



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR COMMUNICATIONS NETWORKS, CONTENT AND TECHNOLOGY

Data
Data Policy and Innovation

Luxembourg
CNECT.G.1/JM

By email: rachel@access-info.org
Helen Darbshire
Executive Director
Access Info Europe

Dear Ms Darbshire,

Thank you for the Joint Statement on Open Data Directive & Company Ownership Transparency that you addressed to the Commissioners Breton and Jourová on behalf of the 101 leading transparency, anti-corruption and open data organisations from across Europe. The Commissioners have asked me to reply to you on their behalf.

In order to facilitate the creation of EU-wide information products and services and to ensure the effective cross-border use of public sector documents, the Open Data Directive empowers the Commission to adopt implementing acts laying down a list of specific high-value datasets to be made available to anyone as free open data. The recently finalised Impact Assessment indicates that the re-use of company and company ownership data can bring clear social benefits to areas such as fighting crime, increased public engagement and understanding of economic processes. Furthermore, it is crucial for the financial sector, including entities facilitating access to finance for SMEs (trade credits), the business information sector or market research and various business analytics services.

At the same time, the Open Data Directive reiterates the well-established relationship between the EU legal regime on the protection of personal data and the rules on the re-use of public sector information by confirming that it is “without prejudice to Union and national law on the protection of personal data”. This means that the re-use of personal data held by a public sector body is allowed under two conditions: the data is generally accessible and the re-use (i.e. personal data processing) is carried out in full respect of the GDPR, which takes precedence over the provisions of the Open Data Directive. The implementing act on high-value datasets refers to data that falls within the scope of the Open Data Directive and is therefore subject to the same limitations.

The Commission intends to maximise the beneficial impact of the high-value datasets in all data domains indicated in the Open Data Directive. However, these socio-economic benefits must be weighed against the costs to be borne by the public sector bodies (notably related to the establishment of the APIs but also resulting from the free availability of high-value datasets). In addition, the inclusion of personal data (e.g. the names of beneficial owners or the names of the legal representatives of a company) means that the re-use modalities will need to reflect the requirements of the EU personal

data protection regime. The final choice of the datasets will be influenced by many factors besides the abovementioned socio-economic benefits.

The Commission is currently at the stage of drafting the future implementing act and will shortly move towards the comitology procedure, in which the draft text will be consulted and validated with the Member States.

We would like to reassure you that the arguments put forward in your joint statement are duly examined in this context.

Please do not hesitate to contact Federico Milani (Federico.Milani@ec.europa.eu) if you have any further questions.

Yours faithfully,

e-signed

Yvo VOLMAN
Head of Unit