ICC Policy Primer on Non-personal data

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**GUIDANCE FOR MEMBERS:** This document is the first draft of the ICC Policy Primer on Non-personal data, following from the previously shared zero draft. This is a foundational paper which lays out the importance of non-personal data to business, and the current challenges created by policies that constrain the free flow of such data. It will be followed by a series of issue briefs which lay out more concrete policy positions and recommendations for policymakers based on a specific use cases.

**FOR ACTION:** This is the final opportunity to offer feedback and comments on this paper. Please check it carefully and let us know if you have any fundamental objections with the positions within it. At this point, we are not seeking additional text but please feel free to give feedback on any grammar or phrasing.

Please share edits with [rose.payne@iccwbo.org](mailto:rose.payne@iccwbo.org) by **Friday, 25 August.**

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## ****Introduction****

Companies rely on data to enable their business operations with customers, partners, and suppliers; innovate in their business; and compete more effectively – in sectors as diverse as agriculture, healthcare, manufacturing, banking, and shipping. Micro-, small-, and medium-sized enterprises leverage data-driven cloud services to reduce barriers of entry to markets, enabling them to be on equal footing with much larger or better resourced organizations. Cloud services allow businesses to eliminate the capital expenditure of buying hardware for a single corporate data centre, lowering operating costs. The free flow of data can also lead to significant savings for consumers by increasing competition and consumer choice.

At the same time, the importance of the free flow of data extends beyond business. Data can help address shared global goals to tackle cybersecurity risks, climate change and nature loss, food security, public health and safety, organized crime, illicit finance, and many other cross-border challenges. It also has potential to be used by the courts as a reliable source of evidence. In view of the rapid developments in AI and other emerging technologies, and the need for broad access to varied data sets to be able to realize the opportunities presented by these technologies, the importance of access to data is even more pressing today. The volume of non-personal data is likely to increase with the adoption of the Internet of Things and the deployment of low-earth-orbit satellites. Without a shared commitment to enable better access to data and permit the cross-border exchange of data, our collective ability to protect ourselves from a wide array of environmental, economic, health, safety, and security threats will be greatly diminished.

An estimated 65% of global GDP will be enabled by the free flow of data across borders by the end of this year[[1]](#footnote-2). This figure indicates just how central data is to the functioning of the real economy. Much of this data is generated by and used in industrial activity and does not relate to people or cannot be used to identify someone. This type of non-personal data is extremely varied.

Some industrial data can be commercially sensitive as it involves trade secrets, intellectual property, or commercial strategies. Boundaries between non-personal and personal data can be blurred by mixed data sets. Therefore, policymakers sometimes create restrictions with the aim of protecting non-personal data.[[2]](#footnote-3)

However, geographic or sector-specific constraints on data may limit its usefulness and have a serious economic impact on the economy[[3]](#footnote-4), science and innovation. Therefore, any regulations need to be responsive to the level of risk and cognizant of benefits. In addition, any policy approach which impacts contractual freedom should be approached with caution, as it is often better to leave businesses to determine the level of risk that they are willing to assume.

The OECD has calculated an 800 per cent increase in policies that undermine the ability to transfer data across transnational digital networks.[[4]](#footnote-5) This includes legislation-based obligations to:

* store and manage data only locally;
* prohibit international data transfers; or
* store data in the original jurisdiction but allow copies of the data to be transferred if certain requirements are met.

Aside from restrictions placed by an increase in policies regulating data flows, there are other challenges that organisations face when wanting to unlock the value of data. A large data divide exists between organisations and countries that can access and use data and those that cannot. If we are to close the data divide it is important that policymakers recognise current challenges and support and encourage efforts to make data more available and usable for the benefit of society, so that inequalities between countries and organisations can be reduced.

The availability, usability and free flow of data are essential to innovation, trade, and technology development. Policies which treat non-personal data as a monolith risk causing harm by limiting the usefulness of data. While non-personal data is a useful descriptor because the concept of personal data is well understood, it covers hugely diverse types of data. Treating the term non-personal data as a definition might lead to one-size-fits-all policy approaches that are not sufficiently nuanced, and which limit the usefulness of data. In this policy primer, we illustrate the economic and societal value of non-personal data and explore the challenges presented in realizing these benefits, before discussing how learnings and good practices could be used to address those challenges.

## How non-personal data is generated and used by business

Data is essential for businesses in numerous ways, ranging from optimizing operations to uncovering new market opportunities. For example, a manufacturing company might use data from its machines to optimize production processes and reduce costs, while a logistics company might use data from its vehicles to optimize delivery routes and reduce fuel consumption. Today, some distribution chains and transportation methods are primarily a system for transmitting non-personal data, built on sophisticated terrestrial or satellite transmission networks. This analysis of non-personal data can lead to broader societal benefits such as cyber resilience and sustainability. Through access to and use of data, including non-personal data flows, companies can stay connected to projects across the globe, gain efficiencies through the sharing of data and best practices, unlock innovation opportunities, and minimize potential silo effects of global operations. Restrictions impacting non-personal data flows can hinder these activities, reduce competition, and limit the potential benefits of digital technologies for businesses and consumers.

In this section, examples of how business generates and use non-personal data illustrate its importance to the functioning of the real economy and how it also contributes to broader global goals.

1. **Market Research and Analysis:** Businesses use non-personal data to analyse market trends, consumer preferences, and the competitive landscape. This information helps them identify gaps, anticipate shifts, and adapt to evolving market demands.
2. **Product Development:** By collecting and analysing non-personal data on user behaviour and feedback, businesses can improve their products and services. This iterative process of refinement allows them to create more effective, user-friendly offerings.
3. **Supply Chain Optimization:** Non-personal data related to logistics, transportation, and inventory levels can help businesses optimize their supply chains. This information allows them to streamline operations, minimize costs, and respond to changes in demand.
4. **Manufacturing Optimization:** non-personal data related to sensors and machinery can help manufacturers to monitor their processes in real-time to identify bottlenecks and optimize workflows. This information helps to increase efficiency, minimize downtime, and reduce waste. The manufacturing industry relies heavily on global supply chains. International data transfers can help manufacturers optimize their supply chains by providing information on shipping routes, inventory levels, and market demand. Manufacturers can improve processes for maintaining factory equipment by providing information on equipment performance, maintenance schedules, and repair history. This data can help manufacturers predict equipment failures and schedule maintenance before a breakdown occurs. Manufacturers can also improve energy efficiency by providing information on energy consumption, energy costs, and energy-saving technologies. This data can help manufacturers identify opportunities to reduce energy consumption and save costs.
5. **Warehousing and logistics:** Enterprises can classify and store goods quickly, accurately, and with low error based on non-personal data. Meanwhile, goods can be transferred more efficiently in logistics hubs such as highways, ports, railways, airports, and logistics parks. Through improving transportation efficiency, higher economic benefits can be obtained.
6. **Financial Analysis:** Businesses analyse non-personal financial data to understand their performance, identify trends, and make informed decisions. This data can include sales figures, revenue, costs, and other financial metrics.
7. **Predictive Analytics:** By leveraging non-personal data, businesses can create predictive models that help them to forecast demand, identify potential risks, and make data-driven decisions.
8. **Geospatial Data:** Geospatial data, such as maps and satellite imagery, is a form of non-personal data used to analyse location-based trends and patterns. This information can help businesses identify potential markets and optimize their physical presence.
9. **Environmental Data:** Businesses can use non-personal environmental data to monitor and analyse factors like climate, pollution levels, and natural resources. This information is crucial for businesses to assess potential risks and opportunities and develop sustainable practices.

**Cyber resilience**

Businesses generate non-personal data through their cybersecurity systems, including firewalls, intrusion detection systems, and security event logs. These data sources provide valuable insights into potential threats and vulnerabilities. Analysis of this data helps businesses stay one step ahead of cybercriminals, enhancing their ability to detect, prevent, and respond to security incidents.

Additionally, sharing non-personal data with industry-specific or government-led cybersecurity information-sharing platforms can contribute to collective threat intelligence. Collaborative analysis of such data enables the identification of broader attack patterns and trends, leading to the development of more effective industry and nationwide cybersecurity solutions and strategies.

**Sustainability**

Businesses that seek to operate more sustainably can generate and utilize non-personal data in supply chain management practices to reduce environmental impact and promote sustainability throughout their operations. By gathering data from suppliers and focusing on key sustainability metrics such as carbon emissions, water usage, and waste generation they can ensure compliance with sustainability standards, encouraging the adoption of environmentally friendly production methods. Non-personal data can also be used to optimize transportation methods and logistics operations such as shipping routes, fuel consumption, and vehicle efficiency.

By using non-personal data, businesses can help limit damaging environmental impact, improve efficiency, and enhance consumer trust.

Non-personal data serves as a key enabler for **commerce and innovation** by providing businesses with valuable insights, driving decision-making, and promoting collaboration across sectors. Some of the benefits of non-personal data for business operations are outlined below:

1. **Informed Decision-making:** Access to non-personal data enables businesses to make data-driven decisions, leading to better outcomes and higher efficiency.
2. **Innovation:** Non-personal data fuels innovation by providing valuable insights and allowing businesses to identify new opportunities, anticipate challenges, and develop groundbreaking solutions.
3. **Collaboration:** Sharing non-personal data encourages collaboration between businesses, researchers, and governments, promoting the development of new technologies, standards, and policies.
4. **Economic Growth:** The use of non-personal data in business processes and decision-making drives economic growth by improving productivity, enabling the creation of new industries, and fostering competitive advantage.
5. **Social Impact:** As outlined below, access to non-personal data enables businesses to innovate and work to address societal challenges by providing insights into areas like healthcare, education, transportation, and environmental management, improving the quality of life for all.

**Importance of cross-border data flows for the economy**

The ability to move data across borders is vital to conducting international trade and commerce for global companies and is a key driver for innovation and technology development.  Cross-border data flows enable businesses to access and analyse vast amounts of data from different markets, enabling valuable insights and the expansion of customer base and revenue potential. By allowing cross-border data flows, countries can enhance their participation in global value chains and strengthen their export capabilities, leading to increased trade and economic integration.

It is not just larger businesses with extensive international operations which benefit from the free flow of non-personal data. Non-personal data is also extremely valuable to small-medium-and-micro enterprises, allowing them to enter new markets and reduce operating costs. The flow of non-personal data not only allows businesses to access valuable insights and information that can improve their decision-making processes and enhance productivity, but it can also enable data sharing amongst companies, which can help further drive innovation.

## Societal impact of non-personal data

The growth of the digital economy and the increasing use of data-driven technologies has led to the creation of vast amounts of data. Using this data with massive compute power and sophisticated algorithms, we have an opportunity to solve some of society’s most pressing social and economic challenges. Data has the potential to drive economic growth and innovation across all sectors, including healthcare, agriculture, transportation, and energy. The collection and analysis of data can help companies and organizations to identify patterns, optimize processes, and make better decisions based on real-time information, particularly when employing artificial intelligence. In order to unlock the potential of data, data that is generated needs to be accessible and usable.

However, the OECD has calculated an 800 per cent increase in policies that undermine the ability to transfer data across transnational digital networks[[5]](#footnote-6). This increase in cross-border data restrictiveness is not simply unsustainable; it may hinder the achievement of shared global goals to address cybersecurity risk, climate change, public health and safety, organized crime, illicit finance, and many other cross-border challenges. More generally, restrictions undermine globalization and digitalization and are incompatible with the borderless nature of the Internet. In some cases, restrictions may aim to protect against extraterritorial legislation and unlawful data access. However, our ability to address environmental, economic, health, safety, and security challenges relies on international cooperation to enable to cross-border flow of data.

International data flows can have a significant impact on society by improving public services, enhancing social welfare, and promoting scientific research. The use of non-personal data in public services can help governments to better understand and address societal challenges, such as urbanization, climate change, and public health. For instance, the use of non-personal data in smart cities can help to improve transportation, energy efficiency, and public safety. The use of non-personal data in healthcare can lead to better patient outcomes, improved resource allocation, and more equitable access to healthcare services.

The transfer of non-personal data across borders, if reciprocal, can deliver immense societal value at the same time as creating economic benefits. The examples below illustrate why a nuanced approach to policymaking, where regulations are underpinned by evidence and real on-the-ground experience, and responsive to the context and risk level in which data is used and the purpose it is used for, is so important.

**Healthcare**

The use of non-personal data in the healthcare sector can lead to the development of new drugs and therapies, improved patient outcomes, and better resource allocation.

Healthcare researchers can collaborate with international colleagues to share non-personal data, such as information on disease outbreaks, drug efficacy, or clinical trials. This can lead to a better understanding of diseases and more effective treatments.

International transfer of non-personal data can help in tracking disease outbreaks, identifying patterns and any pathogens, and responding to epidemics quickly. For instance, if a new disease outbreak occurs in a country, sharing data on the disease, including symptoms and transmission patterns, can help other countries prepare and respond accordingly.

Data on healthcare outcomes can be shared across countries to identify best practices, learn from each other's experiences, and develop more effective treatments. For instance, if a particular treatment is showing success in one country, this information can be shared with other countries to improve patient outcomes. Clinical trials often happen across several countries, and ensuring a sufficiently large sample size for research may require the cross-border transfer and aggregation of data.

Information relating to the production and distribution of medical supplies and equipment can be shared internationally to ensure the timely and effective delivery of healthcare products. This is particularly important during times of crisis, such as pandemics or natural disasters.

The use of non-personal data in healthcare illustrates why definitions of non-personal data should be expansive enough to allow for valuable societal benefits. While the data on an outbreak of disease may relate, initially, to the people with that disease, it is possible to aggregate or clean the data so that it does not identify any one person. This example illustrates why data is most valuable when it is allowed to flow across border, so that it can be aggregated and analysed to improve healthcare globally. The benefit of this data in understanding and controlling an outbreak makes a compelling case for regulating in a way which balances the value of data with risks to data security.

**Scientific research**

The use of non-personal data in scientific research can lead to discoveries and new insights in various fields, including astronomy, biology, and physics. The exchange of non-personal data across borders can also facilitate international scientific cooperation and collaboration, leading to more impactful research outcomes. For instance, the European Open Science Cloud (EOSC), which aims to create a pan-European infrastructure for scientific data sharing and collaboration, enables researchers to access and share non-personal data from different countries and disciplines, leading to more impactful research outcomes and scientific discoveries. Open access to scientific knowledge, including non-personal data, is a key principle in UNESCO’s Recommendation on Open Science.[[6]](#footnote-7)

International collaboration is critical to scientific research, and sharing non-personal data across borders is essential to this collaboration. This allows researchers to gain access to broader and more diverse information from multiple countries. This information can help in discovering new findings or patterns in scientific research. Cross-border scientific collaboration is also an important factor in building capacity in scientific and technological skills and knowledge across different countries.

Scientific research relies on the ability to replicate results. By sharing data internationally, researchers can more easily replicate studies, verify results, and build upon previous research.

**Addressing Climate Change and Nature Loss**

Climate modelling is essential to understanding climate change and its impact on different regions. Transferring data across international borders is necessary to enable understanding of climate-related trends such as weather patterns, sea level changes, and temperature variations. By sharing this data, researchers can develop more accurate climate models that can help predict future climate change patterns. This information can be used to identify areas most acutely affected by climate change, or where renewable energy resources are best located.

Satellite data that shows information about forest cover, land use, and biodiversity can help identify areas where deforestation is taking place. This information can help countries take action to preserve forests and reduce emissions. Similarly, data on geological formations or soil characteristics can help identify areas suitable for carbon capture and storage.

In the built environment, smart building sensors can optimize energy consumption, reduce waste and lower costs. By sharing data across supply chains, companies can understand and reduce their scope three emissions, which is crucial in tackling climate change.

Techniques for measuring the carbon impact of industrial activities can make it possible to assess the efforts made towards decarbonization. As shareholders, employees, potential recruits, and organisations offering finance are increasingly asking for information on climate impact, carbon measurement data can offer value to businesses as well as reduce environmental impact.

**Agriculture and food security**

The use of non-personal data can enhance the efficiency of traditional industries in agriculture and farming. For instance, the agriculture industry can leverage big data, the Internet of Things (IoT), and edge computing to improve crop yields. Meteorological data can play a vital role in maximizing the functionality of these technologies. For instance, the use of data in precision agriculture can help farmers to optimize crop yields, reduce waste, and save resources. The need to feed a rapidly increasing global population while dealing with the unpredictability of climate change is a global challenge[[7]](#footnote-8).

Data can help farmers manage crops more efficiently by providing information on weather patterns, soil characteristics, and pest and disease outbreaks. This data can help farmers make more informed decisions about planting and pest control.

Agriculture requires a significant amount of water, and water scarcity is a growing concern worldwide. International data transfers can help farmers monitor water use, identify areas of water stress, and develop strategies for more efficient water use.

International data transfers can help plant breeders develop new crops that are more resistant to disease, pests, and environmental stress. Data on genetic diversity, plant traits, and climate can help breeders identify and breed the most promising traits and crops for different regions.

Data transfers are also essential to managing food safety. Data can help improve food safety by providing information on foodborne illness outbreaks and food contamination. This data can help countries identify and respond to food safety risks more quickly.

The agriculture sector relies on a complex global supply chain. Transfers of non-personal data can help manage this supply chain more efficiently by providing information on crop yields, logistics, and market demand.

**Evidence-based policymaking**

Governments, regulatory bodies, and courts can gain immense value by employing data analysis for policy. This reflects higher administrative efficiency, which benefits society at large.

International data transfers can help policymakers to compare different policies and their impact in different regions or countries. This data can help identify successful policy strategies that can be adapted to other contexts. Data can help policymakers monitor the effectiveness of policies in real time. This data can help policymakers identify issues and respond to emerging challenges quickly.

Policymakers can set benchmarks and targets for policy outcomes. This data can help policymakers identify areas where progress is needed and track progress over time. Governments willing to share non-personal data relating to policy decisions with the public can enhance public trust in the government. This results in better interaction between the government and society.

**Security**

Non-personal data can be used to improve security, especially in cases where advanced technologies are used to commit new types of crimes, cross-border data flows can promote international cooperation and experience sharing, thereby improving governance capabilities in the fight against crime.

In addition, when a new type of organized crime emerges in one country, other nations can learn from the cross-border transfer of data, thus strengthening national security.

**Education**

Non-personal data is used in education and can help to improve educational outcomes. For instance, schools might collect data on course management and completion, and governments might collect data to review investments in different aspects of the educational system. Non-personal data can drive better decision-making, collaboration, and innovation in education.

## Policy and regulatory approaches to data flows

At the moment, there is no single approach to enabling trusted access, use, and flow of data.  Governments currently pursue different or even multiple and complementary approaches. Some prefer to approach the issue using unilateral mechanisms. Others pursue intergovernmental arrangements through organizations such as the OECD and the World Trade Organisation. In addition, some approach this through trade agreements, including binding provisions that enable data (both personal and non-personal) to flow while maintaining exceptions for meeting legitimate objectives such as national security. In the interest of business, multilateral agreements involving are preferable as they involve several countries.

Under the legal framework of most jurisdictions, non-personal data is defined by negation, as data which are not personal data. Personal data is afforded a certain level of protection because it relates to fundamental rights such as privacy, and important values such as data autonomy. Therefore, personal data must be clearly defined for ease of regulatory compliance.

Non-personal data is generally deemed to be information which is not related to natural persons, or which cannot be used to identify a person directly or indirectly. This may either be data which has never related to a natural person, or data which has been sufficiently treated so that there is a reasonable[[8]](#footnote-9) expectation that it cannot be used to identify someone.

For example, data which has never been related to natural persons might include meteorological data. A variety of agricultural technologies adopted by farmers have used meteorological data to enhance the efficiency of yield gain, and it is vitally important to addressing food security. Data which has been treated to no longer enable the identification of individuals includes, for example, traffic data such as congestion level, or travel speeds on specific road segments. Such data has been used to reduce transport emissions[[9]](#footnote-10). This data, when aggregated and anonymized, is unlikely to be used to identify someone, while being immensely valuable for addressing an important environmental challenge.

Personal data comes with a clear expectation that it must be protected in accordance with fundamental rights. Non-personal data does not carry such a similar cohesive set of expectations. It is important, therefore, that policymakers recognise that non-personal data is a term which is used to describe everything which is not personal data, rather than denoting a specific type of data which presents specific legal or ethical expectations.

Given the diversity of data which is non-personal, and the immense economic and societal benefits that this data can provide**, the default position should be to foster the transfer of non-personal data across borders**. Appropriate efforts should be taken to protect data when it is transferred. Where a risk might exist, restrictions should be targeted and proportionate to the level of risk. When regulating the transfer of certain types of non-personal data, policymakers should look at the breadth of tools available to them. Limiting the transfer of data across borders may be, in some cases, an inappropriate or ineffective solution to limiting risk, especially when the economic or social impact of such limitations is taken into account. The value of non-personal data is often highly contextual, meaning that raw data cannot be interpreted without a range of metadata and a sufficient understanding of the context. In many cases, these circumstances may already offer a considerable safeguard for sharing or transferring non-personal data. For regulations that target specific types of non-personal data, a clear and precise definition is of utmost importance. For example, a data-sharing obligation that applies to raw non-personal data will have a different impact on businesses than an obligation which also extends to the relevant metadata and inferred non-personal data. The latter is often the result of a substantial investment of a company.

Likewise, placing unduly onerous requirements on organisations to assess the level of risk presented by a cross-border transfer using compliance mechanisms, and without the possibility to ask for an opinion of a court or competent authority, could create a serious impediment to innovation. Regulatory restrictions aimed at protecting trade secrets or intellectual property and, more widely, restrictions on contractual freedom should be approached with caution. Companies are best placed to handle the protection of commercially sensitive data, whether through contractual and/or technical measures and should ultimately be able to determine and decide whether to assume the level of risk presented with sharing data. On the other hand, measures that seek to force companies to make certain non-personal data available may have a detrimental impact on innovation and must be sufficiently targeted to avoid unwanted side effects of regulation.

The flow of non-personal data is a key enabler for commerce, it is essential to innovation, IP protection, trade, technology development and achieving broader societal benefits. Therefore, instead of restricting access to, use of, or the flow of data, **policies and regulations which govern data should be grounded in evidence and technical expertise,** be risk-based, flexible, and technologically neutral in order to effectively achieve their desired scope, without unintended consequences on the rights of individuals or limiting innovation.

## Limitations on the flow of non-personal data

The past several years have seen a sharp uptick in data flow restrictions and localization measures, with regulations becoming increasingly more restrictive. While many of these restrictions are primarily aimed at protecting personal data, the lack of a global consensus on how approaches to govern data flows might present barriers to the many benefits of sharing non-personal data.

In addition, as digital technologies are increasingly seen as a means of achieving economic aims, governments around the world are turning to policies on cross-border data flows. Fears of foreign governments, and other companies, access to trade secrets or data related to innovation can also compel governments to require additional protection on the flow of data across its borders. While measures might aim to facilitate transparency, security, and trust regarding data sharing and usage, they can severely restrict data flows and prevent businesses from making use of non-personal data and need to be balanced against the benefits of free data flows. Therefore, a targeted and risk-based approach to regulation is recommended.

The patchwork of regulations around the globe is increasing the complexity of legal requirements for companies to meet and thus the costs of compliance. Furthermore, several jurisdictions require companies to keep certain non-personal data within a particular geographic location, require permission from regulators or additional reporting obligations to move data outside of the jurisdiction, or require the tracing of data through value or innovation chains.

When such restrictions are not targeted and risk-based, their impact on non-personal data flows can take a heavy toll on business including preventing companies from using cloud computing to aggregate and analyze global data, or from gaining economies of scale; hindering global supply chains relying on non-personal data flows to track products; limiting the use of tech like AI that rely on large data sets and disincentivizing data sharing amongst companies. In addition, our collective ability to address global challenges is impeded by restrictions on the free flow of data. For example, limiting the transfer of satellite or drone imaging data across borders could damage our understanding of global patterns of environmental degradation.

There may be well-defined cases where non-personal data requires protection, for example preventing unlawful access to sensitive industrial data (e.g. trade secrets). However, in other cases, when the flow of data is restricted, it limits the usefulness of that data for developing solutions to societal challenges, drives up costs as companies need to comply with regional or national policies or invest in further infrastructure, and constrains the participation of people, businesses and even governments in the digital economy. Non-personal data can provide immense benefits if it is governed in the right way. Therefore, it is of utmost importance to foster global standards and interoperability between regulatory frameworks to ensure the free flow of data across borders. Interoperable regulatory frameworks across jurisdictions can help to build an open and secure digital world.

## Conclusion

Non-personal data can deliver immense economic and societal benefits. For it to deliver those benefits, it needs to be accessible and usable, and able to be transferred across borders without overly burdensome encumbrances. Given the opportunities for economic and social development it carries, the default position should be to enable the secure flow of non-personal data. Some types or uses of data might present certain risks. In those cases, any policies designed to reduce that risk should balance the benefits that cross-border data transfers can provide with the level of risk they might present. We discuss below a short list of considerations which policymakers could use to think about non-personal data.

* **Skilling:** Ensuring data is usable by everyone will help close the data divide and ensure that data can benefit society broadly. Policymakers should look to develop policies that provide more people with the skills needed to make use of data.
* **Access:** Policymakers should develop policies that encourage voluntary data sharing and ensure that publicly available data can be used by businesses to innovate by ensuring that their IP frameworks include robust exceptions that allow legally accessed data to be used for data analysis and AI innovations, whilst at the same time preserving the central role of intellectual property in promoting human creativity and innovation.
* **Context:** Policymakers should consider a fine-grained approach to data. Non-personal data is highly varied and does not present the same kind of risks as personal data. For this reason, the default position should be to enable its secure flow across borders. For regulations that target specific types of non-personal data, a clear and precise definition is of utmost importance. For example, a data sharing obligation that applies to raw non-personal data has a totally different impact on businesses than an obligation that also extends to the relevant metadata and inferred non-personal data.
* **Reciprocity:** Free flow of data should not be a one-way street. Moreover, governments can only build trust in the free flow of data if data is afforded similar protections wherever it is processed or stored.
* **Multi-lateral:** As far as possible, policymakers should aim for rules impacting the transfer of data, including non-personal data, to be multilateral and interoperable to increase the ease of compliance for companies. At least, reciprocal agreements between integrated trade zones should be encouraged, as is the case with personal data.
* **Evidence-based:** We recommend anapproach to policymaking which reflects on the ground realities. Policies and regulations must be grounded in evidence and technical expertise so that any measures taken fit actual business use cases.
* **Risk-Based:** The catch-all nature of definitions of non-personal data reflects that these types of data present a low level of risk to individuals, while often offering immense economic and societal benefits. Policies and regulations should aim to maximize the benefits while minimizing the risks, thereby enabling businesses to generate and use non-personal data in ways that deliver economic and societal benefits.
* **Build a data standard system:** A unified data standard, including unified rules and benchmarks for naming, definition, structure, and value range of data, can improve the interoperability between different data systems and is the basis for the open sharing of data.
* **Attribute of "public product":** emphasis should be placed on the attribute of "public product" of non-personal data. Problems hindering data sharing such as independent data storage of departments, decentralized management, cross-collection of information and inconsistent data standards should be solved by developing unified data collection and exchange standards and promoting collaboration between departments and systems.
* **Unity and cooperation:** When formulating relevant policies, countries should adhere to unity rather than division, cooperation rather than confrontation, inclusiveness rather than exclusion, and formulate globally interoperable common rules for governance on the basis of mutual respect and broad consensus, thus preventing the division and fragmentation of data governance rules. Establishing globally interoperable rules for the governance of data is conducive to promoting the effective use of non-personal data and empowering the development of new technologies and applications worldwide. For example, the development of artificial intelligence technology may benefit from integrated governance rules.
* **Development:** Digitalisation has offered significant opportunities to all countries, in particular developing nations. Non-personal data is an important component of economic digitalization. Countries should ensure data governance rules do not inhibit concepts of expanding digital cooperation, promoting digital trade, bridging the digital divide, and building a global digital economic paradigm featuring benefits for all, balance, coordination, inclusiveness, mutually beneficial cooperation, and common prosperity.

Policymakers recognize the value of non-personal data, which is why many bilateral trade deals or regional legislation include provisions to allow this type of data to be transferred between specific countries without restrictions. There is an opportunity to broaden local policy approaches to encompass further countries and regions. Globally interoperable approaches to data governance will help to unlock the potential value of non-personal data.

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