

## ADVICE NOTE

# Sint Maarten Data Sharing



ADOBE STOCK

## Overview

The report is a policy-oriented guidance note focused on how Sint Maarten can safely and effectively enable public sector data sharing—both across government and, where appropriate, with the private sector—to support its digital transformation and economic development goals. It argues that data is a vital resource for modern governance and commerce, and that a carefully designed policy and legal framework is essential to unlock its value while protecting rights and managing risks.

The note situates data sharing as a keystone for improved public service delivery, competition, innovation, and investment attractiveness. It frames data policy as an interdependent space connecting standards, ethics, legal/regulatory design, industry practice, and the “economy of data.” The paper offers a comparative perspective, drawing on international examples (EU, New Zealand, Belize, Trinidad and Tobago) to identify principles, safeguards, and institutional enablers that Sint Maarten can adapt. Its central policy recommendation is to introduce a national Decree to formalize a modern framework for public sector data sharing, grounded in interoperability, the Once Only Principle (OOP), and clear safeguards.

## Objectives and Audiences

- Provide actionable guidance on establishing a national policy, legal, and regulatory foundation for data sharing as part of Sint Maarten’s broader digital transformation agenda.
- Clarify how data sharing can be pursued in a way that balances facilitation (innovation, efficiency, service quality) with regulation (privacy, security, ethics).
- Recommend concrete instruments—especially a Decree—to codify principles, standards, and safeguards for public sector data sharing and interoperability.
- Address specific pain points, notably repetitive submission of citizen information across agencies, and ambiguities in confidentiality obligations (e.g., within tax administration).

Target audiences comprise policymakers and senior government officials responsible for digital transformation, public administration reform, and sector leadership in Sint Maarten; legal and regulatory drafters; agency heads and technical leaders who will design and operate interoperable systems and data governance processes; oversight bodies and data protection authorities; and program managers and service designers seeking to streamline citizen/business interactions and reduce administrative burden.

## Key Findings

- Data sharing is a critical enabler for pro-competition markets, innovation, and efficient public services.
- The current National Data Protection Ordinance is anchored in the now repealed EU Directive 95/46/EC and is not aligned with the GDPR. The EU's focus on B2G data sharing for the public good is a model for structured, ethical, and high-value public interest use of private data.
- The note argues that confidentiality is not an absolute prohibition; sharing specific identifiers for the taxpayer's benefit should be permissible and consistent with practices in advanced jurisdictions.
- Data sharing entails material risks. The note emphasizes achieving a "delicate balance of regulation and facilitation."
- Lessons from other countries highlight operational challenges, such as uneven data quality and maturity across agencies, unclear cost-sharing, and differing interpretations of privacy provisions.
- Effective data sharing requires more than a law; it depends on standards, governance, capacity, and technology. Designating accountable roles, establishing catalogues and metadata standards, and investing in interoperable platforms are critical success factors.

## Lessons Learned

Legal modernization is foundational, as outdated laws impede legitimate, beneficial sharing, while alignment with modern, GDPR-like principles clarifies rights, responsibilities, and permissible sharing. Starting with principles plus practice is effective: principles-based frameworks offer flexibility and dedicated statutes provide clarity, with both approaches working when matched with strong governance and implementation capacity. OOP delivers tangible value by reducing repetitive data submissions, improving user experience and administrative efficiency, and providing visible early wins for citizens and businesses.

Governance matters as much as technology, with data stewards, clear accountability, and standardized DSAs critical to reducing friction, ensuring compliance, and building trust. Progress is strongest when built incrementally through piloting high-value use cases to demonstrate benefits, refine standards, and develop agency capabilities before scaling, alongside investment in data quality and cataloguing to address persistent discoverability and reliability pain points. Risk management is continuous as privacy, ethics, security considerations, technologies, and threats evolve, while public trust depends on transparency through meaningful, plain-language communication, accessible redress mechanisms, and clear cost-sharing.

## Recommendations

### 1. Enact a national decree to formalize public sector data sharing

- Provide legal authority and clarity for G2G information exchange under defined purposes and safeguards.
- Embed core principles:
  - Interoperability and information exchange standards across MDAs.
  - Once Only Principle to minimize repeated information requests to citizens and firms.

- Privacy by design and default, with lawful bases, purpose limitation, data minimization, and proportionality.
- Accountability mechanisms (e.g., logging, audit, oversight) and clear data stewardship roles.

## 2. Establish technical and data management standards

- Define common data models, metadata, and exchange protocols to ensure semantic and technical interoperability.
- Create a shared services layer (or data exchange platform) enabling secure, standardized API-based exchanges.
- Require cataloguing of datasets and data quality management practices to improve discoverability and reliability.

## 3. Governance and institutionalization

- Appoint data stewards in key agencies to own datasets, ensure quality, and mediate sharing decisions.
- Consider creating or empowering a data analytics entity (akin to Belize’s Office for Data Analytics) to coordinate cross-government data initiatives and provide expert support.
- Define oversight arrangements and an independent supervisory function for data protection compliance.

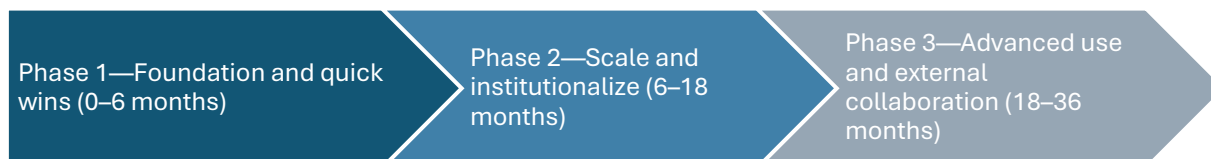
## 4. Operational safeguards and public trust

- Implement comprehensive privacy and security controls: access controls, encryption, logging, DPIAs where appropriate, and incident response procedures.
- Provide clear guidance and templates for data sharing agreements, including consistent treatment of roles, lawful bases, and retention schedules.
- Develop transparent communications and redress mechanisms to maintain public confidence.

## 5. Priority use cases and phasing

- Start with high-value, lower-risk G2G cases that demonstrate public value and reduce citizen burden.
- Phase rollout to build institutional capacity, refine standards, and align stakeholders before moving to more complex or sensitive exchanges and any B2G data sharing for public interest.

## Implementation Roadmap



### Phase 1—Foundation and quick wins (0–6 months)

- Draft and consult on the Decree; establish interim governance (data stewards, governance council).
- Define initial standards (metadata, APIs) and develop a minimal viable data exchange platform.
- Identify 2–3 high-value G2G use cases (e.g., identity/eligibility checks) and execute with DSAs and DPIAs.

### Phase 2—Scale and institutionalize (6–18 months)

- Enact the Decree; formalize oversight and accountability mechanisms.

- Expand standards coverage (data quality, lineage, logging), enhance platform capabilities, and onboard additional agencies.
- Launch a data catalogue; begin training programs; implement routine audits and performance metrics (e.g., reduction in processing time, resubmissions avoided).

### **Phase 3—Advanced use and external collaboration (18–36 months)**

- Introduce privacy-enhancing technologies for sensitive analytics; pilot structured B2G access for defined public interest cases if appropriate.
- Mature cost-sharing and service management for shared components; publish transparency reports.
- Continuously refine based on monitoring, feedback, and evolving risks.

## **Conclusion**

The advice note positions data sharing as a strategic lever for Sint Maarten’s digital transformation, with direct benefits for public service efficiency, economic dynamism, and investor confidence. It cautions that unlocking this value requires a modern legal basis, strong governance, interoperable standards, and a risk-conscious culture. International experiences offer concrete models and cautionary insights. With a phased, principles-driven approach—anchored by a new Decree, OOP, and robust safeguards—Sint Maarten can move from fragmented, manual information exchanges to a resilient, citizen-centric digital state.

This summary was produced with the assistance of an AI language model based on the original report. The full report is available at [sintmaartenrecovery.org/analytical-studies](https://sintmaartenrecovery.org/analytical-studies)