

DA.021 Contract w/ user on security hazards

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Art. 4 Data Act - Trialogue Agreement

[...]

1a. Users and data holders **may agree contractually on restricting or prohibiting the access, use or further sharing of data**, if such processing could undermine security requirements of the product, as laid down by Union or national law, resulting in serious adverse effect on the health, safety or security of human beings. Sectoral competent authorities may provide technical expertise in this context. When the data holder refuses to share data pursuant to this Article, it shall notify the national competent authority designated in accordance with Article 31.

1b. Without prejudice to the user's right to seek redress at any stage before a court or a tribunal of a Member State, the user may, in relation to any dispute with the data holder concerning the contractual restrictions or prohibitions referred to in paragraph 1a:

(a) **lodge** in accordance with Article 31(3), point (b), a **complaint** with the national competent authority ;
or

(b) agree with the data holder to **refer the matter to a dispute settlement body** in accordance with Article 10(1a).