**Law | Data Act**

# DA.121 Obligation to erase data (upon holder request)

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## Art. 11 (2) Data Act - Trialogue Agreement

Where a third party or a data recipient has:

[...]

the third party or data recipient **shall comply without undue delay with the requests of the data holder** or where applicable, the trade secret holder when they are not the same person, or the user **to**:

(a)    **erase the data made available by the data holder and any copies thereof, without undue delay;**

(b)    end the production, offering, placing on the market or use of goods, derivative data or services produced on the basis of knowledge obtained through such data, or the importation, export or storage of infringing goods for those purposes, and destroy any infringing goods, where there is a serious risk that the unlawful use of those data will cause a significant harm to the data holder or the user or where such a measure would not be disproportionate in light of the interests of the data holder or the user;

(ba)   inform the user of the unauthorised use or disclosure of the data and measures taken to put an end to the unauthorised use or disclosure of the data;

(c)    compensate the party suffering from the misuse or disclosure of such unlawfully accessed or used data.

## Art. 11 (2a) Data Act - Trialogue Agreement

Where a user alters or removes technical protection measures applied by the data holder or does not maintain the technical and organisational measures taken by the user in agreement with the data holder or the trade secrets holder, if it is not the data holder, in order to preserve trade secrets, the data holder shall have the same rights against the user's behaviour under paragraph 2. **The same shall apply to any other third party having received the data from the user in violation of this Regulation.**

**Art. 11 (2b) Data Act - Trialogue Agreement**

**Where the data recipient has acted in violation of Article 6(2), points (a) and (b), users shall have the same rights as data holders under paragraph 2.**