

DA.053 Right to be informed by holder

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Art. 3 (2) and (2a) Data Act - Trialogue Agreement

2. Before concluding a contract for the purchase, rent or lease of a connected product, the seller, the rentor or the lessor, which can be the manufacturer, shall provide at least the following information to the user, in a clear and comprehensible format:

- (a) the type, format and estimated volume of product data, which the connected product is capable of generating;
- (b) whether the connected product is capable of generating data continuously and in real-time;
- (ba) whether the connected product is capable of storing data on-device or on a remote server, including the intended duration of retention;
- (c) how the user may access, retrieve, or where relevant, delete those data, including the technical means to do so, as well as their terms of use and quality of service;

2a. Before concluding a contract for the provision of a related service, at least the following information shall be provided to the user in a clear and comprehensible format:

- (a) the nature, estimated volume and collection frequency of product data that the prospective data holder is expected to obtain and, where relevant, the modalities for the user to access or retrieve such data, including the prospective data holder's data storage and retention policy.
- (b) the nature and estimated volume of related service data to be generated, as well as the modalities for the user to access or retrieve such data, including the prospective data holder's data storage and retention policy;
- (d) whether the prospective data holder expects to use readily available data itself and the purposes for which those data will be used, and whether it intends to allow one or more third parties to use the data for purposes agreed upon with the user;
- (e) the identity of the prospective data holder, such as its trading name and the geographical address at which it is established and where applicable, other data processing parties;
- (f) the means of communication which make it possible to contact the prospective data holder quickly and communicate with that data holder efficiently;

- (g) how the user may request that the data are shared with a third party, and, where applicable, end the data sharing;
- (h) the user's right to lodge a complaint alleging a violation of the provisions of this Chapter with the competent authority referred to in Article 31;
- (i) whether a prospective data holder is the holder of trade secrets contained in the data likely to be accessed from the connected product or generated during the provision of related service, and, if not, the identity of the trade secret holder;
- (j) the duration of the agreement between the user and the prospective data holder, as well as the modalities to terminate such an agreement.