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Privacy: The Beginning of the End for Open Geodata?

On 18 June 2013, open data reached another level of awareness with the G8 Open Data Charter. The G8 agreed to release high-quality open data that is timely, comprehensive and accurate. They also agreed to use robust and consistent metadata and identified areas of high value, which included geographic information. They pledged to make national maps available and discoverable, and to work towards improving the granularity and accessibility of these maps by December 2013. This is very welcome support for the members of the open data community who are working hard towards achieving the promised billions of extra economic value creation through open data.

What the G8 charter did not address was many people's growing concern about the potential interference of open data with the right to privacy or, if you prefer, 'right to data protection'. Both the recently published EU Directive 2013/37/EU on the re-use of public sector information and the U.S. Executive Order of 9 May, 'Making Open and Machine Readable the New Default for Government Information', addressed the issue explicitly. Whereas Europe kept it to a promise that the review of the Directive should focus on interaction between data protection rules and re-use possibilities, the Memorandum accompanying the U.S. Executive Order acknowledged that the key in the interaction between open data and privacy legislation is the so-called 'mosaic effect'.

This effect occurs when the information in an individual dataset, in isolation, may not pose a risk of identifying an individual but could pose such a risk when



Will privacy lock all open data doors?

combined with other available information. Therefore, U.S. Government agencies must consider other publicly available data in any medium and from any source when assessing the potential risk, and the EU data protection Directive 95/46/EC requires a similar process.

Since the risk of identification of an individual increases significantly if the data includes a location (e.g. the value of a specific property), geographic data shall often be considered one of the critical identifiers and thus subject to the privacy/data protection legislation. The question is probably only at which level of aggregation is the risk of identification acceptable. With the ever-increasing technological advances to 'de-anonymise' data, including geographic data, theoretically all data should ultimately be considered personal data or personally identifiable data. In the short run, much of today's open geodata can expect a re-assessment of its role in identifying individuals. In the likely instance that the data is considered to fall within the scope of privacy/data protection

legislation, it will no longer be open. Since open geodata was expected to account for a major portion in the promised extra economic value creation of open data, associated economic forecasts also need to be adjusted.

If nations, regions and global institutions including the G8 do not quickly produce guidelines clearly outlining how data providers should deal with the interaction between privacy/data protection rules and open data, then this could signal the beginning of the end for open data. ◀

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