TO: European Commission
TO: Directorate-General for Communications Networks, Content and Technology
TO: Directorate-General for Justice and Consumers

Reference 1:
COM/2017/010 final – 2017/03 (COD)
Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
concerning the respect for private life and the protection of personal data in electronic
communications and repealing Directive 2002/58/EC (Regulation on Privacy and Electronic
Communications)
http://eur-lex.europa.eu/procedure/FI/2017_3

Reference 2:
COM/2017/08 final – 2017/02 (COD)
Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on
the protection of individuals with regard to the processing of personal data by the Union
institutions, bodies, offices and agencies and on the free movement of such data, and repealing
Regulation (EC) No 45/2001 and Decision No 1247/2002/EC
http://eur-lex.europa.eu/procedure/FI/2017_2

First of all, a lot of thanks to two Directorate-Generals (DG CNECT and DG JUST) for organising
this important consultation.

This opinion represents an opinion of an individual citizen, not any legal entity.

This opinion does not contain:
- any business secrets
- any trade secrets
- any confidential information.

This opinion is public.

PDF file of this opinion can be added to a relevant web page

Annex 1 holds information about previous consultations on the European Union level.
Annex 2 holds information about disclaimers and copyright.

Best Regards,

Jukka S. Rannila
citizen of Finland
signed electronically

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First conception for information systems

In previous consultations I have presented a figure of information system. Generally speaking programs (most arrows) is the central point for information systems.

We have to note that data can have different models and data (models) are developed and/or used by different stakeholders (four basic functions). Especially in databases there are possibilities for several data models; depending on the modellers there can be different data models in databases. Generally speaking changing data models can be very difficult in many cases.

Here we can note Directive 2009/24/EC:


There is a Wikipedia article about this directive

Computer Programs Directive


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Here we can note Directive 96/9/EC:

DIRECTIVE 96/9/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of
11 March 1996 on the legal protection of databases

There is a Wikipedia article about this directive:

We can note that probably there is no need for changing these two directives. However usage of
computer programs and databases could be regulated in some cases.

Therefore there could be some assessment of these two directives based on results of these
consultations.

**Question: How we can/must regulate usage of computer programs and usage of
databases?**

**Processing of data (add, retrieve, change, remove)**

Here we can note that processing of data means following functions: add, retrieve, change,
remove.

Based previous consultations we can note that retrieving (retrieve) data from information systems is
the most common function. Therefore there could be some regulations for retrieving information.

**Some questions?**

Here we can note that there can different possibilities for documents and databases:

1) A document can be a traditional paper-based document
2) A document can be electronic document
3) A database can be a collection traditional paper-based documents
4) A database can be electronic database
5) Different combinations of traditional documents/databases (1-4) AND electronic
documents/databases (1-4).

**Second conception for information systems**

[Continues on the next page]
Now we can add four basic functions, communication, displays, interfaces, users, documents, data and databases for describing an information system.

Some issues to be consider – public systems and private systems?

Here we can note following combinations:

- public ↔ public
- private ↔ private
- private ↔ public
- (public ↔ private)

Some humble notions

Based on previous considerations there could be some efforts:

I) Assessing proposals (COD 2017/2 and COD 2017/3) based on private and public issues.

II) There could be some adjustments for (public ↔ private) public information systems.

III) There could be some adjustments for (private ↔ private) private information systems.

IV) There could be some adjustments for (private ↔ public) cooperation between public and private information systems.

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Some examples?

There can be some examples:

a) There could be some regulations for providing interfaces (private, public)
b) There could be some regulations for document formats (private, public)
c) There could be some regulations for transmitting data between different systems
d) There could be some regulations for using databases (private, public)
e) There could be some regulations for using programs (private, public)
f) There could be some regulations for retrieving information from different systems.

Other issues?

In the previous consultations I have advocated following solution as the maximum solution:

* public sector institute owns the machinery and processor of the information system
* the machinery and processor are based on relevant open standards
* the operating system is based on an open-source solution
* public sector institute owns the source code of the information system
* public sector institute owns the database of the information system
* the database is based on open-source solution and on relevant open standards
* public sector institute owns all data in the information system.

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Naturally, there can be solutions, which are not based on the maximum solution. It can be concluded, that this consultation is not (yet) about technical details.

Note: The relations between different aspects of information systems can result rather complicated (legal) network(s): i.e. Ownership, Membership, Agreement.

Here we can note the difference between owners, agreements and members. In reality ownerships and memberships cause very complex networks, and those networks are changing all the time: divisions, mergers, ownership changes, agreement changes, cooperation with other entities, life-cycles, etc.

There can be some examples:

- g) There could be some efforts for assessing ownership, membership and agreements
- h) Ownership, membership and agreements may mean some specific regulations
- i) There may be a need for standardising some issues
- j) There may be a need for assessing openness and closeness of some issues
- k) There may be a need for more technical consultations after this consultation
- l) Assessing current standardisation efforts could be assessed after this consultation

Here we can note that ownership, agreement and membership are interlinked in different ways. Generally speaking average usage of a system means an unique combination of ownership, agreement and membership. When everything works fine there are not problems. However changes with ownership, agreement and membership can result difficult situations.

Important consultations

Generally speaking both proposals (2017/03 (COD) and 2017/02 (COD)) are important legislative efforts. However there could be some efforts for assessing both private and public information systems.

Good luck!!!

This opinion is quite limited. Hopefully there are other constructive ideas presented in other opinions. This remains to be seen.

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ANNEX 1

My opinions to the previous and relevant consultations – there consultations were mostly organised by the Commission of the European Union.

EN: Opinion 1: Review of the rules on access to documents
http://www.jukkarannila.fi/lausunnot.html#nro_1

EN: Opinion 2: Schools for the 21st Century
http://www.jukkarannila.fi/lausunnot.html#nro_2

EN: Opinion 3: The future of pharmaceuticals for Human use in Europe - making Europe a Hub for Safe and Innovative medicines
http://www.jukkarannila.fi/lausunnot.html#nro_3

EN: Opinion 5: Consumer Scoreboard, Questionnaire for stakeholders
http://www.jukkarannila.fi/lausunnot.html#nro_5

EN: Opinion 6: Consultation on a Code of Conduct for Interest Representatives
http://www.jukkarannila.fi/lausunnot.html#nro_6

EN: Opinion 8: European Interoperability Framework, version 2, draft
http://www.jukkarannila.fi/lausunnot.html#nro_8

http://www.jukkarannila.fi/lausunnot.html#nro_9

EN: Opinion 15: Collective Redress
http://www.jukkarannila.fi/lausunnot.html#nro_15

EN: Opinion 17: Opinion to Antitrust Case No. COMP/C-3/39.530
http://www.jukkarannila.fi/lausunnot.html#nro_17

EN: Opinion 18: Opinion Related to the Public Undertaking by Microsoft
http://www.jukkarannila.fi/lausunnot.html#nro_18

EN: Opinion 19: Official Acknowledgement by the Commission
http://www.jukkarannila.fi/lausunnot.html#nro_19

EN: Opinion 20: SECOND Opinion Related to the Public Undertaking by Microsoft
http://www.jukkarannila.fi/lausunnot.html#nro_20

EN: Opinion 21: Opinion about the European Interoperability Strategy proposal
http://www.jukkarannila.fi/lausunnot.html#nro_21

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EN: Opinion 44: Evaluation policy guidelines
http://www.jukkarannila.fi/lausunnot.html#nro_44

EN: Opinion 45: About ICT standardisation
http://www.jukkarannila.fi/lausunnot.html#nro_45

EN: Opinion 46: Review of the EU copyright rules
http://www.jukkarannila.fi/lausunnot.html#nro_46

EN: Opinion 51: European Area of Skills and Qualifications
http://www.jukkarannila.fi/lausunnot.html#nro_51

EN: Opinion 52: Trusted Cloud Europe Survey
http://www.jukkarannila.fi/lausunnot.html#nro_52

EN: Opinion 53: Trade Reporting User Manual (TRUM) (Draft)
http://www.jukkarannila.fi/lausunnot.html#nro_53

NOTE: Organised by The Agency for the Cooperation of Energy Regulators (ACER)

EN: Opinion 55: European Energy Regulation
http://www.jukkarannila.fi/lausunnot.html#nro_55

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EN: Opinion 59: Green paper on mobile Health
http://www.jukkarannila.fi/lausunnot.html#nro_59

EN: Opinion 60: Cross-border inheritance tax problems within the EU
http://www.jukkarannila.fi/lausunnot.html#nro_60

EN: Opinion 61: European Register of Products Containing Nanomaterials
http://www.jukkarannila.fi/lausunnot.html#nro_61

EN: Opinion 64: Corporate Social Responsibility - European Commission
http://www.jukkarannila.fi/lausunnot.html#nro_64

http://www.jukkarannila.fi/lausunnot.html#nro_66

EN: Opinion 68: European Network Code Stakeholder Committees
http://www.jukkarannila.fi/lausunnot.html#nro_68

NOTE: Organised by The Agency for the Cooperation of Energy Regulators (ACER)

EN: Opinion 71: Common Schema for the Disclosure of Inside Information
http://www.jukkarannila.fi/lausunnot.html#nro_71

NOTE: Organised by The Agency for the Cooperation of Energy Regulators (ACER)

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My opinions to the previous and relevant consultations – there consultations were mostly organised by the Commission of the European Union. General page to all consultations – both in English and in Finnish: http://www.jukkarannila.fi/lausunnot.html

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ANNEX 2

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3 Based on the Finnish three-party system there is a phenomenon called extreme-centre in Finland. The 2011 parliamentary elections in Finland challenged the three-party system, since three “old” parties were not traditionally as the three largest parties. On 2015 this “new” party is part of the current Finnish Government. We all must be interested about this new development in Finland.

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