


The Data Act is now applicable in the EU

From 12 September 2025, new rules apply for IoT- and cloud service providers with business in EU member states

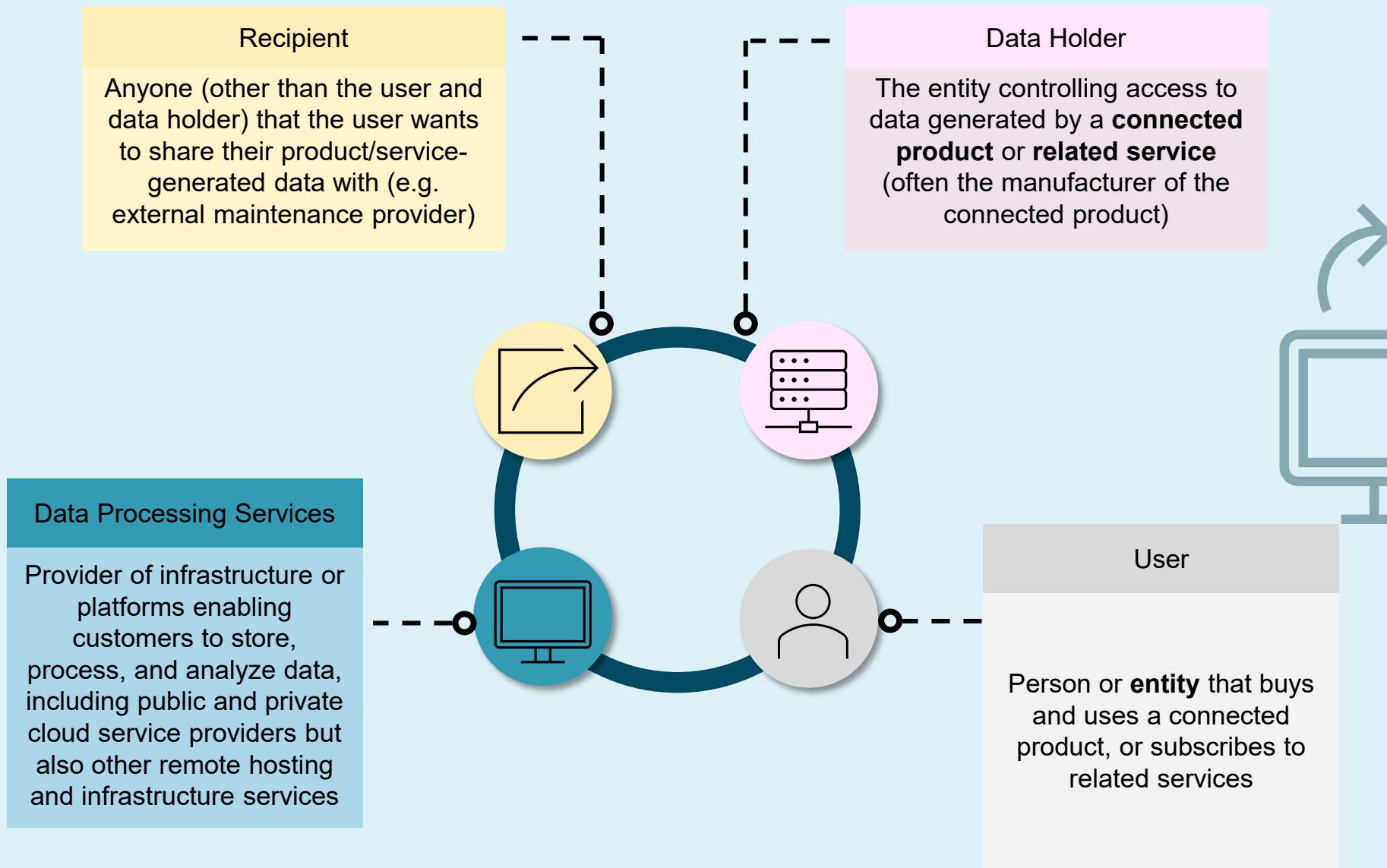


In a nutshell

The Data Act imposes mandatory data sharing and portability requirements, including by:

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- granting consumers and businesses the right to access data from their connected products
 - ensuring that customers of data processing services (read: cloud services) can switch providers
 - Facilitating public sector access to data and general data altruism

Taxonomy of actors in scope



Connected product:

A physical device that can (i) collect or generate data about how it is used or its surroundings, and (ii) send that data electronically (for example, over the internet)

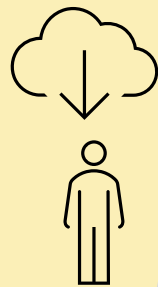


Related Service

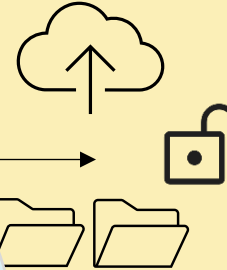
A digital service that works together with a connected product to collect, process, or use the data it generates

New obligations for providers of connected products & related services

Users must be able to access and use the data generated by their connected products and related services



Make data available to users (and third parties chosen by the user) in a clear, structured, and machine-readable format.



Inform users clearly what data is collected, how it's used, and how they can retrieve or share it



Prohibition on unfair contract terms that block or unreasonably limit access, sharing, or portability of data (also B2B)



Data type

What is "data"?

Implication under Data Act

Data: All digital info, numbers, text, pictures

All data generated by the use of connected products and services is generally in scope

Personal Data: Data that can directly or indirectly identify a person (name, location)

The GDPR always takes priority – any data sharing must comply with the privacy principles

Metadata: Data about data - how, when, where, and by whom other data was created or used

Data sharing obligations also apply to metadata

Product Data: Data that comes directly from the use of a physical product

Data sharing obligations also apply to product data. Restrictions on sharing product data other than for fulfilment of contract with the user.

Related Services Data: Data generated through software working with the connected product

Data sharing obligations also apply to related services data

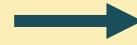
Cloud service switching



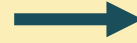
The Data Act aims to make it easy for cloud customers to switch providers or move to their own infrastructure by introducing **mandatory contract terms, e.g.:**



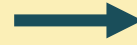
Limited notice period: Max 2 months



Strict deadlines (30 days to max 7 months) for switching



Transfer data in structured formats



Remove technical & contractual obstacles

Mandatory pre-contractual info, e.g.:

Exhaustive list of data that can be exported

Formats, standards and interfaces

Security measures and potential risks

Technical/commercial limitations



Phase-out of switching fees:

No fees allowed after January 2027

- Until then: Providers may still charge for switching/porting assistance, limited to actual costs incurred

What you should do now



Assess whether your company is a data holder, provider of connected products/services or data processing service provider



Audit existing contracts for compliance with new obligations (e.g., data access, portability, and switching clauses)



Map how data is generated, accessed, and shared in your business. Identify any gaps in processes, policies, or technical solutions needed to meet upcoming requirements



Prepare procedures and technical solutions to support cloud/service switching and ensure switching assistance fees are aligned with the Data Act for the transition period



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