

DA.020 Right to demand compensation for misuse

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Last update: 2023-08-05 22:50:52 | By: Aline Blankertz

Created at: 2023-08-05 22:50:52

Art. 11 (2) Data Act - Trialogue Agreement

Where a third party or a data recipient has:

- for the purposes of obtaining data provided false information to a data holder, deployed deceptive or coercive means or abused gaps in the technical infrastructure of the data holder designed to protect the data,
- used the data made available for unauthorised purposes, including the development of a competing product within the meaning of Article 6 (2) (e),
- unlawfully disclosed data to another party,
- not maintained the technical and organisational measures agreed in accordance with Article 5(8), or,
- altered or removed technical protection measures applied by the data holder, in accordance with paragraph 1, without the agreement of the data holder;

the third party or data recipient shall comply without undue delay with the requests of the data holder or where applicable, the trade secret holder when they are not the same person, or the user to:

[...]

(c) compensate the party suffering from the misuse or disclosure of such unlawfully accessed or used data.