

DA.205 Right to decline request

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Last update: 2023-08-09 22:05:31 | By: Winfried Veil

Created at: 2022-03-04 12:07:00

Art. 18 (2) Data Act - Trialogue Agreement

Without prejudice to specific needs regarding the availability of data defined in sectoral legislation, the **data holder may decline** or seek the modification of the request without undue delay and not later than within 5 working days following the receipt of a request for the data necessary to respond to a public emergency and without undue delay and not later than within 30 working days in other cases of exceptional need, on either of the following grounds:

- (a) the data holder **does not have control** over the data requested;
- (ab) a **similar request** for the same purpose **has been previously submitted** by another public sector body, the Commission, the European Central Bank or Union body and the data holder has not been notified of the erasure of the data pursuant to Article 19(1) point (c);
- (b) the request **does not meet the conditions** laid down in Article 17(1) and (2).

Art. 18 (4) Data Act - Trialogue Agreement

If the data holder decides to decline the request or to seek its modification in accordance with paragraph 3 [now probably paragraph (2) (ab)], it shall indicate the identity of the public sector body or the Commission, the European Central Bank or Union body that previously submitted a request for the same purpose.