

DA.203 Right to compensation

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Art. 20 Data Act - Trialogue Agreement

Compensation in cases of exceptional need

1. Data holders other than small and micro enterprises as defined in Article 2 of the Annex to Recommendation 2003/361/EC shall make available data necessary to respond to a public emergency pursuant to Article 15(1), point (a), free of charge. The public sector body or the Union institution or body that has received data shall provide public recognition to the data holder if requested by the data holder.

2. The data holder shall be entitled to fair remuneration for making data available in compliance with a request made pursuant to Article 15(1), point (b), such compensation shall cover the technical and organisational costs incurred to comply with the request including, where applicable, the costs of anonymisation, pseudonymisation, aggregation and of technical adaptation, plus a reasonable margin. Upon request of the public sector body or the Commission, the European Central Bank or Union body requesting the data, the data holder shall provide information on the basis for the calculation of the costs and the reasonable margin.

2a. Paragraph 2 shall also apply where a small and micro enterprise as defined in article 2 of the Annex to Recommendation 2003/361/EC claims compensation for making data available.

2b. Data holders shall not be able to request compensation for making data available in compliance with a request made pursuant to Article 15, point (b) in case the specific task in the public interest is the production of official statistics and where the purchase of data is not allowed by national law. Member States shall notify the Commission where the purchase of data for the production of official statistics is not allowed by national law.

2c. Where the public sector body or the Commission, the European Central Bank or Union body disagrees with the level of compensation requested by the data holder, they may submit a complaint to the competent authority referred to in Article 31 of the Member State where the data holder is established.