

EU-wide digital Once-Only Principle for citizens and businesses

Policy options and their impacts

EXECUTIVE SUMMARY

A study prepared for the European Commission
DG Communications Networks, Content & Technology
by:



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Internal identification

Contract number: 30-CE-0743180/00-70

SMART 2015/0062

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ISBN 978-92-79-65337-7

doi:10.2759/197453

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Executive Summary

The Once Only Principle (further: OOP) is described in the eGovernment Action Plan 2016-2020 as requiring that members of the public and individuals/businesses should not have to supply the same information more than once to public administrations.

This is in support of Action 16 of the Digital Single Market (DSM) strategy which calls for improved cooperation among national systems to ensure that “businesses and individuals only have to communicate their data once to public administrations” and that in consequence governments will no longer make “multiple requests for the same information when they can use the information they already have” – again assuming that if another Member State’s government within the EU has the information, all other Member State governments could/should have access to it.

As a result of our study, we concluded that any progress towards a fair and non-discriminatory EU-wide introduction of OOP requires a sound and consistent legal basis in the form of a Directive that would allow competent authorities to exchange and use (further process) data (including personal data) pertaining to specific natural persons and businesses as an alternative to resubmission of the same or equivalent data by those individuals and businesses while protecting the rights of data subjects, including those enumerated under the GDPR. In our view such a framework at EU level must precede any further steps to implementing EU-wide OOP as it provides clarity on a key element of the Digital Single Market: allowing exchange of data among competent authorities in a harmonised, proportional and non-discriminatory way, in full compliance with data protection and other rules.

In addition, we recommend a strategy of “proactive encouragement of and administrative support for OOP” (Option 2 in the report). This approach will preserve advantageous localisation and specialisation, align progress and improve interoperability across Member States and at EU level while respecting subsidiarity and fundamental rights (especially data protection). The concrete actions involved should be ‘business case driven’¹ and ‘user centric’², adopting a Base Registry approach wherever possible. A full move towards using data rather than documents for public administration purposes would further facilitate cost-effective and equitable service provision³.

In practical terms, we recommend:

1. Preparing and proposing a Directive pertaining to data provided by natural persons or businesses to competent authorities, which would establish grounds for the further processing of those data by the original data controllers or other competent authorities for the benefit of the original natural person or business data subject. Such further processing would specifically entail i) making and ii) responding to requests for transfers or certifications based on the originally submitted data and iii) for the use of those data in place of the same or equivalent data submitted to the successor data controller by the original data subject. Such further processing would only be authorised to the extent (purpose, time and contents) required to replace data that would otherwise have to be submitted and would have fully to conform to the GDPR in respect of personal data;

¹ Concentrated on areas of greatest immediate payoff, in particular business applications.

² Aligned to the needs of businesses and individuals rather than those of administrations.

³ A further implication of such a move could be a requirement that certain data ‘issued’ by public administrations should be automatically available to and used by other public administrations – a sort of ‘not even once only principle.’

2. Setting up a task force with Member State representatives to establish a sound and comprehensive framework for facilitating the development of OOP initiatives and their interconnection and access arrangements at European level. It should also provide a continuing capability for collecting and exchanging evidence, analysing impacts and resolving issues arising as OOP and the digitisation of government interactions spread; and
3. Establishing an EU-wide framework for business OOP to interconnect and provide access to base registers and consolidate steps towards portable or mutually-recognised business identities, common ontologies and streamlined procedures, based on requirements of the eIDAS Regulation and standards and interoperability principles in the (revised) EIF.

This will allow government to address framework weaknesses⁴ and extend and consolidate progress in a bottom-up and incremental fashion using good practices and proven strategies and components.

Ultimately, we expect all EU Member States to embrace the Once Only Principle in ways that align with domestic requirements, taking advantage of their participation in the joint work in the task force to ensure that EU-wide OOP implementation will also become easier and more effective over time.

In this document, the term ‘citizens’ is often used to refer to natural persons as distinct from businesses (see further discussion in Section III.A). This is not meant to imply that the scope is restricted to citizens of EU Member States; data protection is a fundamental right and independent of citizenship and the bulk of services and information processing covered by OOP is not tied to citizenship status. It is intended to refer to the ‘data home’ of natural persons, which may be their country of citizenship or where their work visas, asylum application etc. were first registered

Why implementation of OOP

At the present time, there are not enough data to allow precise estimates of the impacts of cross-border OOP implementation on businesses and individuals. While there is some evidence of cost savings to public administrations, there is a shortage of data on required investment costs; levels of engagement and maturity vary greatly across Member States and, where implemented, OOP cannot clearly be separated from the services and other activities to which it applies. Nevertheless, some EU Member States have already embraced OOP for one or more of the following reasons:

- 1- Reducing the administrative burden on citizens and businesses;
- 1- More efficient (lower-cost, more effective) government administration;
- 2- Fraud prevention.

Why EU level action

The EU-wide implementation of OOP foreseen in this study stems directly from a main pillar of the Digital Single Market Strategy⁵: “Maximising the growth potential of the digital economy,” which calls for implementation of the Once-Only Principle within a new eGovernment Action Plan as well as a European free flow of data initiative and improvement of the European Interoperability Framework. It also responds to a call in the October 2013 Council Conclusions⁶: “Efforts should be made to apply

⁴ Including legal, organizational, semantic and technical barriers.

⁵ Digital Single Market Strategy for Europe - COM(2015) 192 final, published on 06/05/2015.

⁶ “Conclusions of the European Council (24/25 October 2013)” at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/139197.pdf, esp. Par. 9 on page 4.

the principle that information is collected from citizens only once, in due respect of data protection rules.”

Without these actions, the coherence and effectiveness of the Single Market may be threatened, impeding or discouraging cross-border mobility. Conversely, progress should accelerate the translation of building blocks and digital services infrastructures into general-purpose architectures that will reduce asymmetries between business and individual arrangements and provide European Public Services to all applicants on a truly location-independent basis. This can remove distortions between the exercise of business and personal mobility, allowing the most productive combination to be used. Currently, awareness of specific opportunities to improve mobility and reduce burdens has produced multiple cross-border initiatives among neighbouring Member States; these have (or may soon) produced better local trade conditions for businesses and mobility conditions for individuals than exist with other Member States.

In addition, there are some ‘wicked’ issues that would benefit from resolution at EU level. These include privacy issues, the establishment of common standards and procedures to reduce fragmentation and, most importantly, a common legal base. This would allow public authorities to request, supply and make use of previously submitted information, and would help in addressing issues of burden (e.g. the cost to countries asked to supply information for use by another country) and liability (e.g. for incorrect decisions resulting from the re-use of incorrect or obsolete information).

Conclusions

The present study: takes stock of current data re-use in national and cross-border interactions with public administrations; explores gaps and barriers to an EU-wide digital Once-Only Principle; identifies policy objectives and options; and analyses their impacts on key stakeholders under different possible scenarios (considering the very different circumstances of businesses and of individuals). We found:

- 1- Broad (i.e. in most nations) support for OOP, but wide variation in maturity across Europe;
- 2- Many initiatives and legislative measures that are likely to simplify implementation of EU-wide OOP;
- 3- Significant evidence gaps on costs and benefits other than isolated one-off estimates at Member State level.

The proposed “*proactive encouragement*” option and the three concrete recommendations including the proposed European Member State taskforce to advance mutual learning, appropriate convergence and coordination, the interconnected⁷ base registry approach to ensure effective sharing and a legal base for exchange of administrative data under OOP is likely to provide the most effective stimulus to cross-border European OOP implementation and balanced and sustainable progress towards the establishment of OOP throughout the Member States.

⁷ Some documents refer to the creation of a system of base registers that incorporates interconnection, tailored access provisions and common or unambiguously-mapped descriptions of data contents, sources and quality as a ‘federated’ approach, especially when it specifies a single authoritative source for each specific datum. To avoid confusion with the political sense of the term, ‘federated’, we avoid using it here.

Without any action, the opportunities will not be grasped and the situation will become further fragmented, leading to discrimination among individuals and businesses depending on the existence and nature of within- or between-country OOP.

European Commission

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Luxembourg, Publications Office of the European Union

2017 – 8 pages

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