

## **The rise of infomediaries: a matter of trust and joint responsibility**

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With the data economy, personal information has become a valuable asset not only for businesses offering customized goods and services or trading consumer data to third parties, but also and increasingly, for consumers themselves. Consumer awareness about the value of personal information is on the rise, as various options to trade, compare and extract benefits from that information become available. Regulators around the world, but particularly in the EU, have taken notice of that and have been tinkering with existing rules, not only in data protection law but also in the context of consumer protection and contract law, to enhance the protection of individuals who take part in such value exchange.

The mere existence of additional tools, however, does not necessarily translate into a general empowerment of data subjects in their daily transactions: in the absence of procedural mechanisms facilitating the exercise of individual rights, dispersed and unsophisticated consumers are unable to make the most of these opportunities, leaving a significant gap between the law on the books and the law on the ground. In this light, the GDPR is to be welcomed for its introduction of the principle of accountability and the possibility to delegate to a non-profit body, organization or association the right to lodge complaints with the relevant supervisory authority, as well as representation before courts. In addition to these procedural facilitations, the GDPR empowers data subjects through new substantive provisions, such as the right to data portability and the so-called right to explanation.

Although the breadth of these provisions will need to be fleshed out through interpretation, the incentives appear to be lined up for the rise of intermediary entities specializing in the management of personal data and the enforcement of data subject rights. This creates the conditions for a perfect storm in data protection law, pitting data-driven businesses against this new powerful force of “infomediaries”, who are likely to alter the competitive dynamics in the online ecosystem by providing a centralized avenue for personal information management and collective empowerment. This paper is part of a larger project aimed to identify challenges and opportunities associated with the reliance on these third parties for the exercise of data protection rights, and focuses on the

roles and responsibilities of these infomediaries with regard to data processing that they enable through their systems. Different models will be examined to assess the different responsibilities they involve, and identify key governance and policy challenges.