



KRAKEN

**Brokerage and market platform
for personal data**

Legal aspects of the KRAKEN system

Women in technology behind data-sharing, privacy preservation and SSI

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- 1. Roles under the GDPR**
- 2. Legislative developments**
 - Data Governance Act
 - Data Act
 - Digital Identity Regulation



Roles under the GDPR

Most important roles:

- **Data subject:** natural person whose personal data are processed
- **Data controller:** determines the purposes and means of the processing
- **Data processor:** processes personal data on behalf of the controller

→ Controller: main responsible for compliance with the GDPR obligations

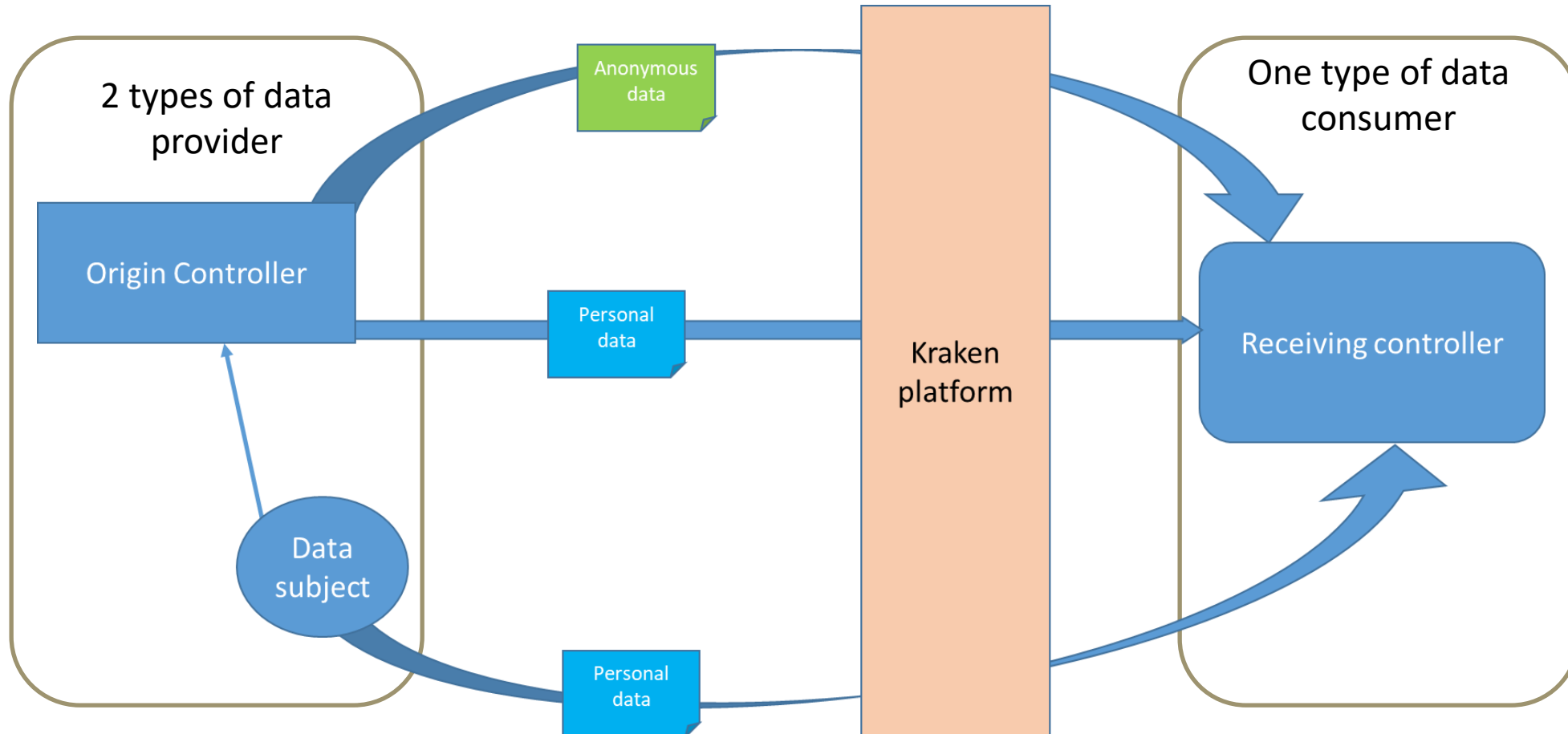
→ Allocation (except if provided by law): factual assessment

- Controller: alone or jointly determines the purposes and means
- **Joint controllers:** several controllers jointly determine the purposes and means of the processing

Different forms of joint participation:

- Common decisions: decide together
- Converging decisions: decisions are converging on purposes and essential means
 - Complement each other and are necessary for the processing to take place
 - Based on case law: Wirtschaftsakademie, Jehovan todistajat, Fashion ID

Data provider/data owner	What Data will be provided?	GDPR actor	KRAKEN acting	GDPR actor	What data will be provided?	Data buyer – GDPR actor	Nr. Of controllers
“origin controller”	Anonymous data	GDPR not applicable	/	/	/	/	0 [1]
	Personal data	Controller	Only upon instructions of the <u>Origin controller</u> or <u>Receiving controller</u>	Processor	Personal data	Controller	2
					Anonymous data	GDPR not applicable	1
			Determining own means and purposes	Controller	Personal data	Controller	3
Anonymous data	GDPR not applicable [except possible Joint Control]	2					
Data subject	Personal data	Data subject	Only upon instructions of the <u>Receiving controller</u>	Processor	Personal data	Controller	1
					Determining own means and purposes	Controller	Personal data
			Anonymous data	GDPR not applicable [except possible Joint Control]			1



- For account data:
 - Account: data subject
 - KRAKEN platform: controller
- For content data:
 - Batch data:
 - Provider: controller or data subject
 - KRAKEN platform: nothing/processor for consumer/joint-controller?
 - Consumer: controller
 - Data analytics:
 - Provider: controller or data subject
 - KRAKEN platform: processor for the analytics
 - Consumer: controller for the analytics, afterwards, if result anonymous: GDPR does not apply anymore
 - Data streams:
 - Provider: controller (data union manager)
 - KRAKEN platform: nothing/processor/joint-controller?
 - Consumer: controller



Legislative developments

- **What is it?**

Proposal for a Regulation of the European Parliament and of the Council on European data governance, 25.11.2020

- **What does it aim for?**

→ foster the availability of data for use by increasing trust in data intermediaries and by strengthening data-sharing mechanisms across the EU

- Making public sector data available for re-use, in situations where such data is subject to rights of others.
- Sharing of data among businesses, against remuneration in any form.
- Allowing personal data to be used with the help of a 'personal data-sharing intermediary', designed to help individuals exercise their rights under the General Data Protection Regulation (GDPR).
- Allowing data use on altruistic grounds.

- **What is important for KRAKEN?**

Chapter 3 and 4: Requirements applicable to data sharing services and data altruism

- **Current status**

Awaiting Council's 1st reading position

- **What is it?**

Proposal for a Regulation of the European Parliament and of the Council on harmonised rules on fair access to and use of data, 23.2.2022

- **What does it aim for?**

→ ensuring fairness in the allocation of value from data among actors in the data economy and to foster access to and use of data

- **What is important for KRAKEN?**

- Provides data subjects a possibility to receive and share data generated by products or services they use
 - Includes obligations for the data consumer

- **Current status**

Awaiting committee decision

- **What is it?**

Proposal for a Regulation of the European Parliament and of the council amending Regulation (EU) No 910/2014 as regards establishing a framework for a European Digital Identity

- **What does it aim for?**

Amends the eIDAS Regulation: E.g. include European Digital Identity Wallets and extra trust services (electronic attestations of attributes, qualified electronic archiving and electronic ledgers)

- **What is important for KRAKEN?**

Potentially for SSI: EDIW and electronic attestations of attributes

- **Current status**

Awaiting committee decision





Thank you for your attention !

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