

Data Act

Main messages

- The Data Act will remove barriers to accessing data, for both private and public sector bodies. It will preserve incentives to invest in data generation by ensuring a balanced control over the data for its creators.
- It will unlock the value of data generated by connected objects in Europe. This is one of the key areas for innovation in the coming decades. It will clarify who can create value from such data and under what conditions.
- It will ensure fairness in the allocation of data value among the actors in the data economy and in their contracts. It will respect the legitimate interests of companies and individuals that invest in data products and services. The new rules will empower consumers and companies by giving them a say on what can be done with the data generated by their connected products.
- The Data Act will give both individuals and businesses more control over their data. There will be a reinforced data portability right. This means data can be copied or transferred easily from across different services, where the data are generated through smart objects, machines and devices.
- For example, a car or machinery owner could choose to share data generated by their use with its insurance company. Such data, aggregated from multiple users, could also help to develop or improve other digital services, e.g. regarding traffic, or areas at high risk of accidents.
- It will be easier to transfer data to and between service providers. This will encourage more actors, including SMEs, to participate in the data economy.

What is the philosophy behind the Data Act? How do you see it working in practice? What advantages are you hoping it will bring?

- The Data Act aims to address the rise of data generated by devices connected to the Internet-of-Things. We want to make sure that companies and consumers that generate data from their use can access it and share it with service providers that make sense of such data. We also want to make sure that the incentive for manufacturers to invest in the development of smart objects is preserved.
- The Data Act will facilitate the use of business data by public institutions in exceptional situations, such as emergencies. The pandemic has shown the importance to enable swift, evidence-based responses under certain circumstances. The framework proposed by the Data Act will facilitate cooperation between the public and private sector where it is necessary.
- Data value will be better allocated. This will create additional value, so that more European public and private actors can benefit from data analytics, artificial intelligence and other techniques.
- Aftermarket service providers will be able to improve and innovate their services and compete on an equal footing with comparable services offered by manufacturers.
- Users of connected products (consumers, airlines, construction companies, owners of buildings) could opt for a cheaper repair and maintenance provider (or maintain and repair themselves) and benefit from lower prices on that market. This could extend the lifespan of connected products, thereby contributing to climate objectives.
- Availability of data about the functioning of industrial equipment will allow factories, farms or construction companies to optimise operational cycles, production lines and supply chain management, including based on machine-learning.

- Increased business and manufacturing efficiency should lead to reductions in waste, energy consumption and CO2 emissions.

How will it apply to cloud services?

- Data processing services, such as cloud and edge services provide the computing and storage capacities on which the data economy is built. They are a precondition for the innovative use of data. The Data Act will improve the conditions under which businesses and consumers can use cloud and edge services in the EU.
- It will be easier to move data and applications (from private photo archives to entire business administrations) from one provider to another without incurring any costs, because of new contractual obligations that the proposal presents for cloud providers, and a new standardisation framework for data and cloud interoperability. The Data Act will build on the strengths of the European standardisation organisations and other interested parties on the market.
- The Data Act will increase trust. There have to be mandatory safeguards to protect data held on cloud infrastructures in the EU. This will help to avoid unlawful access to Europeans' personal data by non-EU/EEA governments. With these measures, the Data Act will support cloud adoption in Europe, which will in turn stimulate efficient data sharing within and across sectors.

Background

The Commission adopted the Data Act proposal on 23 February 2022.

The main objectives of the proposed Act are the following:

On business to business (B2B) or business to consumer (B2C) data access:

- a horizontal set of rules allowing for a wider access to data within the economy is needed;
- enhanced data portability is required to open the cloud market, as well as opening other markets based on exchange of data;
- users of connected devices should be empowered to access and use data which they co-generate. The producers of such devices should not enjoy exclusive rights over the data collected by them.

On business to government (B2G) data access:

- public authorities should benefit from a right to access private sector data when this is justified by an important public policy objective. To avoid fragmentation, EU-level rules should lay down the necessary framework for such B2G data access;
- such data may be provided free of charge or against compensation, depending on the circumstances justifying the data request.

The open public consultation on the Data Act ran from 3 June to 3 September 2021. The stakeholder views helped shape the Commission's proposal.

The proposal for a Data Act is open for feedback from stakeholders through the "Have Your Say" website from 14 March to 11 May 2022.

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