

Safeguarding Personal data protection in an Open data World (SPOW) (2015-2020)

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Safeguarding data Protection in an Open data World (SPOW)

- A new legal construct (a balancing model) that supports the benefits and protects the interests of **open data** and **data protection**

Open data

1. Data Must Be Complete
2. Data Must Be Primary
3. Data Must Be Timely
4. Data Must Be Accessible
5. Data Must Be Machine processable
6. Access Must Be Non-Discriminatory
7. Data Formats Must Be Non-Proprietary
8. Data Must Be License-free
9. Compliance must be reviewable
10. The work shall be available as a whole and at no more than a reasonable reproduction cost

<http://opengovernmentdata.org> & <http://opendefinition.org/okd>

Or simply

- Data without any restrictions in the (re-)use and provided for free

EU Digital Agenda

- Open data, unless personal data!

Data protection in the EU

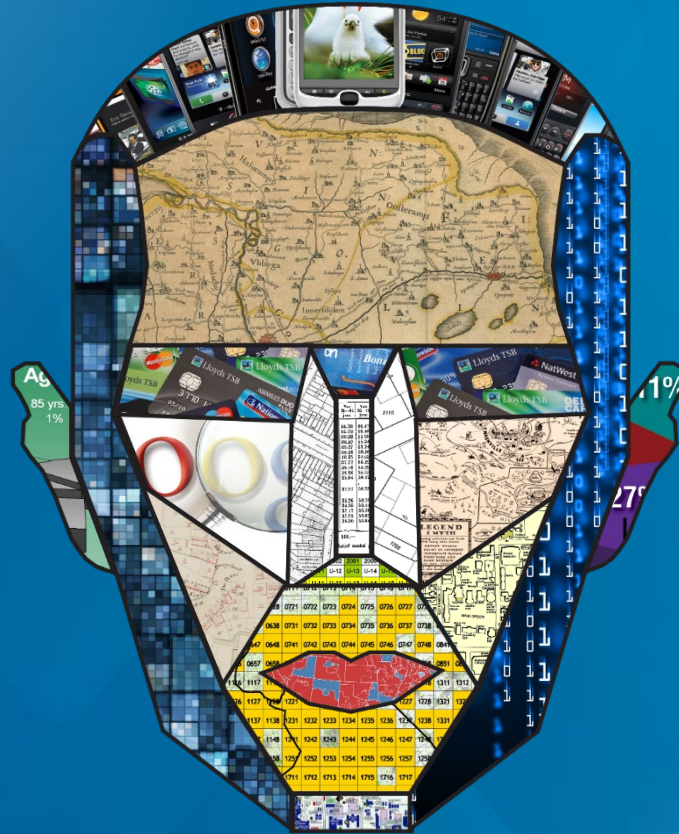
- Data Protection Directive (EC/95/46) provides the conditions for processing personal data (now: General Data Protection Regulation)

If Directive applies then:

- Personal data should be collected for *specified, explicit and legitimate purposes* and not further processed in a way incompatible with those purposes.



Bron: Danielle Groetelaers



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“How can the interests of the right to data protection be balanced with the interests of open data into a legal construct [..]?”

Results

- Dalla Corte, L. (2020). [Safeguarding data protection in an open data world; On the idea of balancing open data and data protection in the development of the smart city environment](#). Dissertation.
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- Dalla Corte, L. (2019). [Scoping Personal Data: Towards a Nuanced Interpretation of the Material Scope of EU Data Protection Law](#). *European Journal of Law and Technology*, [S.l.], v. 10, n. 1, may. 2019. ISSN 2042-115X.
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- Dalla Corte, L., (2018). [Towards Open Data Across the Pond](#). In: van Loenen, B. (ed.), Vancauwenberghe, G. (ed.) & Cromptvoets, J. (ed.), 2018, [Open Data Exposed](#). The Hague: TMC Asser Press. 290 p. (Information Technology and Laws Series; vol. 30).
- Dalla Corte L. (2018) [The European Right to Data Protection in Relation to Open Data](#). In: van Loenen B., Vancauwenberghe G., Cromptvoets J. (eds) Open Data Exposed. Information Technology and Law Series, vol 30. T.M.C. Asser Press, The Hague
- Dalla Corte, L., van Loenen, B., Cuijpers, C. (2017). [Personal Data Protection as a Nonfunctional Requirement in the Smart City's Development](#). *13th International Conference on Internet, Law & Politics: Managing Risk In the Digital Society*. Anglès Juanpere, B. & Balcells Padullés, J. (eds.). Barcelona, p. 76-92 16 p.

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*On the idea of balancing open data and data protection
in the development of the smart city environment*

LORENZO DALLA CORTE



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