



DIGITAL RIGHTS CENTER

International regulation
of open data

Sarkis Darbinyan

Managing partner of the Digital Rights Center
Co-founder of the RosKomSvoboda NGO



2021, Moscow

The Open Data



DIGITAL RIGHTS
CENTER

- [Price Paid Data](#) (UK)
- [Major Projects Authority](#)(UK)
- [Spot Crime](#) (USA)
- [Portal Transparencia](#) (Brazil)
- [Onorata Instanta](#) (Romania)
- [Spend Network](#) (UK)

The Open Data Charter



DIGITAL RIGHTS
CENTER

The Open Data Charter is a collaboration between over 150 governments and organisations working to open up data based on a shared set of principles

<https://opendatacharter.net/>

Standards



DIGITAL RIGHTS
CENTER

- **Principles of Open Data Chapter**
- **Standards of Frictionless Data**
- **Standards of Project Open Data**
- **Standards of The ODI**
- **Standards of Johns Hopkins University**

The legal field of open data



DIGITAL RIGHTS
CENTER

- 1. The legal framework that ensures the publication of open data by the state**
- 1. Legal issues related to the published data themselves**
- 1. Licences regulating the use of data**

Open by default

In global practice, an important direction of regulatory development is the introduction of the principle of "open by default". The current domestic regulation does not yet use this principle and, as a consequence, in most examples of public information systems most of the data stored in them remain inaccessible.

Open data and artificial intelligence

Open data is a critical component of much publicly available work related to artificial intelligence (AI). For example, without open data sets, the Kaggle platform, which provides access to a large number of data sets used for machine learning and regularly runs related competitions, would be severely limited.

The European Union monitors the use of open data for AI systems, and the international NGO Web Foundation conducts research on the use of open data in AI and the moral and ethical constraints on the use of new technologies.

Sensitive information

When publishing open data, it should be taken into account that there is a rather extensive layer of information whose disclosure may carry risks for the subject to which it relates. First and foremost, this applies to personal data of individuals.

The first binding instrument to protect individuals against abuses that might occur when collecting and processing personal data, and, at the same time, to regulate the flow of personal data across borders, was the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, which entered into force in 1985 and was last amended to be updated in 1999. Russia also acceded to it, ratifying it in 2005.

GDPR



DIGITAL RIGHTS
CENTER

The European Union has gone further by adopting the General Data Protection Regulation (GDPR), the European legislation on personal data protection. The provisions of this regulation are extraterritorial: the European Union applies to any organisation that provides services, goods or services to consumers in its territory. It does not matter whether the company is also registered in the EU or outside the EU.



Licences

- A licence is a contract whereby the owner of a work (the licensor) grants another party (the licensee) the right to use the work within the limits set out in the contract. In the case of data it is the rules that determine how your published material can be used in the future.
- All licences can be divided into commercial (proprietary) and non-commercial (free). The former are used to make money from your information product while the latter are used to allow others to use it for free. Accordingly, publishing open data requires the use of licences that will provide the legal basis for this openness.
- Non-commercial licences can also be conventionally divided into two types: open and free. Despite the seemingly similar names, these licences operate on different principles. The main difference between them lies precisely in the rights to create derivative works.

Free licences

There are two main types of free licences: virus licences and permissive licences.

Permissive licenses such as the BSD (Berkeley Software Distribution license) were originally written for software. The essence of these licenses is the following: the object can be used as desired (including as part of a commercial product) but the author of the original work must be credited. This type of license does not impose any other restrictions.

Viral licences, invented by Richard Stallman. Alternatively called "copyleft licenses". The copyleft license has a distinguishing feature: if you take a work which is distributed under such a license, all derived works from it must also be distributed under that same license. If, for example, the data published under such a license is used to build a new dataset, the whole must be distributed under that free license's terms.

In case the conditions of the licence are not met, the rightsholder can make a claim against the dishonest user for illegal use of the intellectual property.

Creative Commons



DIGITAL RIGHTS
CENTER



Problems



Data aggregation and integration projects are always in a balance between respecting the public interest and non-disclosure of data restricted for publication. In 2007 in the US, a number of contract information published on the public portal Fedspending.org were deleted due to the disclosure of personal user data. Similar examples exist in many countries where creators of digital services are forced to remove or correct previously published public data.

CONTACT



Sarkis Darbinyan

facebook.com/ssdarbinyan
ssd@digitalrights.center



**DIGITAL RIGHTS
CENTER**

digitalrights.center