Outline of Program

Registration
8:30 – 9:00 AM
European Commission Representation in Sweden, Regeringsgatan 65, Stockholm

9.00-13.30
European Commission Representation in Sweden, Regeringsgatan 65, Stockholm

- **Welcoming remarks:**
  9:00
  Johan Wullt
  Head of Press, Media & Communication at the European Commission Representation in Sweden. (3min)

- **Introduction to the seminar:**
  9:05
  Jerker Rydén
  Senior Legal Advisor Royal Library
  (up to 7 minutes to introduce the subject matter of the seminar; intro of keynote speakers – just name and affiliation, please see bios in print materials and online.)
• First panel – *Copyright to facilitate research in a cross border environment* (60 min)
  9:10 – 10:10

  **Moderator:**
  **L.L.M. Daniel Westman,**
  LLM Daniel Westman, Phd-student, Faculty of Law Stockholm University
  (up to 5 minutes to introduce the subject matter; intro of speakers – just
  name and affiliation, please see bios in print materials and online.)

  **Panellist:**
  **Susan Allen**
  Attorney, Office of Policy and International Affairs, US Patent and Trademark
  Office
  **Jan Rosén**
  Professor, Stockholm University
  **Jerker Rydén,**
  Senior Legal Advisor Royal Library
  **Mats Jönsson,**
  Professor, Gothenburg University

  Each panellist up to 5 minutes to present their main points.
  General discussion: 35 minutes (panellists and members of the audience)

• Coffee break (20 min)

• Second panel – *Data Protection and researchers access to source material in libraries
in a global perspective* (60 min)
  10:30 – 11:30

  **Moderator:**
  **L.L.D. Liane Colonna**
  The Swedish Law and Informatics Research Institute, Faculty of Law,
  Stockholm University
  (up to 5 minutes to introduce the subject matter; intro of speakers – just
  name and affiliation, please see bios in print materials and online.)

  **Panellist:**
  **Anna Colaps**
  Policy Assistant to the Supervisor, European Data Protection Supervisor,
  Brussels
  **Professor Uno Fors**
  Head of Department of Computer and Systems Sciences at Stockholm
  University
  **Professor Cecilia Magnusson Sjöberg**
  Stockholm University, Public Inquiry on data protection and research as well
  as the Royal Library
Jerker Rydén
Senior Legal Advisor Royal Library

Each panellist up to 5 minutes to present their main points.
General discussion: 30 minutes (panellists and members of the audience)

- Coffee break (20 min)

- Concluding interdisciplinary panel (Data Protection/Copyright) (60 min)
  11:50 – 12:50

Moderator:
L.L.M. Daniel Westman
Phd-student, Faculty of Law Stockholm University (up to 5 minutes to introduce the subject matter; intro of speakers – just name and affiliation, please see bios in print materials and online.)

Panellists:
Susan Allen
Attorney, Office of Policy and International Affairs, US Patent and Trademark Office
Anna Colaps
Policy Assistant to the Supervisor, European Data Protection Supervisor, Brussels
Professor Jan Rosén
Stockholm University
Jerker Rydén
Senior Legal Advisor Royal Library
Professor Cecilia Magnusson Sjöberg
Stockholm University

Each panellist up to 5 minutes to present their main points.
General discussion: 30 minutes (panellists and members of the audience)

Lunch 12:50 – 13:50

Workshop: Data Protection and TDM within Libraries
13:50 – 15:30

The workshop is led by Professor Uno Fors, Digital Humanities, Stockholm University, and L.L.D. Liane Colonna, the Swedish Law and Informatics Research Institute, Faculty of Law, Stockholm University, aims at bringing together participants to;
- Discuss how Text and Data Mining can be facilitated within the library context
- Summarise the most recent regulatory developments at international level in the area of privacy and data protection and analyse the potential implications of such developments for libraries.
Backdrop / Issues to address

A major challenge for libraries is to digitally provide requested material to the research community. The technology allows remote access and enables users to access regardless of time and space. Much research is being conducted today in an international environment where geographical boundaries as such are of little relevance to the research community. An infrastructure therefore needs to meet such needs. An improved remote access facilitates access to source materials and at the same time eliminates many temporal and spatial obstacles to the research. Improved access increases accessibility and both speeds up the process and simplifies for researchers to gain an overview of their specific subject. In order for a service to help make new scientific discoveries possible, access to materials therefore needs to be made more and more independently of time and space.

In 2015 the National Library of Sweden hosted and organized the conference “Access to Digital Archives and Libraries through Cross Border Collective Rights Management of Copyright”. The conference focused on how to provide cross-border access to content in archives and libraries for the benefit of research. The well attended conference, with participants from many countries, focused on flexible licensing agreements as a way to meet the demand for digital content.

This seminar will follow up on the conference but address more specifically access to source material and Text and Data Mining, i.e. mining for knowledge.

One aspect that was not in the scope of conference was the General Data Protection Regulation and its implications on data exchange, a subject that this follow up seminar will address. The GDPR will regulate the exchange of data.

Thus data – which is the centrepiece in the digitization of society/focal of gravity – has a as coin two sides, copyright and data protection.

Even though the seminar will focus on data protection and copyright as far as access to source material and TDM are concerned, many aspects of the topics and potential conclusions are in many ways relevant for other sectors of society.

The EU Commission has in the proposal for a directive on copyright in the Digital Single Market (DSM Directive) elaborated on the reasons for and objectives of the proposal. It says: The evolution of digital technologies has changed the way copyright protected works are created, produced and distributed etc., and new uses have emerged. Furthermore in the digital environment cross-border uses have also intensified. Even though the objectives and principles laid down by the EU copyright framework remain sound, there is a need to adapt it to these new realities. Intervention at EU level is also needed to avoid fragmentation in the internal market. Against this background, the Digital Single Market Strategy adopted in May 2015 identified the need “to reduce the differences between national copyright regimes and allow for wider online access to works by users across the EU”. This Communication highlighted the importance to enhance cross-border access to copyright-
protected content and to facilitate new uses in the fields of research and education. In December 2015, the Commission issued a Communication ‘Towards a modern, more European copyright framework’. This Communication outlined targeted actions and a long-term vision to modernise EU copyright rules. The proposed DSM Directive said to be one the measures aiming at addressing specific issues identified in that Communication.

The EU says in the new General Data Protection Regulation (GDPR) applicable as of May 25, 2018, that technology has transformed our world and should further facilitate the free flow of personal data within the Union and to the outside world, while ensuring a high level of protection is ensured for personal data. EU’s conclusion is that the changes require a strong and coherent framework for data protection in the European Union. The Regulation will be supplemented by national legislation. As in many Member States a government inquiry in Sweden is examining what kind of additional national legislation is required for research and the Royal Library i.e. the national library of Sweden. The government inquiry has already presented a proposal for a Research Data Act and by mid October 2017 the government inquiry will propose legislation that will address the Royal Library, which provides the necessary infrastructure and source material for research.

Is there an inherent contradiction in the proposed DSM Directive and GDPR – i.e. the globalization of the exchange of data while the EU sets up a framework for data protection that can possibly be perceived as barriers and it address cross-border access from a purely EU-centric perspective and based on legal assumptions only applicable in Member States (e.g. Article 4) while in other countries such as USA fair use which is confined to the jurisdictions of US courts is said to address new uses such as TDM? What kind of implications does the proposed DSM Directive and GDPR and supplementing national legislation on data protection that is now being investigated have on research and libraries in Member States as well as abroad e.g. UK post BREXIT and the USA?

When the EU directive on data protection came into force in 1995, the Internet was still in its infancy, yet the directive caused a lively debate about its compatibility with the Internet and the free flow of data. At this time, Sweden chose to adapt an abuse-centered regulatory approach. This approach seeks to enhance the efficacy of data-protection rules by simplifying and focusing them on preventing the misuse of personal data.1 Pursuant to Sweden’s misuse model, unstructured processing of personal data is allowed unless it constitutes a misuse of the privacy of an individual.2 That is, controllers do not have to comply with rules such as providing notice to a data subject and obtaining his/her consent

to process personal data where the controller processes personal data that is not structured in a way which facilitate searches for or compilations of data.³ Wong explains:

One of the main rationales for (the misuse model) is that computers today have become a tool for information handling used everyday, by everybody, everywhere, and for everything, and therefore it is not reasonable to apply the traditional, bureaucratic data-protection principles on the person handling the personal data, writing an email and so forth. It is premised on the rule that the processing of personal data is not permitted if it involves improper intrusion of personal integrity.⁴

The GDPR eliminates the possibility for Member States like Sweden to retain the misuse model.

Data protection and copyright is "by default" global issues. Research is conducted internationally and depends on the global network. This is further emphasised with Brexit since UK will become a 3rd Country which will have concrete implications for EU research institutions cooperate since many years with UK universities etc. The importance of cooperation with universities in the USA cannot be overstated. Hence the potential of future research depends very much on to the extent data can be derived from research libraries / national libraries and be utilized on a global level. How will the global flow of research data, e.g. using TDM and the Digital Humanities to be realized? Do the GDPR one the one hand and the proposed DSM Directive / Fair Use enable this? Or is supplementary national legislation a solution or does it require any further mechanisms such a best practice accepted by the EU and other countries in terms of trade agreements?

**When:**

**Venue:**

**Target group:**
Representatives of initiated librarians, scholars, policymakers and attorneys in the EU as well as abroad, which can provide insights and relevant questions from the audience. Targeted invitations to representatives said stakeholders such as library and research community, government and interest groups.

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Maximum number of participants:
The venue cannot take more than 150 people.

Moderators:
L.L.D. Liane Colonna, The Swedish Law and Informatics Research Institute, Faculty of Law, Stockholm University, and LLM Daniel Westman, Phd-student, Faculty of Law Stockholm University, as the main moderators and additional moderators for other sessions regarding other areas such as library / research and technology related research.

Focus areas:
Copyright as regard to research and libraries in a global perspective and data protection (the General Data Protection Regulation and on-going public inquiries on Data Protection and research / libraries) will be the main focus. Attorneys, academics, research community and libraries to be represented on the panels as well as in the audience.

The seminar is construed as a series of panels with topics exploring different problems all of which are linked together and concluded by a final panel, which will sum up the overall problems, challenges and possible solutions.

After the seminar there is a workshop dedicated to Data Protection Aspects of research using TDM in Libraries.

Speakers and panellists:
Susan Allen
Attorney, Office of Policy and International Affairs, US Patent and Trademark Office
Anna Colaps
Policy Assistant to the Supervisor, European Data Protection Supervisor, Brussels
Uno Fors, Professor and Head of department of Computer and Systems Sciences at Stockholm University
Mats Jönsson,
Professor, Gothenburg University
Jan Rosén,
Professor, Stockholm University.
Jerker Rydén,
Senior Legal Advisor Royal Library, vice chair CENL Legal WG, member of EBLIDA EGIL
Cecilia Magnusson Sjöberg,
Professor Stockholm University, Public Inquiry on data protection and research as well as the Royal Library.