



Faculty of Law

RESEARCH PROJECT

The Governance of Big Data in Trade Agreements



The Governance of Big Data in Trade Agreements: Design, Diffusion and Implications

The project 'The Governance of Big Data in Trade Agreements: Design, Diffusion and Implications' is part of the Swiss National Research Programme (NRP 75): Big Data, which was launched in 2017 and which, through a variety of projects in the information technology and social sciences, seeks to provide foundations for the appropriate and effective use of Big Data across different societal areas. The project is a cooperation between the Universities of Lucerne and Bern and aims at addressing in particular the governance challenges of data as it transcends national borders.

Background

Regulating Big Data across borders poses a dilemma. On the one hand, this type of regulation challenges the sovereignty of states. On the other hand, it may constitute a significant barrier to free trade and impede the growth of the digital economy. Solving this dilemma involves difficult political choices. Decision-makers must have the necessary information and a profound understanding of the big picture to balance the trade-offs. Trade rules form an important part of this picture.

Project description

The project demonstrates the ways in which international trade law applies to Big Data. It will map the existing rules for Big Data applications and current Big Data policies in international, regional and bilateral trade agreements. Employing legal and analytical tools from international relations and political science, the project explores how certain regulatory solutions and the political forces behind them have evolved over time. It will in addition analyse the changes in domestic law triggered by trade agreements and the ways in which these agreements may limit present and future state actions in the context of Big Data.

Finally, the project asks whether and how trade agreements should address questions of data and Big Data, and how decision-makers can use the instruments of international trade law to reflect changes in the digital economy and ensure that vital public interests, such as the protection of privacy, are adequately safeguarded.

Project objectives:

- map all existing rules for data and Big Data in all trade agreements concluded since 2002
- map existing regulatory space left for any new national rules on data
- explore diffusion of regulatory models with regard to data (e.g. the language of 'free flow of data')
- explore impact of trade agreements on national data-relevant rules
- suggest trade governance models that enable global data-driven innovation, while safeguarding public interests

Anticipated impact:

- fill a sizeable research gap by offering comprehensive, up-to-date, unbiased dataset and research on the data governance in trade agreements
- enable informed and future-oriented policy-making
- significant policy impact expected, as many countries, including Switzerland, do not have distinct digital trade strategies

Team:



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Further information:

NRP75: <http://www.nfp75.ch>

University of Lucerne: <https://www.unilu.ch/bigdataresearch>

Project updates at: [#bigdataintrade](#)

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