

EU Digital Laws: Mapping the Interplays with the GDPR

Data Governance Act: EU General Data Protection Regulation

The Data Governance Act provides a regulatory framework for the public sharing of both non-personal and personal data and interacts with the GDPR in several ways.

DGA

Article 1(3)

Insofar as any personal data is processed in connection with the DGA, the GDPR's rules and protections prevail. In the event of a conflict between the DGA and GDPR, the GDPR prevails, as do the powers and competencies of the GDPR's supervisory authorities.

Article 5(3)(a-c), Recital 15

Public sector bodies that decide to grant access for reuse of protected data should anonymize any personal data. If the anonymization or the modification of the data makes it unusable for the re-user, and requirements for conducting a data protection impact statement and prior consultation with a supervisory authority under the GDPR have been fulfilled, and if the risks to the rights to the data subjects are minimal, then on-premise or remote re-use of the data within a secure processing environment could be allowed.

Article 10(b), Recital 30

A specific category of data intermediation services that offers services to data subjects seeking to enhance the agency of data subjects and individuals' control over data relating to them and assists them in exercising their rights under the GDPR.

Article 25(3)

A data altruism consent form is to be developed by the European Commission in consultation with the European Data Protection Board and European Data Innovation Board to facilitate the collection of data based on data altruism.

Article 31

Public sector bodies, data intermediation services providers and data altruism organizations must take "all reasonable technical, legal and organizational measures, including contractual arrangements," to prevent international transfer or governmental access to nonpersonal data where such transfer or access conflicts with EU or national law of the relevant member state.

GDPR

Article 4

The DGA adopted all of the GDPR's definitions of "personal data," "consent," "data subject," and "processing."

Articles 35-36

Data protection impact assessment and prior consultation with a supervisory authority may need to be carried out to allow on-premises or remote reuse of non-anonymized data within a secure processing environment under the DGA.

Articles 7, 15-18, and 20

The DGA data intermediation services may offer assistance to data subjects in giving and withdrawing their consent as well as in exercising their GDPR rights to access, rectification, erasure ("right to be forgotten"), restriction of processing, and data portability.

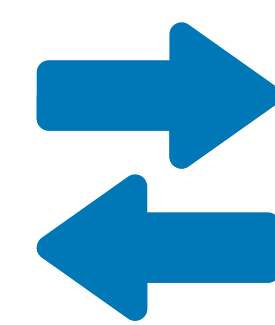
Article 7

Whenever personal data is collected via the data altruism consent form, the data altruism organization should ensure that data subjects can give and withdraw consent from a specific data processing operation in compliance with the GDPR.

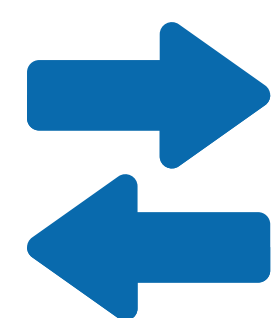
Article 44

The DGA's requirements around the international transfer of and access to nonpersonal data resemble the requirements imposed by the GDPR on international transfer and access to personal data.

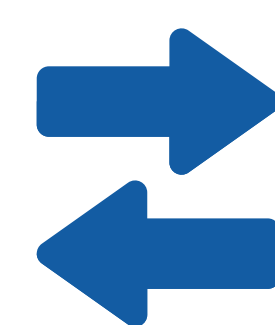
Precedence of the
GDPR/definitions



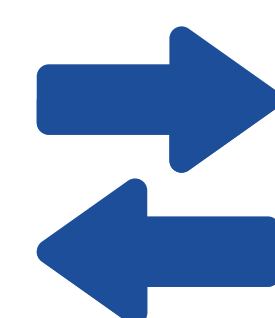
Anonymization and
reuse of personal
data/ data protection
impact assessments



Data subject
rights



Consent



International
transfers of and
access to personal
and nonpersonal data

