

A European Strategy for data

ACCIS, the Association of Consumer Credit Information Suppliers represents the largest group of credit reference agencies in the world, bringing together 42 members across 28 European countries and 8 associate and affiliate members from all other continents. The vision of ACCIS is “Enabling individuals and businesses to take informed decisions and conduct secure, trustworthy and efficient financial operations”.

FEBIS, the Federation of leading Business Information Services Providers and Credit Information Agencies comprises 132 full members around the globe involved in providing both business & consumer information services and credit reports, including scoring and debt collection services of national and international importance. The mission of FEBIS is to offer its members a platform for networking and community, carrying out actions to make more compatible regulatory issues with the credit reporting and financial systems, providing industry insights as well as taking care of external networking.

Introduction

1. Citizens and businesses are more than ever before dependent on access to loans and other types of finance. Access to finance is needed to overcome the impact of the COVID-19 crisis and to be able to recover afterwards.
2. Responsible loan origination relies on adequate creditworthiness assessments of potential borrowers, including businesses. These assessments are more effective when more comprehensive data is available, to allow lenders to use the most relevant and insightful evidence.
3. In addition to traditional credit data (e.g. value of credit, the balance and payment history), new types of data may be used and processed for loan origination, for example, opened-up public data and structured, “non-traditional” financial data (e.g. open banking data). Data processing tools are also becoming more sophisticated: algorithms make it possible to analyse new ‘big data’ sets and the connections among them.
4. The European providers of credit reporting and business information services collect and distribute relevant and reliable data about the entire borrower population. In doing so, they enable individuals and businesses to take informed business and financial decisions and help them to manage their risks. Often working in partnership with other players, FEBIS and ACCIS members are also driving forward progress in open finance and advanced analytics.
5. The ability of EU citizens and businesses to deal with possible credit shocks arising from emergencies such as the COVID-19 outbreak can therefore be enhanced if EU policy bets on the strong and innovative digital capacities of the European credit and business information industry and promotes an ambitious approach to data in the financial-sector.

A Vision for Data

6. Data empowers consumers and businesses to make better decisions. In doing so, consumers and businesses transform our economy and our society. The European Union needs, therefore, a clear Vision for Data.
7. ACCIS and FEBIS welcome the Vision for Data that the European Commission has recently outlined¹, that calls for the establishment of a single market for data. In such a market, businesses should have easy access to high-quality, secure, personal as well as non-personal data under common rules. This single market for data will allow businesses to develop and market data-driven products and services.

¹ [A European strategy for data COM\(2020\) 66 final](#), 19.02.2020

8. FEBIS and ACCIS think that, urgent, decisive action needs to be undertaken to materialize that Vision for Data.
9. In relation to **Public Sector data**, relevant non-personal data held by governments, EU institutions and agencies should be made easily available to businesses under the same conditions across the EU. Specifically, data held by public bodies on businesses and business ownership (e.g. business status, information to be publicly released under EU financial services legislation², other public disclosures of financial / accounting data, business tax data, supervisory reporting data, beneficial owners, filings, management reports and any other unstructured data, insolvencies, etc.) should be made available for reuse as High Value Datasets (HVD) as per transposition of the Open Data Directive. The scope of this category of HVD must be broad and should include all current and historical information that is made available through any type of business register, including on enterprises, craftsmen, sole traders, no matter the legal form of the business. In order to ensure effective business identification and adequate transparency, available data should encompass all attributes that are collected.
10. There is a need to have daily updates on all Public Sector data. At the same time, Public Sector data should be made available in machine-readable format as soon as possible and, also, via standardised Application Programming Interfaces (APIs). In the latter instance, no restrictive licenses or terms of use should block access to Public Sector data. Concretely, the purpose of reuse should not be discriminatory.
11. In relation to **Business to Business data (B2B)** data, the starting premise should be that access by a private business to another's private businesses' data must be voluntary. B2B data sharing should be furthermore carried out in full respect of European values and rules, in particular personal data protection, competition law, and intellectual property rights / trade secrets.
12. Two types of measures could be implemented to facilitate B2B data sharing:
 - Economic incentives. The provision of data-enabled offerings to the public sector through private partnerships / consortia offers an opportunity for businesses to work together.
 - Regulatory measures. From a regulatory standpoint, rules for the responsible use of data, rules on trade secrets and on data sharing from an EU competition law could be further clarified, in order to ensure that a fair level playing field at EU level is in place.
13. In relation to **European Data Spaces**, ACCIS and FEBIS consider that standard and commonly agreed, compatible formats and protocols for sharing data from different sources in a coherent and interoperable manner within and across sectors and markets should be encouraged. To ensure interoperability across a single market for data, both the public and private sector should collaborate in the definition of standards and protocols.
14. European data spaces in strategic economic sectors - like financial services - make sense. It will be needed to precisely define the boundaries of each space³. The generation of pools of data in the financial services sector needs to take into account existing business models and consider the introduction of the right economic incentives for data sharing. At the same time, provided relevant correlations exist, data from outside the traditional credit reporting sector can be used and processed for developing access to finance, by enabling a holistic view of the financial circumstances of consumers or businesses. So cross-sectoral data sharing is as necessary as a sectorial approach is. Experts from ACCIS and FEBIS stand ready to advise the European

² In this regard, we acknowledge the commitment made by the European Commission in its recent [Digital Finance Strategy for the EU](#) that all information to be publicly released under EU financial services legislation should be disclosed in standardised and machine-readable format by 2024.

³ For example, helping businesses to take daily decisions to grant or not a payment delay (fully compliant with the Late Payment Directive) is not a financial service but has an economic role as it contributes to credit management.

Commission and the European Supervisory Authorities on any technical aspects that may be required for the establishment of a common financial data space in Europe.

Regulatory framework

15. With the General Data Protection Regulation (GDPR), the EU created a solid framework for the use of personal data. This regulation, the ensuing guidelines being provided by the European Data Protection Board, the interpretative rulings from national courts and, eventually, the ECJ⁴ are necessary to underpin the establishment of a single market for data. The GDPR should be however complemented with an EU-wide framework or common principles for data testing / data experimentation across the single market. Clarification is needed on the intertwines of different legislation such as data protection and corporate transparency requirement or the promotion of digital finance.
16. Data sharing use cases require, however, a specific regulatory framework. In financial services, data sharing has taken place with the introduction of the review of the Payments Services Directive (PSD2). Fostering data sharing beyond PSD2 is needed to make further progress.

⁴ For example, in relation to the right of access to business information from public registers, court cases such as the Manni Case or the recent French Court de Cassation case (n° 285 of 24 June 2020) have agreed that the legitimate right to information in a business context prevails over other considerations and that unjustified data protection restrictions should not be claimed to prevent access to that information.