

## Data Act: A Guide for Technology Manufacturers

Use cases, flowcharts and checklists for manufacturers of connected devices to comply with Chapters II and III of the EU Data Act 2023/2854

## **Table of Contents**

INTRODUCTION	5
1. The EU Data Act	5
2. Outline of Orgalim's data act guide	6
3. Disclaimer	7
4. Acknowledgments	7
SECTION I - SCOPE	8
1. CONNECTED PRODUCTS	8
1.1. Definition of a 'connected product' (Article 2.5)	8
1.2. Exclusions	8
1.3. The specific case of 'connected components'	9
2. RELATED SERVICES	10
2.1. Definition of a 'related service' (Article 2.6)	10
2.2. Key criteria for a 'related service'	10
2.3. Exemptions	11
3. DATA IN SCOPE	12
Classification of data relevant for Chapter II of the Data Act (B2B and B2C data sharir	ng) 12
4. TIMELINE OF THE OBLIGATIONS	18
5. ECONOMIC OPERATORS AND TERRITORIALITY CONSIDERATIONS	19
5.1 The 'placing on the market'	19
5.2 Exclusions	19
5.3 The economic operators in the Data Act scope	20
6. TRADE SECRETS PROTECTION AND IPRs	21
6.1 Trade secrets	21
6.2 Intellectual Property Rights	24
7. INTERPLAY BETWEEN THE DATA ACT AND OTHER EU REGULATIONS	24
7.1 Interaction with the General Data Protection Regulation (GDPR) 2016/679	24
7.2 Interaction with the Cyber Resilience Act (CRA) regulation 2024/2847	25
7.3 Interaction with the Data Governance Act (DGA) regulation 2022/868	25
7.4 Interaction with the Digital Markets Act (DMA) regulation 2022/1925	26
7.5 Interaction with the Network and Information Systems Directive (NIS 2) 2022/2	2555 26
7.6 Interaction with EU competition law	26

	7.7	Interaction with Machinery Regulation 2023/1230	.27
SEC	TION	I II – DATA ACCESS: LOGIC, USE CASES AND ROLES	29
1	. D	ATA HOLDERS	29
2	. D	ATA USER: RIGHTS AND OBLIGATIONS	30
	Righ	ts:	30
	Oblig	gations:gations:	.31
3	. W	VHO IS WHO IN THE DATA ACT: USE CASES	32
	USE	CASE 1: OEM is the Data Holder for all the data generated	32
	USE	CASE 2: OEM and Component Manufacturer are both Data Holders	.33
	USE	CASE 3: OEM is the only Data Holder and the Component Manufacturer acts as a Third Party	34
	USE	CASE 4: OEM and Service Provider are both Data Holders	.35
	USE	CASE 5: Related Service Provider acting as the only Data Holder	36
	USE	CASE 6: Rental companies - Different data holders and different users	.37
4	. Т	HE LOGIC OF THE NEW DATA ACCESS RIGHTS	38
SEC	TION	I III - CHECKLISTS	42
1. N	/lanufa	acturer (e.g. original equipment manufacturer)	42
1b.	Manu	ufacturer as data holder	45
2. S	uppli	er of components	50
3. I	Manut	facturer as a Third Party	52
Anr	nex – I	List of figures	56

## Request for data access addressed to a data holder (Art 4.1)





