# Open Data: Bridging the Data Divide

From climate change to global health pandemics, tackling today's most pressing challenges will require data-driven responses. BSA's Open Data Agenda will enhance the collective benefits of data by advancing responsible policies that facilitate greater sharing, collaboration, and experimentation with data resources while protecting privacy. To that end, BSA will partner with policymakers, public interest organizations, and other interested stakeholders to:

**1** Promote Effective Government Data Sharing

**2** Promote Greater Industry Data Sharing

**3** Promote Privacy Enhancing Technologies and Data Governance Structures

## 1 Promote Effective Government Data Sharing

Government-generated data is an important asset that can serve as a powerful engine for creating new jobs, promoting economic growth, and enabling innovation. At the state and federal level, agencies collect and generate vast quantities of data that offer unique insights into virtually every facet of the modern world, from satellite imagery that can help predict the weather to transportation data that can help reduce congestion. The OPEN Government Data Act, the Federal Data Strategy, and the American AI Initiative each seek to maximize the availability of non-sensitive government data for use by the public. To fully deliver on this vision, the BSA will support efforts to:

» **Create a Federal Commission to Enhance Open Government Data:** Prioritizing the release of high-value government data assets is an important objective. However, identifying the particular data assets that would be most valuable to the private sector has proven difficult. On the one hand, it is difficult for government to predict industry's specific data needs. On the other, it is difficult for industry to request access to data assets that they may not know exist. To resolve this impasse, BSA supports the creation of a federal commission that would bring together experts from the government, industry, academic, and public interest communities to examine: (1) what government data assets would be

most useful for industry, academic researchers, and the public, (2) what data assets the government has that are currently being underutilized, and (3) ways to make such data assets available for R&D uses while ensuring that privacy is protected if they include personal information. The commission should also (4) identify opportunities for agencies to make better use of technologies, such as APIs, to provide access to real-time data, (5) and recommend data collection, data governance, and data licensing practices to enhance the usability and interoperability of future data assets.

» **Appoint a Federal Chief Data Officer:** Ensuring that data is collected, maintained, and shared in ways that maximize its value is a complex task that requires dedicated senior leadership. The OPEN Government Data Act empowers each agency to appoint a Chief Data Officer (CDO) to oversee data governance and ensure that data resources can be leveraged across departments. Although agency CDOs will help maximize the value of data within each individual agency, ensuring whole-of-government interoperability will require a consistent approach to data governance. BSA therefore supports the appointment of a Federal Chief Data Officer to oversee the development of a common data architecture across government networks.

» **Advocate for State Open Government Data Laws:** Many states and municipal governments have already embraced the opportunities that arise when non-sensitive data is made open by default. Those that have not should be encouraged to do so. BSA will work with states to promote open data legislation similar to the OPEN Government Data Act.

» **Enhance Interoperability of Government Data:** Ensuring that government data is available for use is an important first step. But leveraging multiple streams of data to generate new insights is where real value is generated. Promoting interoperable approaches to data governance across the states is therefore a critical long-term objective. BSA encourages federal agency and state CDOs to collaborate on shared approaches to data governance.

» **Support Open Data Trade Commitments:** Developing solutions to today's most pressing global challenges will require international cooperation on data access considerations. As an integral component of the digital economy, trade agreements should include commitments that facilitate access to and use of non-sensitive government data.

## 2 Promote Greater Industry Data Sharing

Although there is increasing recognition of the collective benefits that data sharing produces, the establishment of collaborative data sharing arrangements can be impeded by multiple technical, legal, and organizational challenges. BSA will work with stakeholders to diagnose these impediments and provide recommendations for overcoming them. In creating these recommendations, BSA will seek to:

» **Protect Competition and Enhance Privacy:** To promote more robust data industry data sharing, BSA will support an expedited review process to enable regulators to enable relevant authorities to review and clear data sharing arrangements, consistent with competition and privacy considerations.

» **Promote the Development of Data Sharing Tools and Best Practices:** BSA supports the development, availability, and adoption of tools and best practices that make it easier and less expensive to share data in ways that are consistent with rigorous privacy expectations. Technical tools, such as application programming interfaces (APIs), can facilitate data exchanges that are faster and more secure than traditional transfers and create opportunities

**64%** of business executives polled in a recent MIT global survey pointed to a lack of regulatory certainty as a deterrent to voluntary data sharing.

**Source:** MIT Technology Review, *The Global AI Agenda: Promise, Reality, and a Future of Data Sharing* (March 26, 2020), available at https://bit.ly/GlobalAIagendaPDFENG

for empowering the public with greater access to their own data. Much as the development of standardized open source licenses gave rise to a new model for software innovation, standardized data license agreements can facilitate new collaborative approaches for sharing data resources.

» **Share Computing and Data Resources:** Many opportunities exist to bridge the gap between organizations that produce data and the technology companies that develop cutting-edge data analytics tools and platforms. BSA will support public-private partnerships and other incentives for voluntary sharing initiatives that unlock the collective benefits of data.

## 3 Promote Privacy Enhancing Technologies and Data Governance Structures

Emerging technologies and data governance structures can enable value-added uses of data without compromising the confidentiality of the underlying data. BSA supports policies and initiatives that:

» **Leverage Emerging Technologies to Enhance Privacy:** A range of emerging technologies, including differential privacy, homomorphic encryption, and federated machine learning, create opportunities for sharing data while preserving individual privacy. These technologies can be used to maximize both the value and the confidentiality of sensitive information.

» **Enhance Opportunities for Data Collaboration:** BSA supports the development of innovative data governance structures—such as data trusts, data cooperatives, and data commons—that facilitate public and private sharing of data in ways that preserve privacy while enabling participants to benefit from the analysis of potentially sensitive data. Investments in R&D and the creation of regulatory sandboxes can help spur the development of such arrangements.