

DATA ACT (DA)

1 WHAT IS IT?

It is a regulation of the Union European Union to **facilitate data accessibility on a horizontal basis**. That is to say, establishing principles and guidelines for all sectors, with an emphasis on fair access to data, users' rights and the protection of personal data.



Regulation (EU) 2023/2854 on harmonised rules on fair access to and use of data (DA)

In short, it **clarifies who can create value from data and under what conditions**.

It is a key pillar of the European Data Strategy, complementing other legislation:

Directive (EU) 2019/1024 on open data and reuse of public sector information

It establishes the legal framework for the reuse of **public sector information**, made available to the public as **open data**.

Regulation (EU) 2022/868 on European data governance (DGA)

It regulates the secure and voluntary exchange of **datasets held by public bodies** over which third parties have rights, as well as **data intermediation services** and **data altruism**.



Shared data must always comply with the **General Data Protection Regulation (GDPR)** - Regulation (EU) 2016/679.

It focuses on:

1. Promoting the **public availability of data generated by connected products and services**.
2. Promoting **interoperability criteria for the re-use of data**, including those related to data spaces.
3. Regulating **data availability in favour of public entities** in exceptional situations.



MAIN OBJECTIVES OF THE DATA ACT

OBJECTIVES

1. Increase **transparency and legal certainty** regarding access to and use of data, in the framework of Internet of Things.
2. Promote the **fair exchange** of data, addressing contractual imbalances between companies.
3. Establish **conditions for private entities to provide data to public bodies** in exceptional situations.
4. Promote a framework for **efficient data interoperability** to foster exchange between businesses and sectors.
5. Establish minimum safeguards to enable users of data processing services (i.e. those who perform any operation on the data, such as collection, structuring or use) to **switch providers**.

3 THE KEYS TO THE DA

IoT data availability

- 1 It sets out guidelines on how connected products should be designed and manufactured so that **users can access, use and share** data generated **with third parties**.
- 2 Companies are required to report on **what data will be generated, and how and by whom** they will be used.
- 3 Obstacles to **effective supplier switching** are removed.
- 4 The **cases in which a clause is unfair** are specified.
- 5 It obliges the Commission to develop **model contractual clauses** to assist in the drafting and negotiation of fair data exchange contracts.

Interoperability

- 1 The **technical and legal conditions** for automated data processing are specified.
- 2 **Specific conditions** are laid down **for smart contracts**, including a European declaration of conformity system and standardisation criteria.

Data in favour of PPs

- 1 It opens the possibility for **public bodies to request data** needed to respond quickly and safely to **emergencies or situations of public interest**, with minimal burden on business.

4 WHO IS AFFECTED?

As a Regulation, **its direct application is mandatory throughout the European Union.**



5 WHEN DID IT ENTER INTO FORCE?

11 January 2024.
It will become generally applicable in September 2025.



6 DO YOU WANT TO KNOW MORE ABOUT DATA ACT? Click on the links below:

- 🔗 [Data Law](#)
- 🔗 [European data regulation faces the challenge of a harmonized application that will boost data sharing | datos.gob.es](#)
- 🔗 [Data Act, a new initiative in the framework of the European Data Strategy | datos.gob.es](#)

