



EUROPEAN  
COMMISSION

Brussels, XXX  
[...] (2024) XXX draft

**COMMISSION DELEGATED REGULATION (EU) .../...**

**of XXX**

**supplementing Regulation (EU) 2022/2065 of the European Parliament and of the Council by laying down the technical conditions and procedures under which providers of very large online platforms and of very large online search engines are to share data pursuant to Article 40 of Regulation (EU) 2022/2065**

(Text with EEA relevance)

*This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.*

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE DELEGATED ACT**

On 16 November 2022, Regulation (EU) 2022/2065 of the European Parliament and of the Council, the Digital Services Act (DSA)<sup>1</sup> entered into force. That Regulation provides a harmonised legal framework applicable to all online intermediary services provided in the Union and seeks to create a safer digital space, in which the fundamental rights of all users of digital services are protected.

Regulation (EU) 2022/2065 includes a special set of obligations for providers of very large online platforms ('VLOPs') and of very large online search engines ('VLOSEs'), proportionate to their particular role and societal impact in the Union. It imposes several obligations on such providers to increase their public accountability, including the obligation to maintain public repositories of advertisements, to draft reports on the assessment of any systemic risks stemming from the design or functioning of their service and its related systems and to adopt risk mitigation measures, as well as the obligation to subject themselves to independent compliance audits.

Article 40 of Regulation (EU) 2022/2065 requires providers of very large online platforms and of very large online search engines to provide access to their data for the purposes of regulatory supervision and research that contributes to the detection, identification and understanding of systemic risks in the Union, and to the assessment of the adequacy, efficiency and impacts of risk mitigation measures that those providers have to take under that Regulation. The impact of this provision is twofold: researchers will benefit from access to previously undisclosed or under-disclosed data, opening up new avenues for research and increasing the potential of generating knowledge for the benefit of all. At the same time, these insights will contribute to regulators' work on their enforcement tasks, including the assessment of the measures implemented by those providers to meet the requirements laid down in Regulation (EU) 2022/2065.

Pursuant to Article 40(13) of Regulation (EU) 2022/2065, the Commission is empowered to adopt delegated acts to supplement that Regulation by laying down the technical conditions under which providers of very large online platforms or of very large online search engines are to share data pursuant to Article 40, paragraphs 1 and 4, of Regulation (EU) 2022/2065 and the purposes for which the data may be used. In addition, the provision states that those delegated acts shall lay down the specific conditions under which such sharing of data with researchers can take place in compliance with Regulation (EU) 2016/679, as well as relevant objective indicators, procedures and, where necessary, independent advisory mechanisms in support of sharing of data, taking into account the rights and interests of the providers of very large online platforms or of very large online search engines and the recipients of the service concerned, including the protection of confidential information, in particular trade secrets, and maintaining the security of their service.

Given the important role that researchers can play for the detection, identification and understanding of systemic risks in the Union and for the assessment of the adequacy, efficiency and impacts of risk mitigation measures that providers of very large online platforms and of very large online search engines are required to take under Regulation (EU) 2022/2065, this delegated act specifies the procedures and technical conditions enabling the sharing of the data pursuant to Article 40, paragraph 4. To this end, this delegated act is

---

<sup>1</sup> OJ L277, 27.10.2022, p. 1.

intended to ensure an effective and harmonised application of the provision regulating access to data pursuant to Regulation (EU) 2022/2065.

The rules laid down in this delegated act build on existing practices for accessing data from providers of very large online platforms or of very large online search engines, which were set up on a voluntary basis. Considering the innovative nature of the mechanism set out in Article 40(4) of Regulation (EU) 2022/2065 involving different actors, namely researchers, Digital Services Coordinators and providers of very large online platforms or of very large online search engines, specific procedures are defined to develop solid, consistent and uniform practices, and to protect the rights and interests of all the actors involved.

In particular, the delegated act sets out the procedures to be followed by Digital Services Coordinators for the formulation of reasoned requests for access to data to providers of very large online platforms or of very large online search engines. In doing so, this delegated act also clarifies and harmonises the procedures for the management of the data access process, starting from the submission of the data access application and it establishes the Digital Services Act (DSA) data access portal, to underpin the different steps in the process. Moreover, the delegated act pays particular attention to the legal, organisational and technical safeguards to be taken into account by the Digital Services Coordinator of establishment when determining the appropriate access modalities for the sharing of the data. To this end, the delegated act operationalises the interactions between the Digital Service Coordinator of establishment and the providers of very large online platforms or of very large online search engines in the processing of the reasoned request for access to data.

The delegated act therefore aims at designing a practical and clear process for data access, which will protect the rights and interests of those involved – while containing adequate safeguards against any form of abuse.

## **2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT**

Over the last year, the Commission has collected views from a wide range of different stakeholders, including providers of digital services, such as providers of very large online platforms or of very large search engines, providers of other online platforms and other intermediary service providers, other businesses, as well as an expert group of academics and researchers.

In addition, the Commission conducted a call for evidence from 25 April to 31 May 2023. 133 contributions were received, gathering feedback on data access needs by researchers, providers of online platforms, civil society organisations as well as other relevant stakeholders. The call also covered operational matters of data access, such as procedural and technical requirements for data access applications.

The Commission also conducted targeted consultations with specialised stakeholders in the field of research and access to data, including Member State experts, in order to gather further technical views and identify areas that would benefit from further clarity through this delegated act. Consultations took place with academics, civil society actors and intermediary service providers.

Furthermore, the Commission published a draft of this delegated act for public feedback.

This delegated act addresses the main points raised by stakeholders, while preserving the level of rigor in ensuring the provision of access to data required by Regulation (EU) 2022/2065.

### **3. LEGAL ELEMENTS OF THE DELEGATED ACT**

#### **ELEMENTS OF THE DELEGATED ACT**

Section I sets out the general provisions, namely, the subject matter of the delegated act (Article 1) and the definitions of key terms (Article 2).

Section II sets out the information and contact obligations in relation to the data access process. First, it establishes the DSA data access portal (Article 3), then it sets out the roles and responsibilities for the processing of personal data carried out in the DSA data access portal (Article 4) and the rules for the processing of personal data in the DSA data access portal (Article 5). Lastly, it sets out requirements regarding the points of contact and public information on the data access process (Article 6).

Section III lays down the requirements for the formulation and assessment of reasoned requests. It provides details on the formulation of a reasoned request for data access by the Digital Services Coordinator of establishment pursuant to Article 40(4) of Regulation (EU) 2022/2065 (Article 7), on the prerequisites for the formulation of a reasoned request (Article 8), on the appropriateness of the access modalities to ensure the data security, confidentiality and personal data protection requirements corresponding to the data requested (Article 9) and on the content of the reasoned request (Article 10). It then sets out the requirements for the publication of the overview of the reasoned request in the DSA data access portal (Article 11), the procedures for the handling of amendments requests by providers of very large online platforms or of very large online search engines pursuant to Article 40(5) of Regulation 2022/2065 (Article 12) and the dispute settlement procedure (Article 13). Lastly, it lays down the conditions for the independent advisory mechanisms (Article 14).

Section IV contains provisions on the conditions for providing the data requested to vetted researchers by providing details on the data format and data documentation requirements data providers need to adhere to when providing access to data (Article 15).

Finally, Section V contains the final provision of this delegated act concerning its entry into force (Article 16).

# COMMISSION DELEGATED REGULATION (EU) .../...

of **XXX**

**supplementing Regulation (EU) 2022/2065 of the European Parliament and of the Council by laying down the technical conditions and procedures under which providers of very large online platforms and of very large online search engines are to share data pursuant to Article 40 of Regulation (EU) 2022/2065**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC <sup>(2)</sup>, and in particular Article 40(13) thereof,

Whereas:

- (1) Article 40 of Regulation (EU) 2022/2065 lays down rules regarding access to data to be granted by providers of very large online platforms and of very large online search engines. It enables researchers who have demonstrated that they fulfil the relevant conditions laid down in Article 40(8) of that Regulation ('vetted researchers') to be provided with such access. The purpose of this Regulation is to lay down technical conditions and procedures necessary to enable such access.
- (2) Under Article 40(4) of Regulation (EU) 2022/2065, vetted researchers are to be provided with access to data to help them study systemic risks in the Union and assess the effectiveness of measures to reduce those risks. Their findings can constitute valuable input for the enforcement of Regulation (EU) 2022/2065.
- (3) To make the data sharing according to Article 40(4) of Regulation (EU) 2022/2065 work, clear rules are needed for efficient sharing of data by providers of very large online platforms or of very large online search engines with vetted researchers. This includes setting out the steps and technical conditions needed to ensure that data is shared securely and efficiently.
- (4) To ensure that the data access process is transparent and consistent across Digital Services Coordinators, and to make this process clear and easy-to-use, it is necessary to create a dedicated digital infrastructure ('the DSA data access portal'). That portal should enable researchers, data providers, and Digital Services Coordinators to access and exchange information, communications, and updates on ongoing processes. To ensure that Digital Services Coordinators can access information submitted via the DSA data access portal without needing to create a separate account in the portal, the

---

<sup>2</sup> OJ L 119, 4.5.2016, p. 1.

DSA data access portal should be interoperable with the information sharing system AGORA established by Commission Implementing Regulation (EU) 2024/607<sup>3</sup>.

- (5) To make it easier for researchers to participate in the data access process, they should be given clear information about the procedures for applying for access to data. Digital Services Coordinators should therefore put in place dedicated information pages, including links to the DSA data access portal, allowing researchers to find information on the data access process.
- (6) To help applicant researchers to design effective research projects and to reduce the administrative burden of the data access process, data providers should provide an overview of the data inventory of their services easily accessible online, including indications on the data and data structures available, and where possible, indicate suggested modalities for accessing them.
- (7) To ensure that data access applications are treated equally, independently of the Member State from which the reasoned request originates, the timeframe for the formulation of reasoned requests should be harmonised. In case the formulation of the reasoned request requires additional time, the Digital Services Coordinator of establishment should notify the principal researcher, giving reasons for the delay. Such reasons may include the need to carry out additional verifications, for example where data access applications imply international data transfers, or where the Digital Services Coordinator of establishment has detected risks to the security of the Union if the data were to be shared. Making use of any independent advisory mechanism should not be among the reasons causing the delay.
- (8) To ensure that the Digital Services Coordinator of establishment has all the information necessary to formulate the reasoned request, the Digital Services Coordinator to which the data access application was submitted, should verify that the data access application includes the relevant information and supporting documentation. Within 5 working days from the receipt of the data access application, the principal researcher should receive a confirmation of completeness or be notified about the possibility to correct and resubmit the data access application if information or supporting documentation are missing.
- (9) As a prerequisite for formulating a reasoned request, the Digital Services Coordinator of establishment should verify whether all applicant researchers who are mentioned in the data access application have provided the relevant documentation demonstrating their affiliation to a research organisation, such as employment contracts or any other form of legal association. The Digital Services Coordinator of establishment should also verify that documentation demonstrating their independence from commercial interests and their access to the available legal, organisational and technical means to meet the requirements of confidentiality, data security and protection of personal data has been provided, for example in the form of a commitment letter by the research organisation of affiliation of each applicant researcher.
- (10) The Digital Services Coordinator of establishment should verify that the funding of the research project for which the data are requested is disclosed. The information provided by the applicant researchers should include details of financial and non-

---

<sup>3</sup> Commission Implementing Regulation (EU) 2024/607 of 15 February 2024 on the practical and operational arrangements for the functioning of the information sharing system pursuant to Regulation (EU) 2022/2065 of the European Parliament and of the Council (Digital Services Act) (OJ L 2024/607, 16.2.2024, ELI: [http://data.europa.eu/eli/reg\\_impl/2024/607/oj](http://data.europa.eu/eli/reg_impl/2024/607/oj)).

financial contributions, such as the amount, the nature of the contribution and the funding entity, as well as, where applicable, relevant references to EU funded projects.

- (11) The Digital Services Coordinator of establishment should verify whether the data access application describes how the research project for which the data are requested is relevant for the purposes laid out in Article 40(4) of Regulation (EU) 2022/2065 and includes information on the research questions addressed and the planned methodology for conducting the research. Where available, the data access application should include the outcomes of evaluations concerning the scientific merits of the research projects conducted by the research organisation of affiliation or the entity providing the funding, including references to evaluation processes conducted in relation to EU funded projects.
- (12) The Digital Services Coordinator of establishment should verify that the data access application describes the modalities by which the data were selected, with reference to the requirements of necessity and proportionality, entailing that data can only be requested if the purposes of the research cannot be achieved by other existing means, such as data being available through other sources, including public data access modalities and tools. The data that can be applied for to study systemic risks in the Union may vary over time. Current examples of such data include data related to users such as profile information, relationship networks, individual-level content exposure and engagement histories; interaction data such as comments or other engagements; data related to content recommendations, including data used to personalise recommendations; data related to ad targeting and profiling, including cost per click data and other measures of advertising prices; data related to the testing of new features prior to their deployment, including the results of A/B tests; data related to content moderation and governance, such as data on algorithmic or other content moderation systems and processes, archives or repositories documenting moderated content, including accounts as well as data related to prices, quantities and characteristics of goods or services provided by the data provider.
- (13) The Digital Services Coordinator of establishment should verify whether the data access application describes the requirements of confidentiality, security and protection of personal data with respect to the data requested, identifies possible risks deriving from the access and processing of such data for the purposes of the research, and illustrates the proposed legal, organisational and technical safeguards that will be put in place to minimise the identified risks. Such safeguards can take the form of any combination of relevant legal, organisational and technical means, including appropriate access modalities, and should be adapted to the specific research project. Possible examples include data access agreements, non-disclosure agreements, organisational measures, such as internal processes applied to monitor that measures that are intended as safeguards are correctly applied or internal verifications of the fulfilment of commitments from a data access application by staff not linked to the research project as well as activity logging or other authentication and access restriction measures and encrypted storage of the data.
- (14) Where personal data within the meaning of Article 4, point (1), of Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>4</sup> are requested, the Digital

---

<sup>4</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of

Services Coordinator of establishment should first verify that the data access application includes information on the legal basis justifying the processing of personal data, including special categories, where applicable, and whether such legal basis is in line with Article 6(1), points (e) or (f), or Article 9(2), points (g) or (j), of Regulation (EU) 2016/679. In addition, the Digital Services Coordinator of establishment should also verify that the data access application contains relevant data protection documentation, such as the records of processing activities pursuant to Article 30 of Regulation (EU) 2016/679, the data protection impact assessments within the meaning of Article 35 of Regulation (EU) 2016/679 and any other documentation ensuring the implementation of the principles of data protection by design and by default and the application of data security best practices, as relevant.

- (15) To facilitate the formulation of the reasoned request, the Digital Services Coordinator of establishment should verify whether the data access application includes a summary. The existence of such a summary should contribute to preserving the integrity of the information included in the data access application.
- (16) In order to determine the appropriate access modalities, including appropriate interfaces as referred to in Article 40(7) of Regulation (EU) 2022/2065, the Digital Services Coordinator of establishment should assess whether the access modalities proposed by the applicant researchers in the data access application are appropriate to fulfil the requirements of data security, data confidentiality and protection of personal data and, at the same time, enable the attainment of the research objectives of the research project. Such modalities may be, among others, a data transmission to the vetted researchers via an appropriate interface and appropriate data storage; a transmission of the data to and storage in a secure processing environment operated by the data provider or by a certified third party provider to which vetted researchers have access but where no data transmission to the vetted researchers takes place, or other access modalities to be set up or facilitated by the data provider.
- (17) To ensure that the data are shared in compliance with Regulation (EU) 2016/679, Digital Services Coordinators may consult the relevant supervisory authorities established pursuant to Article 51 of Regulation (EU) 2016/679 which remain ultimately competent to assess the compliance with Regulation (EU) 2016/679. With a view to ensure that the level of protection of natural persons guaranteed by Regulation (EU) 2016/679 is not undermined where sharing the data with the vetted researchers will involve international data transfers, such consultation should be compulsory, unless the international transfer is covered by an implementing act adopted pursuant to Article 45(3) Regulation (EU) 2016/679, ensuring an adequate level of protection.
- (18) To ensure that the data access modalities are appropriate to address particular sensitivities in terms of data protection, data security or confidentiality, on the basis of the information received in the data access application, the Digital Services Coordinator of establishment may require in the reasoned request that data are shared via secure processing environments. In such cases, the Digital Services Coordinator of establishment should ensure that the chosen environment is in line with the latest technological developments and should require the relevant documentation attesting that the necessary security and technical measures are in place and that controls are in place to monitor the effectiveness of such measures, with the purpose of ensuring that

---

such data, and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p. 1, ELI: <http://data.europa.eu/eli/reg/2016/679/oj>).



such environments are appropriate to process sensitive data, while at the same time allowing the vetted researchers to attain the objectives of their research.

- (19) In order to ensure consistency with regard to the information transmitted by the Digital Services Coordinators of establishment to the data providers, the structure of the reasoned requests should be standardised.
- (20) In order to safeguard the interests of data providers and to reduce the frequency of amendment requests over time, also reducing the burden of analysing similar data access applications for Digital Services Coordinators, an overview of each reasoned request, including any amendments and updates, should be made publicly available in the DSA data access portal, by the Digital Services Coordinator of establishment.
- (21) In order to ensure that the Digital Services Coordinator of establishment has the relevant information to evaluate an amendment request, the data provider should explain the reasons for such request, detailing the grounds to propose to modify the access to the specific data requested or to propose alternative data. In the context of amendment requests, the Digital Services Coordinator of establishment should have regard to the legitimate interests of data providers, including the protection of their trade secrets, confidentiality and security.
- (22) In order to ensure an efficient resolution of disputes within the framework laid down for sharing data to fulfil the purposes referred to in Article 40(4) of Regulation (EU) 2022/2065, in cases where a request for amendment is rejected by the Digital Services Coordinator of establishment, the data provider may suggest a mediation and identify a mediator to that end. Such mediator should support an agreement between the data provider and the Digital Services Coordinator of establishment on a specific reasoned request.
- (23) To inform decisions related to the data access process, Digital Services Coordinators may decide to request expert opinions on specific elements of the data access process, such as the determination of the access modalities, including appropriate interfaces, the formulation of the reasoned request and any amendment requests by the data provider. The experts and bodies consulted should possess proven expertise on the subject matter and should be independent. In particular, they should not have any conflict of interests, deriving for example from any ties with the applicant researchers or with the data provider.
- (24) To increase transparency and allow Digital Services Coordinators to build on their expertise acquired over time, each expert consultation request and respective outcome should be registered in AGORA.
- (25) In order to allow for the effective monitoring of compliance with the conditions set out in the reasoned request, the data provider should notify the Digital Services Coordinator of establishment when the vetted researchers get access to the data and when such access is terminated by the data provider.
- (26) In order to enable the navigation and usability of the accessed data for the purposes of the research and to put them in the proper context, data providers should provide vetted researchers with the relevant metadata and documentation describing the data made available, such as codebooks, changelogs and architectural documentation.
- (27) In order to allow for meaningful research to be conducted by the vetted researchers, also by enabling the combination of the data requested with data available through other sources, data providers should not impose any restrictions on the analytical tools employed by vetted researchers, including relevant software libraries, and should not

impose archiving, storage, refresh and deletion requirements, unless they are explicitly mentioned in the access modalities, identified in the reasoned request.

- (28) Where the data provided to the vetted researchers include personal data, the data provider should make use of the possibilities offered by Regulation (EU) 2016/679. In particular, Article 40(4) of Regulation (EU) 2022/2065 creates a legal obligation in the sense of Article 6(1), point (c) of Regulation (EU) 2016/679 for any processing of personal data necessary for the data provider to provide access to the data specified in the reasoned request. Where special categories of personal data within the meaning of Article 9 of Regulation (EU) 2016/679 are to be processed, the data provider should demonstrate that the processing meets the requirements of Article 6(1), point (c) of Regulation (EU) 2016/679, as well as Article 9(2), point (g) of Regulation (EU) 2016/679.

HAS ADOPTED THIS REGULATION:

## **SECTION I**

### **GENERAL PROVISIONS**

#### *Article 1*

##### *Subject matter*

This Regulation lays down procedures and technical conditions for providing vetted researchers with access to data held by providers of very large online platforms and of very large online search engines, pursuant to Article 40(4) of Regulation (EU) 2022/2065, in particular:

- (1) the technical conditions for the development and functioning of the Digital Services Act data access portal, ‘DSA data access portal’;
- (2) the procedures and specific technical conditions for the management of the data access process by Digital Services Coordinators and data providers;
- (3) the requirements for the formulation of the reasoned requests and the assessment of amendment requests;
- (4) the technical and specific conditions for the sharing of the data by the data providers.

#### *Article 2*

##### *Definitions*

For the purposes of this Regulation, the definitions set out in Article 4 of Regulation (EU) 2016/679, Article 3 of Regulation (EU) 2018/1725 and Article 3 of Regulation (EU) 2022/2065 shall apply. The following definitions shall also apply:

- (1) ‘data access application’ means the information and relevant documentation submitted to the Digital Services Coordinator of establishment or the Digital Services Coordinator of the Member State of the research organisation to which the principal

researcher is affiliated to obtain vetted researcher status for a specific research project involving access to data from a data provider;

- (2) 'data access process' means procedures that may lead to the sharing of the data pursuant to Article 40(4) of Regulation (EU) 2022/2065;
- (3) 'applicant researcher' means any natural person applying for access to data, either individually, in a group or as part of an entity;
- (4) 'principal researcher' means the applicant researcher who submits the data access application and assumes the responsibility for the completeness and accuracy of the information in and the supporting documentation of a data access application in their individual capacity or on behalf of an entity or a group of applicant researchers and acts as a contact point for the data access application when the vetted status is granted;
- (5) 'data provider' means a provider of a very large online platform or of a very large online search engine designated as such in accordance with Article 33(4) of Regulation (EU) 2022/2065, that controls the data to which access is requested pursuant to Article 40(4) of Regulation (EU) 2022/2065;
- (6) 'access modalities' means any appropriate interface pursuant to Article 40(7) of Regulation (EU) 2022/2065, as well as any legal, organisational and technical conditions determining access to the data requested;
- (7) 'reasoned request' means a reasoned request pursuant to Article 40(4) of Regulation (EU) 2022/2065;
- (8) 'amendment request' means a request for amendment pursuant to Article 40(5) of Regulation (EU) 2022/2065 submitted by the data provider to the Digital Services Coordinator of establishment following the receipt of a reasoned request;
- (9) 'DSA data access portal' means the digital infrastructure hosted by the Commission that facilitates the management of the data access process, including the processing of relevant information;
- (10) 'secure processing environment' means the secure processing environment provided by or on behalf of the data provider as defined in Article 2, point (20), of Regulation (EU) 2022/868.

## **SECTION II**

### **INFORMATION AND CONTACT OBLIGATIONS**

#### *Article 3*

##### *DSA data access portal*

1. The Commission shall establish the DSA data access portal, which shall:
  - (a) support and streamline the management of the data access process for researchers, data providers and Digital Services Coordinators;
  - (b) serve as the single digital point of exchange of information on the data access process and facilitate the information exchanges pursuant to this Regulation among applicant researchers, vetted researchers, data providers and Digital Services Coordinators.

2. The DSA data access portal shall be hosted by the Commission.
3. The DSA data access portal shall be interoperable with the information sharing system AGORA established by Implementing Regulation (EU) 2024/607. The Digital Services Coordinators shall have access in AGORA to the information submitted through the DSA data access portal.
4. Data providers shall register in the DSA data access portal.
5. To participate in the data access process, applicant researchers shall register in the DSA data access portal.
6. The DSA data access portal shall consist of a publicly accessible interface and non-public dashboards accessible to applicant and vetted researchers and data providers as users who have been identified and authenticated, following the registration.

#### *Article 4*

##### *Roles and responsibilities for processing personal data in the DSA data access portal*

1. The Commission shall be a processor within the meaning of Article 3, point (12), of Regulation (EU) 2018/1725 in respect of:
  - (a) personal data when registering applicant researchers and data providers in the DSA data access portal;
  - (b) personal data necessary for the data access process and the related sharing of information, including with AGORA.
2. The responsibilities of the Commission as processor for data processing activities conducted in the DSA data access portal shall be as set out in the Annex.
3. Digital Services Coordinators shall be separate controllers within the meaning of Article 4(7) of Regulation (EU) 2016/679 with respect to the processing of personal data they carry out to manage the data access process.

#### *Article 5*

##### *Processing of personal data in the DSA data access portal*

1. The transmission, storage and other processing of personal data in the DSA data access portal shall take place only as necessary and proportionate and only for the purpose of managing the data access process. The processing of personal data shall take place in the DSA data access portal only in respect of the following categories of data subjects:
  - (a) natural persons registered in the DSA data access portal;
  - (b) natural persons whose personal information is contained in the data access application to the DSA data access portal or in any other exchange pursuant to this Regulation concerning the data access process.
2. The processing of personal data may take place in the DSA data access portal only in respect of the following categories of personal data:
  - (a) name, address, contact information, contact number and user ID of the natural persons for the purpose of the registration;

- (b) identification data, contact details, personal data contained in the documentation demonstrating the affiliation to a research organisation, and any other personal information deemed necessary for the purpose of submitting the data access application;
  - (c) logs indicating the information about the flow and movements of the exchanged data in the DSA data access portal.
3. The DSA data access portal shall store the personal data listed under Article 5(2) of this Regulation.
  4. The storage of data referred to in paragraph 5(3) shall be performed using information technology infrastructure located in the European Economic Area.
  5. The Commission shall ensure that data subjects can exercise their rights in accordance with Regulation (EU) 2018/1725, and shall be responsible for compliance with that Regulation for the personal data processing activities carried out on its behalf.

## *Article 6*

### *Points of contact and public information on the data access process*

1. The Digital Services Coordinators shall establish a dedicated point of contact for applicant and vetted researchers as well as data providers, whose task shall be to provide information and support on the data access process pursuant to Article 40(4) of Regulation (EU) 2022/2065. The Digital Services Coordinators shall communicate their points of contact to the Commission.
2. The Digital Services Coordinators shall make available and easily accessible on their online interfaces the points of contact established pursuant to paragraph 1, a link to the DSA data access portal and an indication of the Union languages in which they accept data access applications.
3. Each data provider shall establish a point of contact for the data access process and communicate the contact details to their Digital Services Coordinator of establishment and to the Commission.
4. Data providers shall make available and easily accessible on their online interfaces the details of the point of contact, a link to the DSA data access portal as well as an overview of the data inventory of their services, including examples of available datasets and suggested modalities to access them.
5. The points of contact shall not contain any personal data within the meaning of Article 4, point (1), of Regulation (EU) 2016/679.
6. The Commission shall publish the details of the points of contact referred to in paragraphs 1 and 2 in the public interface of the DSA data access portal.

## SECTION III

### REQUIREMENTS FOR FORMULATING AND ASSESSING REASONED REQUESTS

#### *Article 7*

##### *Formulation of reasoned request*

1. Within 5 working days from the receipt of the data access application, the Digital Services Coordinator to which the data access application has been submitted shall either confirm to the principal researcher that the application contains the information and supporting documentation listed in Article 8, or indicate which elements of the data access application require correction or completion, allowing the principal researcher to resubmit.
2. Within 21 working days starting from the day after the confirmation of completeness of the data access application to the principal researcher, the Digital Services Coordinator of establishment shall:
  - (a) Where appropriate, formulate a reasoned request, transmit it to the data provider and inform the principal researcher of its transmission;
  - (b) or inform the principal researcher about the reasons why the reasoned request could not be formulated.
3. Where, in duly justified cases, the Digital Services Coordinator of establishment needs additional time to formulate the reasoned request, it may extend the deadline referred to in paragraph 2 for a reasonable period. The Digital Services Coordinator of establishment shall notify the principal researcher of the extension and shall indicate the reasons for the delay and a new date for the transmission of the reasoned request to the data provider.

#### *Article 8*

##### *Prerequisites for formulating a reasoned request*

The Digital Services Coordinator of establishment shall verify that the data access application includes the following elements:

- (1) the consent from the principal researcher to be the point of contact for the data access application;
- (2) for each applicant researcher:
  - (a) the identity and contact details of the applicant researcher;
  - (b) documentary evidence of the existence of a formal relationship between the applicant researcher and the research organisation of affiliation;
  - (c) confirmation of affiliation, independence from commercial interests and access to the technical means necessary to meet the requirements set out in Article 40(8), point (d), of Regulation (EU) 2022/2065;
- (3) information about funding, including both financial and non-financial contributions supporting the research project for which the data are requested;

- (4) a description of the research project, including the research question, the systemic risks or mitigation measures studied and the planned research activities;
- (5) information about the volume, scope, granularity and type of the data requested;
- (6) an explanation as to why the research project cannot be carried out with alternative existing means such as using data available through other sources;
- (7) the proposed safeguards to mitigate possible risks in terms of confidentiality, data security and personal data protection corresponding to the data requested, including as regards the modalities of access to and processing of the data;
- (8) an estimation of the required duration of the access, consistent with the described research activities and planned methodology;
- (9) a summary of the data access application insofar as it is relevant to the vetted status that has been granted, including the following elements:
  - (a) an abstract of the research topic, including the systemic risks studied;
  - (b) the data provider from which data are requested for the purposes of carrying out the research project;
  - (c) a description of the data to be shared, including format, scope and, where possible, specific data points.

## *Article 9*

### *Appropriate access modalities*

1. The Digital Services Coordinator of establishment shall determine in the reasoned request the modalities according to which access to the data is to be granted by the data provider.
2. When determining the access modalities, the Digital Services Coordinator of establishment shall take into account the sensitivity of the data requested, the rights and interests of the data provider, including the protection of confidential information, in particular trade secrets, and the security of its service.
3. Where providing access to data involves international data transfers, the Digital Services Coordinator of establishment shall consult the relevant supervisory authorities established pursuant to Article 51 of Regulation (EU) 2016/679, unless the international transfer in question is covered by an implementing act adopted pursuant to Article 45(3) Regulation (EU) 2016/679.
4. Where, in accordance with the access modalities, a secure processing environment is used to grant access, the Digital Services Coordinator of establishment shall require documentation attesting that the operator of that environment:
  - (a) specifies access conditions to the secure processing environment in order to minimise the risk of the unauthorised reading, copying, modification or removal of the data hosted in the secure processing environment;
  - (b) ensures that vetted researchers have access only to data covered by their reasoned request, by means of individual and unique user identities and confidential access modes;

- (c) keeps identifiable logs of access to the secure processing environment for the period necessary to verify and audit all processing operations in that environment;
- (d) ensures that the computing power at the disposal of the vetted researchers is appropriate and sufficient for the purposes of the research project;
- (e) monitors effectiveness of measures listed in points (a) to (d).

## *Article 10*

### *Content of the reasoned request*

1. The reasoned request shall contain at least the following elements:
  - (a) the contact details of the principal researcher;
  - (b) the date by which the data provider shall give access to the data requested and the date on which such access shall be terminated;
  - (c) the access modalities for the sharing of the data with the vetted researchers;
  - (d) the summary of the data access application referred to in Article 8, point (i).
2. The names and contact details of all vetted researchers mentioned in the data access application may be disclosed where this is necessary to enable access to the data, in accordance with the access modalities specified in the reasoned request.

## *Article 11*

### *Publication of the overview of the reasoned request in the DSA data access portal*

1. Upon formulation of the reasoned request, the Digital Services Coordinator of establishment shall publish an overview of the reasoned request in the DSA data access portal. The overview shall contain:
  - (a) the summary of the data access application referred to in Article 8, point (i);
  - (b) the access modalities for the sharing of the data to the vetted researchers.
2. Where necessary as a result of an amendment request or a dispute settlement procedure, the Digital Services Coordinator of establishment shall update the overview referred to in paragraph 1 accordingly.

## *Article 12*

### *Procedures for the handling of amendment requests*

1. Upon the receipt of an amendment request, the Digital Services Coordinator of establishment shall inform the principal researcher concerned.
2. When deciding on an amendment request made pursuant to Article 40(5), point (a), of Regulation (EU) 2022/2065, the Digital Services Coordinator of establishment shall take into account whether:



- (a) the reasons for the inaccessibility are duly substantiated;
  - (b) the lack of access is permanent or temporary.
- 3. When deciding on an amendment request made pursuant to Article 40(5), point (b), of Regulation (EU) 2022/2065, the Digital Services Coordinator of establishment shall take into account:
  - (a) whether the alleged vulnerability and its significance are duly substantiated;
  - (b) the likelihood and severity of harm resulting from the alleged significant vulnerability;
  - (c) the extent to which the access modalities set out in the reasoned request effectively mitigate the risk of such harm occurring.
- 4. At any time during the assessment of an amendment request, the Digital Services Coordinator of establishment may ask the data provider to provide information needed to complete its assessment.
- 5. Where the Digital Services Coordinator of establishment concludes that the amendment request is duly justified, it shall assess whether any proposals for alternative access modalities to the requested data or any proposals for alternative data pursuant to Article 40(6) of Regulation (EU) 2022/2065 strike an appropriate balance between the data access requested and the vulnerabilities invoked in support of the amendment request. In assessing such proposals, the Digital Services Coordinator of establishment may consult the principal researcher to enquire about the suitability of any alternative proposals submitted by the data provider for attaining the objectives of the research project proposed in the data access application.
- 6. If the assessment of the amendment request leads to a modification of one or more elements in the reasoned request, the Digital Services Coordinator shall modify the reasoned request accordingly, transmit it to the data provider and, in parallel, notify the principal researcher and update the overview of the reasoned request in the DSA data access portal.

### *Article 13*

#### *Dispute settlement procedure*

- 1. If the data provider disagrees with the decision of the Digital Services Coordinator of establishment following an amendment request, the data provider may ask the Digital Services Coordinator of establishment to participate in a mediation. The request for mediation shall include the identity and contact details of the proposed mediator.
- 2. The mediator shall be impartial and independent. The objective of the mediator shall be to help parties reach an agreement that:
  - (a) allows vetted researchers to access the data
  - (b) protects the rights and interests of the data provider and the vetted researchers.
- 3. The Digital Services Coordinator of establishment shall verify that the mediator proposed meets the requirements of impartiality and independence and has qualified and relevant experience in relation to the elements laid down in Article 40(5) of Regulation (EU) 2022/2065 and is able to act without undue delay. If the Digital

Services Coordinator of establishment determines that the proposed mediator does not meet those requirements, it may ask the data provider to propose another mediator. When the Digital Services Coordinator of establishment has verified that the proposed mediator meets those requirements, it shall confirm the suitability of the mediator.

4. The data provider shall be solely responsible for covering the costs of the mediation.
5. Where appropriate, the Digital Services Coordinator of establishment may invite the principal researcher to join the mediation as a party to help reach an agreement that supports the objectives of the research project in relation to which the data was requested.
6. The data provider, the Digital Services Coordinator of establishment and, where relevant, the principal researcher, shall act in good faith throughout the mediation.
7. The participation in mediation shall not affect the rights of the parties to initiate judicial proceedings at any time before, during or after the mediation.
8. The Digital Services Coordinator of establishment may set a time limit for the mediation, which cannot exceed two months from the date on which the meditation process was started in accordance with paragraph 1. If no agreement has been reached within that time limit, the mediator shall declare the mediation closed.
9. The mediator may end the mediation earlier if
  - (a) one of the parties requests it explicitly;
  - (b) it becomes clear that the parties' conduct during the mediation makes it unlikely that an agreement will be reached.
10. The Digital Services Coordinator of establishment shall register in AGORA a summary record of the mediation, prepared by the mediator and signed by all parties. The record shall include the following information:
  - (a) the date of the request for mediation by the data provider;
  - (b) the identities and contact details of the participants;
  - (c) the start and end dates of the mediation;
  - (d) the outcome of the mediation, including any agreement reached or the reason for termination of the mediation.
11. Where the mediation leads to an agreement resulting in granting access to the data on terms that are different to those specified in the reasoned request, the Digital Services Coordinator of establishment shall amend the reasoned request to reflect that agreement.

#### *Article 14*

##### *Independent advisory mechanisms*

1. Before formulating a reasoned request, or taking a decision on an amendment request, the Digital Services Coordinator may decide to consult experts.
2. The experts shall:

- (a) be independent and impartial;
  - (b) possess relevant expertise and proven skills and have the capacity and resources to perform the identified task, without incurring undue delay.
- 3. To attest impartiality, the experts shall sign a declaration confirming that they:
  - (a) have no financial or personal ties to the data provider or the applicant researchers;
  - (b) have no interest in the outcome of the data access process;
  - (c) are free from any conflicts of interest.
- 4. The Digital Services Coordinator shall encode any consultation carried out pursuant to paragraph 1, along with the expert opinion received in response to the consultation, without undue delay in AGORA.
- 5. Prior to initiating new consultations, the Digital Services Coordinators are encouraged to refer to previous outcomes.

## **SECTION IV**

### **CONDITIONS FOR PROVIDING THE DATA REQUESTED TO VETTED RESEARCHERS**

#### *Article 15*

##### *Data format and data documentation*

- 1. Data providers shall notify the Digital Services Coordinator of establishment within 24 hours:
  - (d) that the vetted researchers have access to the data requested, in accordance with the access modalities specified in the reasoned request;
  - (e) that the access for the vetted researchers is terminated.
- 2. Data providers shall provide vetted researchers with relevant documentation related to the data requested. In cases where the provision of such documentation results in a significant vulnerability, the data provider shall notify the Digital Services Coordinator of establishment and, where possible, propose alternative documentation.
- 3. When providing access to data, data providers shall not impose archiving, storage, refresh and deletion requirements that hinder the research referred to in the reasoned request in any way.
- 4. Data providers shall be allowed to limit vetted researchers' use of standard analytical tools, including relevant software libraries, for the analysis of the data requested, only if it is specified in the reasoned request.

## SECTION V

### FINAL PROVISIONS

#### *Article 16*

#### *Entry into force*

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Commission*  
*Ursula von der Leyen*  
*The President*