

DA.013 Ban on impeding access

Authors: Winfried Veil

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Art. 4 (1c) Data Act - Trialogue Agreement

Data holders shall not make the exercise of the choices or rights under this Article of the user **unduly difficult**, including by offering choices to the users in a non-neutral manner or by subverting or impairing the autonomy, decision-making or choices of the user via the structure, design, function or manner of operation of a user interface or a part thereof.

Art. 11 (1) Data Act - Trialogue Agreement

A data holder may apply appropriate **technical protection measures**, including smart contracts and encryption, to prevent unauthorised access to the data, including metadata, and to ensure compliance with Articles 5, 6, 8, and 9, as well as with the agreed contractual terms for making data available. Such technical protection measures shall neither discriminate between data recipients, **nor hinder the user's right to effectively obtain a copy, retrieve, use or access data or provide data to third parties pursuant to Article 5 or any right of a third party under Union law or national legislation implementing Union law as referred to in Article 8(1)**. Users and third parties shall not alter or remove such technical protection measures unless agreed by the data holder.