switch providers or port data back in-house.
- Information requirements on the processes, technical requirements, timeframes and charges that apply when porting data.

→ Obligation on the Commission to facilitate these codes of conduct.

→ Implementation of codes of conduct 1 year after entry into force of Regulation.

→ Review of the effective implementation of these codes of conduct no later than 2 years after the entry into force.