

Data Act and GDPR Overlaps

What is the relationship between the Data Act and the GDPR?

They complement each other. While the GDPR governs personal data processing, the Data Act facilitates:

- Access
- Sharing
- Portability of non-personal, personal or mixed datasets across sectors

Overlaps arise when datasets include personal or mixed datasets.

How does the Data Act address personal data?

The Data Act respects the GDPR principles. If personal data is included in a dataset, GDPR provisions take precedence.

Any access, sharing, or use of such data under the Data Act must fully comply with GDPR requirements, including:

- Having a valid legal basis
- Meeting information obligations among others.

Does the Data Act provide a legal basis for processing?

The Data Act does not constitute a legal basis for the processing of personal data by the data holder. Where the user is not the data subject, the Data Act does not create a legal basis for providing access or making personal data available to a third party and should not be understood as granting any new right of the data holder to process personal data.

How do the Data Act and GDPR align on information obligations?

While the Data Act (Article 3) requires users to receive clear information about the type, scope, and usage of product-generated data before purchase or rental, the GDPR (Articles 13 and 14) mandates similar but not identical disclosures. Companies must either integrate Data Act requirements into GDPR privacy notices or provide separate documents, risking redundancy.

How does the Data Act address users' right to share data with third parties?

The Data Act expands users' rights to portability under the GDPR by allowing access and sharing of all product and service-related data—whether actively provided, passively observed, personal, or non-personal. It also ensures technical feasibility for third-party access, removing any obstacles to data sharing.

What are the key overlaps in terms of access rights?

The GDPR grants users (either controllers or data subjects) the right to access their personal data, while the Data Act extends this by enabling access to:

- Personal and non-personal product data
- Related service data
- Real-time access (where possible)

This broader scope under the Data Act creates overlaps, especially when datasets contain both types of data, requiring compliance with both regulations.

What should businesses do to manage these overlaps?



Analyse datasets to differentiate personal and non-personal data



Correctly regulate the relationship between the parties (C2C, C2P, joint)



Ensure GDPR legal basis for access and sharing of personal data



Integrate Data Act information obligations into privacy notices to avoid duplication



Draft/review data-sharing agreements, where applicable