

ACCESS AND REUSE OF MACHINE-GENERATED DATA FOR SCIENTIFIC RESEARCH

ABSTRACT
(492 words)

Research question

What are the legal tools that researchers can use to gain access to privately held machine-generated non-personal data for the purposes of scientific research?

Short description

Data sharing has been at the forefront of policy and legislative reforms in the latest years, from open source software to open government data and from open research data to open science in general. The innovation potential that incite enhancing data access and reusability practices illustrate significant value derived from data sharing practices. Access to knowledge is considered not only a vector for scientific progress that stimulates innovation but also an indispensable tool committed to the development of a democratic society. The smart use of data has a transformative effect on the economy and on society in general; it can revolutionise citizens' quality of life and create new growth business opportunities. In this context, legislators focus around two agendas: firstly, to create normative frameworks that streamline free circulation of personal data all while ensuring privacy during personal data processing and secondly, to open public sector information in order to further facilitate participatory democracy and to promote economic development.

The exponential availability of quantities of data, much of which is generated by machines and sensors, has left few areas of citizens' lives unaffected. While regulation of the mass data collection focuses on maintaining the balance between the promotion of innovation and respect of privacy rights, the question of access and transfer to machine generated data are of paramount interest to the legislator. Besides personal data and public sector data, the field of machine-generated non-personal data remains unexplored. Recently, the European legislative body has been examining relevant regulatory frameworks.

Efforts to reinforce a European digital data market has been brought forward with the special case of machine-generated non-personal data whose number grows exponentially particularly with the rapid growth of the Internet of Things market. In its report, the European Commission points out that innovation based on the data in question is lacking because the actors involved in the data economy do not possess the tools necessary to explore all potential of the data. The question that emerged from the Commission's report is whether data markets can be regulated by

exceptional legal rules that allocate specific access rights to expressly designated actors in order to foster innovation and knowledge production.

Both the business sector and the European Commission have pointed out the innovation potential and the social benefits that can be drawn from the scientific outputs of the processing of machine-generated data. For this reason, the Commission examines the possibility of “enhanced access to commercially-held data for scientific researchers funded from public resources could be contemplated”.

Methodology

The paper builds upon the author’s pre-existing research on openness and open data licensing. The approach to the specific case of machine-generated non-personal data is exploratory and descriptive, focusing on the existing practices and normative framework. On this basis, the research proceeds to its normative offering, in the form of legislative and doctrinal proposed solutions.

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