

Purpose of the DGA		REUSE OF CERTAIN CATEGORIES OF PROTECTED DATA HELD BY PUBLIC SECTOR BODIES Chapter II, Articles 3-9	DATA INTERMEDIATION SERVICES PROVIDERS Chapter III, Articles 10-15	DATA ALTRUISM Chapter IV, Articles 16-26
The purpose of the EU Data Governance Act is to create a mechanism to enable the safe reuse of public sector data that is subject to certain protections, establish rules for data intermediary service providers, introduce the concept of data altruism and establish the European Data Innovation Board.				
Key changes the DGA will bring				
<ul style="list-style-type: none">⌚ A series of new component authorities in EU member states.⌚ Creates European Data Innovation Board, a new pan-European authority.⌚ A strict framework for companies offering data intermediary services with several requirements and restrictions on the usage of the brokered data.⌚ Data transfer restrictions for non-personal data are treated similar to personal data under the EU General Data Protection Regulation.		Applies to public sector bodies, which broadly include institutions that are government-financed, government-managed and exist to serve the needs in the general interest.	<ul style="list-style-type: none">⌚ Applies to data intermediation services providers, defined as entities that broker the flow of data from an undetermined number of data subjects and data holders to data users, thereby establishing a commercial relationship between the data holders and the data users.⌚ Excludes a number of intermediation services, including those that aggregate, enrich or transform the data to add substantial value and license the use of the resulting data without establishing a commercial relationship between data holders and data users.	Applies to organizations that collect data voluntarily shared for the purposes of public benefit, including improved health outcomes, combating climate change or scientific research.
Key challenges posed by the DGA				
<ul style="list-style-type: none">⌚ Exact scope of some of the requirements of the DGA, especially the definition of “data intermediary.”⌚ The GDPR remains the primary regulation for the handling of personal data, and the DGA covers non-personal and personal data — some observers fear inconsistencies between the GDPR and the DGA.⌚ DGA enforcement is by member state-level national bodies, but it is unclear how these bodies will cooperate with the data protection authorities when personal data is involved.		Covers personal and non-personal data held by public sector bodies that are protected on the grounds of: <ul style="list-style-type: none">⌚ Business secrets.⌚ Statistical confidentiality.⌚ Protecting intellectual property rights of third parties.⌚ The protection of personal data which falls outside the scope of EU Directive 2019/1024, Open Data and the Re-Use of Public Sector Information. Does not apply to data held by: <ul style="list-style-type: none">⌚ Public undertakings (see Article 2(19)).⌚ Public broadcasters.⌚ Cultural and educational establishments.⌚ Data protected on grounds of public security and defense.	Individuals’ personal data and companies’ non-personal data.	Covers personal and non-personal data. Includes, but is not limited to, data pertaining to: <ul style="list-style-type: none">⌚ Health care.⌚ Combating climate change.⌚ Improving mobility.⌚ The development, production and dissemination of official statistics.⌚ Improving the provision of public services.⌚ Public policymaking.⌚ Scientific research in the general interest.
Important upcoming dates				
<ul style="list-style-type: none">⌚ The DGA enters into force June 23, 2022 and applies to organizations beginning Sept. 24, 2023.⌚ Designation of competent authorities by member states within 15 months after entry into force beginning Sept. 24, 2023.⌚ Evaluation and review of the DGA within 39 months after entry into force by Sept. 25, 2025.		Subject to a limited exception, exclusive agreements for reuse are prohibited. The conditions and the authorization procedure for reuse must be made publicly available; they must be non-discriminatory, transparent, proportionate and objectively justified. Public sector bodies must ensure that the protected nature of the data that is to be reused and preserved by, among others: <ul style="list-style-type: none">⌚ Anonymizing personal data.⌚ Modifying or aggregating business secrets or content protected by intellectual property rights. Reusers may be requested to enter into a confidentiality undertaking. Detailed rules on required safeguards for the transfer of non-personal data outside of the European Union.	<ul style="list-style-type: none">⌚ DISPs must register with competent authorities and will be entered into registry controlled by the European Commission.⌚ DISPs are subject to close regulation by competent authorities and must meet detailed conditions set forth in Article 12. DISPs are prohibited from using data provided to them for purposes other than facilitating the flow of data between parties. Also, DISPs must provide the data intermediary services through a separate legal entity.⌚ For personal data, DISPs must help individuals exercise their rights under the GDPR.⌚ Detailed rules on required safeguards for the transfer of non-personal data outside of the European Union.	<ul style="list-style-type: none">⌚ Data altruism organizations must register with competent authorities.⌚ Forthcoming rulebook for data altruism organizations (expected by December 2023).⌚ European data altruism consent form, to be developed by Commission, which will facilitate data collection.⌚ Transparency requirements and limitations on the use of data by data altruism organizations.⌚ Detailed rules on required safeguards for the transfer of non-personal data outside of the European Union.
Secondary legislation				
<ul style="list-style-type: none">⌚ Rulebook for data altruism organizations expected after 15 months of enactment by Dec. 23, 2023.				
Additional resources				
<ul style="list-style-type: none">⌚ EU Data Governance Act published in official journal⌚ EU Data Initiatives in Context⌚ DGA: What privacy professionals need to know⌚ Council approves Data Governance Act⌚ How to know you are a ‘data intermediary’ under DGA		Enforcement is entrusted to competent authorities in the various member states. Affected natural and legal persons have a right to lodge a complaint with competent authorities. They also have a right to an effective judicial remedy.	<ul style="list-style-type: none">⌚ Competent authorities monitor DISPs’ compliance with the DGA and are authorized to suspend DISPs’ provision of data under some circumstances.⌚ Enforcement is entrusted to competent authorities in the various member states.⌚ Affected natural and legal persons have a right to lodge a complaint with competent authorities. They also have a right to an effective judicial remedy.	Enforcement is entrusted to competent authorities in the various member states. Affected natural and legal persons have a right to lodge a complaint with competent authorities in the member states. They also have a right to an effective judicial remedy.