NutriData - Checklist for Public Administration for the Open Data release

The following checklist is an instrument for the public administration that intends to release open data in order to verify the legal aspects connected. For each dataset, the responsible of the service has to evaluate the following topics: privacy issues, IPR policy, licenses, limitations on public access, economical conditions, temporal aspects of the dataset.

In particular, we need to take in consideration three main directives:

● Privacy: GDPR Regulation (EU) 2016/679, Regulation (EU) 2018/1807, Directive 2002/58/EC;

● PSI: Directive (EU) 2019/1024;

● CDSM: DIRECTIVE (EU) 2019/790

● INSPIRE: Directive 2007/2/EC that define particular limitations on public access for the spatial and geodata.

Datasets:

D1:

IHME – Institute for Health Metrics and Evaluation, Global Burden of Disease

IHME-GBD_2019_DATA-27a144e6-1_ISO-ready.csv

http://ghdx.healthdata.org/gbd-results-tool

D2:

UN- IGME and WHO – World Health Organization, child-mortality.csv

https://www.who.int/data/gho/data/indicators/indicator-details/GHO/mortality-rate-for-5-14-year-olds-(pr obability-of-dying-per-1000-children-aged-5-14-years) , https://childmortality.org/data

D3:

UNICEF, WHO & World Bank's Joint global database on child malnutrition, malnutrition-estimates.csv   https://data.unicef.org/resources/dataset/malnutrition-data/ (stored in Unicef website)

D4:

World Bank, GDP per capita

API_NY.GDP.MKTP.CD_DS2_en_csv_v2_3469429.csv
https://data.worldbank.org/indicator/NY.GDP.MKTP.CD

D5:

FAO, Food Security Indicators

foodsupplyadequacy.csv   https://www.fao.org/faostat/en/?#data/FS

D6:

OurWorldInData, FAO, supply of calories

daily-per-capita-supply-of-calories.csv
https://ourworldindata.org/grapher/daily-per-capita-supply-of-calories

1. Privacy Issue	D1:	D2:	D3:	D4:	D5:	D6:
1.1 Is the dataset free of any personal data as defined in the Regulation (EU) 2016/679?	YES	YES	YES	YES	YES	YES
1.2 Is the dataset free of any indirect personal data that could be used for identifying the natural person? If so, is there a law that authorizes the PA to release them? Or any other legal basis? Identify the legal basis.	YES	YES	YES	YES	YES	YES
1.3 Is the dataset free of any particular personal data (art. 9 GDPR)? If so, is there a law that authorizes the PA to release them?	YES	YES	YES	YES	YES	YES
1.4 Is the dataset free of any information that combined with common data available in the web, could identify the person? If so, is there a law that authorizes the PA to release them?	YES	YES	YES	YES	YES	YES
1.5 Is the dataset free of any information related to human rights (e.g. refugees, witness protection, etc.)?	YES	YES	YES	YES	YES	YES

1.6 Do you use a tool for calculating the range of the risk of de- anonymization? Do you anonymize the dataset? With which technique? Did you check the three mandatory parameters: singling out, linking out, inference out?	NO/NO SPECIFIC INFO	NO/NO SPECIFIC INFO	NO/NO SPECIFIC INFO	NO/NO SPECIFIC INFO	NO/NO SPECIFIC INFO	NO/NO SPECIFIC INFO
1.7 Are you using geolocalization capabilities? Do you check that the geolocalization process can't identify single individuals in some circumstances?	NO	NO	NO	NO	NO	NO
1.8 Did you check that the open data platform respects all the privacy regulations (registration of the end-user, profiling, cookies, analytics, etc.)?	YES	YES	YES	YES	NO	NO
1.9 Do you know who are in your open data platform the Controller and Processor of the privacy data of the system?	YES, UNIVERSITY OF WASHINGTON	WHO and IGME in compliant with European Data Protection Laws	YES, UNICEF	NOT SPECIFICALLY, controllers and processor inside and outside EU	YES, FAO	YES, FAO
1.10 Where the datasets are physically stored (country and jurisdiction)? Do you have a cloud computing platform? Do you have checked the privacy regulation of the country where the dataset are physically stored? (territoriality)	ONLINE	ONLINE	ONLINE	ONLINE	ONLINE	ONLINE
1.11 Do you have non-personal data? Are you sure that are not "mixed data"?	YES	YES	YES	YES	YES	YES

2. IPR of the dataset	D1:	D2:	D3:	D4:	D5:	D6:
2.1 Do you have created and generated the dataset?	YES	YES	YES	YES	YES	YES
2.2 Are you the owner of the dataset? How is the owner?	YES	YES	YES	YES	YES	YES
2.3 Are you sure to not use third party data without the proper authorization and license? Are the dataset free from third party licenses or patents?	THIRD PARTIES: COUNTRIES THAT MADE DATA AVAILABLE	THIRD PARTIES: COUNTRIES THAT MADE DATA AVAILABLE	THIRD PARTIES: COUNTRIES THAT MADE DATA AVAILABLE	THIRD PARTIES: COUNTRIES THAT MADE DATA AVAILABLE	THIRD PARTIES: COUNTRIES THAT MADE DATA AVAILABLE	THIRD PARTIES: COUNTRIES THAT MADE DATA AVAILABLE
2.4 Do you have checked if there are some limitations in your national legal system for releasing some kind of datasets with an open license?	YES	YES	YES	YES	YES	YES

3. Licences	D1:	D2:	D3:	D4:	D5:	D6:
3.1 Do you release the dataset with an open data license? In case of the use of CC0 do you check that you have all the right necessary for this particular kind of license (e.g., jurisdiction)?	YES	YES	YES	YES	YES	YES
3.2 Do you include the clause: "In any case the dataset can't be used for re-identifying the person"?	NO	NO	NO	NO	NO	NO
3.3 Do you release the API (in case you have) with an open source license?	No API mentioned	No API mentioned	No API mentioned	No API mentioned	No API mentioned	No API mentioned

3.4 Do you check that the open data/API platform license regime is compliance with your IPR policy? Do you have all the licences related to the open data platform/API software?	YES, it is. API: no license mentioned.	YES, it is. API: no license mentioned.	YES, it is. API: no license mentioned.	YES, it is. API: no license mentioned.	YES, it is. API: no license mentioned.	YES, it is. API: no license mentioned.

4. Limitation on Public Access	D1:	D2:	D3:	D4:	D5:	D6:
4.1 Do you check that the dataset concerns your institutional competences, scope and finality? Do you check if the dataset concerns other public administration competences?	YES	YES	YES	YES	YES	YES
4.2 Do you check the limitations for the publication stated by your national legislation or by the EU directives?	YES	YES	YES	YES	YES	YES
4.3 Do you check if there are some limitations connected to the international relations, public security or national defence?	YES	YES	YES	YES	YES	YES
4.4 Do you check if there are some limitations concerning the public interest?	YES	YES	YES	YES	YES	YES
4.5 Do you check the international law limitations?	YES	YES	YES	YES	YES	YES
4.6 Do you check the INSPIRE law limitations for the spatial data?	N/A (not stated)	N/A (not stated)	N/A (not stated)	N/A (not stated)	N/A (not stated)	N/A (not stated)

5. Economical Conditions	D1:	D2:	D3:	D4:	D5:	D6:
5.1 Do you check that the dataset could be released for free?	YES	YES	YES	YES	YES	YES
5.2 Do you check if there are some agreements with some other partners in order to release	YES	YES	YES	YES	YES	YES

the dataset with a reasonable price?						
5.3 Do you check if the open data platform terms of service include a clause of "non liability agreement" regarding the dataset and API provided?	Not stated	Not stated	Not stated	Not stated	Not stated	Not stated
5.4 In case you decide to release the dataset to a reasonable price do you check if the limitation imposed by the new directive 2019/1024/EU are respected? Are you able to calculate the "marginal cost"? Are you able to justify the "reasonable return on investment limited to cover the costs of collection, production, reproduction, dissemination, preservation and rights clearance? There is a national law that justify your public administration to apply the "reasonable return of investment"?	Not european dataset	Not stated	Not european dataset	Not stated	Not european dataset	Not european dataset
5.5 In case you decide to release the dataset to a reasonable price do you check the e-Commerce directive[1] and regulation?	NO	NO	NO	NO	NO	NO

6. Temporary Aspects	D1:	D2:	D3:	D4:	D5:	D6:
6.1 Do you have a temporary policy for updating the dataset?	Annual	Annual	Annual	Annual	Annual	Annual
5.2 Do you check if there are some agreements with some other partners in order to release the dataset with a reasonable price?	YES	YES	YES	YES	YES	YES

[1] 1 Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in
the Internal Market ('Directive on electronic commerce') -
http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32000L0031

6.2 Do you have some mechanism for informing the end-user that the dataset is updated at a given time to avoid mis-usage and so potential risk of damage?	Latest update	Latest update	Not stated/ newsletter from World Bank	Newsletter from World Bank	Latest update	Latest update
6.3 Did you check if the dataset for some reason can't be indexed by the research engines (e.g. Google, Yahoo, etc.)?	Indexed	Indexed	Indexed	Indexed	Indexed	Indexed
6.4 In case of personal data, do you have a reasonable technical mechanism for collecting request of deletion (e.g. right to be forgotten)?	Not explicit, you may contact IHME	Not explicit, you may contact WHO website	You can contact the relevant UNICEF department	Not explicit, you may contact World Bank	You can contact the relevant FAO department	You can contact the relevant FAO department