

DA.600 No open data

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Art. 21 (3) Data Act - Trialogue Agreement

Individuals or organisations receiving the data pursuant to paragraph 1 shall comply with the same obligations that are applicable to the public sector bodies or the Commission, the European Central Bank or Union bodies pursuant to Article 17(3) and Article 19.

Art 17 (3) Data Act - Trialogue Agreement

A public sector body or the Commission, the European Central Bank or Union body shall not make data obtained pursuant to this Chapter available for reuse within the meaning of Directive (EU) 2019/1024 or Regulation (EU) 2022/868. Directive (EU) 2019/1024 and Regulation (EU) 2022/868 shall not apply to the data held by public sector bodies obtained pursuant to this Chapter.

Art. 19 Data Act - Trialogue Agreement

1. A public sector body or the Commission, the European Central Bank or Union body receiving data pursuant to a request made under Article 14 shall:

- (a) not use the data in a manner incompatible with the purpose for which they were requested;
- (b) have implemented technical and organisational measures that preserve the confidentiality and integrity of the requested data and the security of the data transfers, in particular personal data, as well as safeguard the rights and freedoms of data subjects;
- (c) erase the data as soon as they are no longer necessary for the stated purpose and inform the data holder and individuals or organisations that received the data pursuant to paragraph 1 of Article 21 without undue delay that the data have been erased unless archiving of the data is required in accordance with Union and national law on public access to documents in the context of transparency obligations.

1a. A public sector body, the Commission, the European Central Bank, a Union body or a third party receiving data under this Chapter shall not:

(a) use the data or insights about the economic situation, assets and production or operation methods of the data holder to develop or enhance a product or service that compete with the product or service of the data holder;

(c) share the data with another third party for any of those purposes.

2. Disclosure of trade secrets to a public sector body or to the Commission, the European Central Bank or Union body shall only be required to the extent that it is strictly necessary to achieve the purpose of a request under Article 15. In such a case, the data holder or the trade secret holder, if it is not the same shall identify the data which are protected as trade secrets, including the relevant metadata. The public sector body or the Commission, the European Central Bank or Union body shall take, prior to the disclosure, all necessary and appropriate technical and organizational measures, to preserve the confidentiality of those trade secrets, including as appropriate through the use of model contractual terms, technical standards and the application of codes of conduct.

2c. A public sector body or a Union institution or body shall be responsible for the security of the data that they receive.