DE4A Digital Europe For All

The legal framework for once-only in Europe: where do we go from here?

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DE4A has received funding from the European Union's Horizon 2020 research and innovation programme under GA. No. 870635

The legal framework for once-only in Europe

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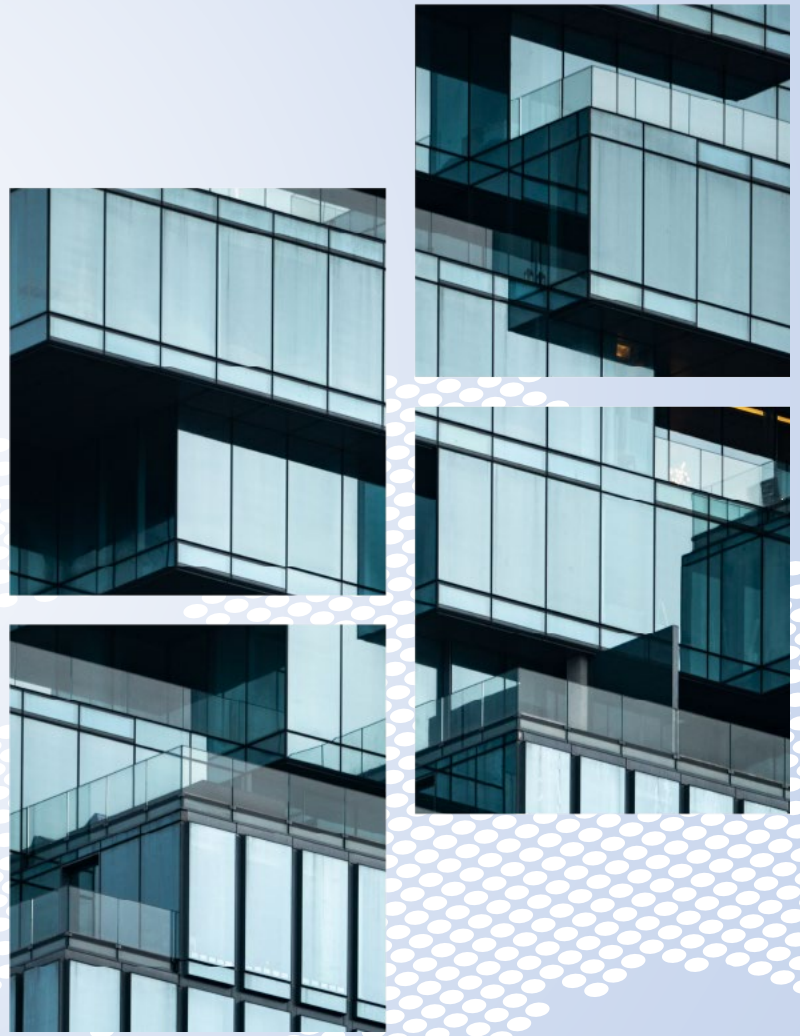
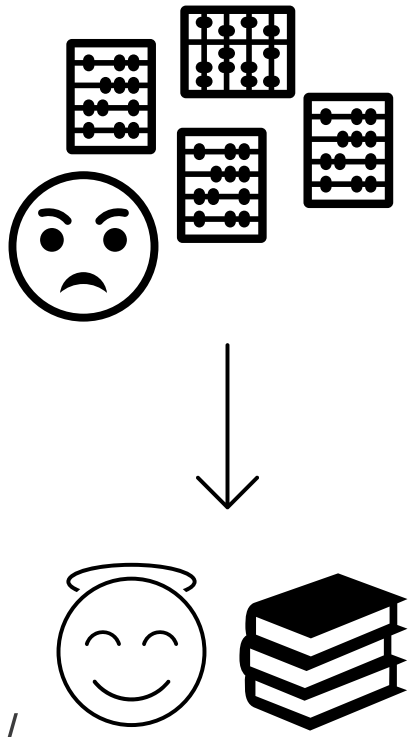
- What does a once-only information exchange imply from a legal perspective?
- What does the current legal framework at the EU level fix? And what doesn't it fix?
- How did DE4A help, and where should we go now?



Once-only in general – legal requirements

- Central idea: don't bother the user needlessly.
  - Why? To enhance quality, efficiency, user friendliness, proactiveness, prevent fraud, …
  - But: balance with the fundamental rights to data protection, privacy and good administration
- How to implement this in legislation:
  - Obligation for public administrations to exchange information
  - Coupled with a framework of safeguards, with a broad menu of options:
    - Consent/request, authorisations, transparency, closed list of procedures / administrations / information, or procedural requirements.



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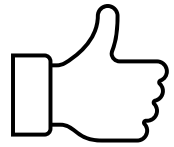
Once only in national legislations

- National legislation is usually quite ‘light’ in terms of safeguards
  - Usually procedural requirements and/or authorisations
  - No systematic reliance on closed lists or prior requests
  - Often linked to authentic sources
- Why? At the national level, there is familiarity, trust, and a shared pool of known resources – ‘soft’ assurances, backed up by law



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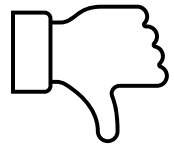
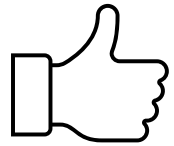
What about the EU?

- There is inevitably much less familiarity, trust, or a shared pool of known resources



- To compensate: stronger safeguards!
- SDGR:
  - Explicit request / possibility to preview (in principle)
  - Closed list of procedures
  - Infrastructural limitations



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What does the SDGR fix?

- It works!
  - Strong safeguards and focus on user control
  - Great for technologically and administratively capable users, who are honest and act in good faith, and understand the procedures and requirements
  - A fantastic leap forward, and a great first step
- But there are challenges too:
  - What about proactiveness? What about fraud detection? What about procedures that aren't on the closed list?
  - The growth options are quite limited

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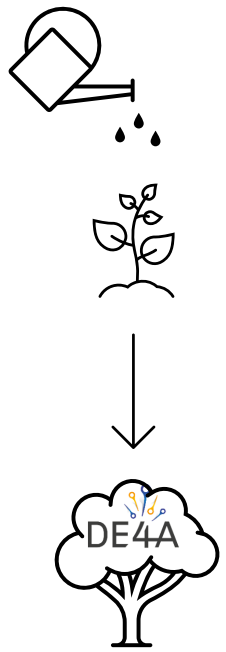
Can we move to better once-only?

- There is a need for a broader once-only framework in the future
  - Exchanges based on certain public interests, or to proactively protect citizens
  - Alternative exchange patterns
  - Additional procedures
- DE4A built a lot of this already
- Would require a revision of the safeguards, but the menu of options exists: transparency, authorisations, appeals, …



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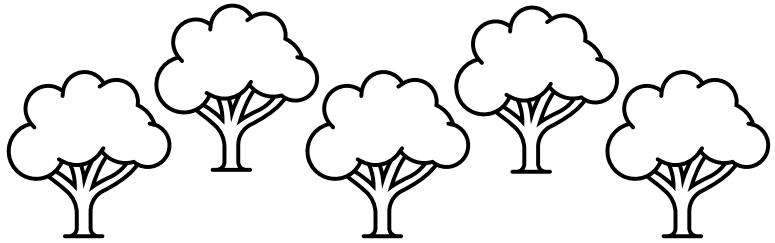
Why stop at once-only?

- Horizontal framework for eGovernment at the EU level
  - Building on the data spaces notion
  - Incorporating once-only, but with an open perspective on:
    - Onboarding new procedures, evidences and semantics (including powers / mandates)
    - Defining safeguards for exchanges (request, public interest, and proactive)
    - Including complaints and remediation mechanisms
- Integrating with existing building blocks, including SDGR, eIDAS, Interoperable Europe Act, Data Governance Act, GDPR



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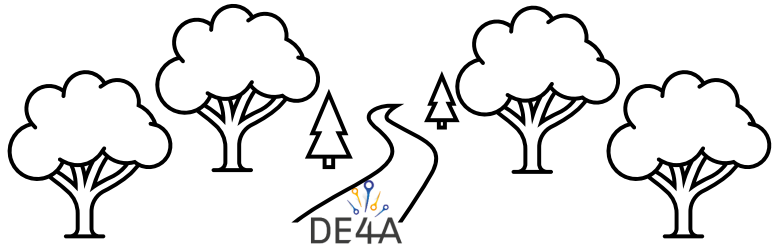
No complaints, just looking ahead!

- The SDGR was a great first step
  - Looked at the right problems
  - Provided a critical perspective on infrastructure
  - Solves a lot of problems
- But the work is not yet done
  - Legal recasting is needed for a truly open, proactive and trustworthy digital government ecosystem at the EU level
  - The legal framework should address governance and operational issues
  - DE4A can be a guide on the road



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Thank you for your attention

Any questions?

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