

## DA.101 Contract w/ user

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### Art. 5 (8) Data Act - Trialogue Agreement

Trade secrets shall be preserved and shall only be disclosed to third parties to the extent that they are strictly necessary to fulfil the **purpose agreed between the user and the third party**. The data holder or the trade secret holder when it is not the data holder shall identify the data which are protected as trade secrets, including in the relevant metadata, and shall agree with the third party all proportionate technical and organisational measures necessary to preserve the confidentiality of the shared data, such as model contractual terms, confidentiality agreements, strict access protocols, technical standards and the application of codes of conduct.

### Art. 6 (1) Data Act - Trialogue Agreement

A third party shall process the data made available to it pursuant to Article 5 **only for the purposes and under the conditions agreed with the user**, and where all conditions and rules provided by the applicable data protection law are complied with, subject to the rights of the data subject insofar as personal data are concerned. The third party shall delete the data when they are no longer necessary for the agreed purpose, unless otherwise agreed with the user in relation to non-personal data.

### Art. 6 (2) (c) Data Act - Trialogue Agreement

The third party shall not:

[...]

make the data it receives available to another third party, **unless contractually agreed with the user**, and provided that the other third party takes all necessary measures agreed between the data holder and

the third party to preserve the confidentiality of trade secrets;