



*One of the main objectives of the Data Act is to increase data-based value creation and promote data-driven innovation in Europe. To achieve this objective, the Data Act lays down new rules for accessing, using and sharing data generated by the use of connected products and related services.*

### Who do the rules apply to?

Since the entry into force of the Data Act on 12 September 2025, users in the European Union have a **legal right to access** data from connected products and related services (generally IoT devices).

The new data access rules in the Data Act apply to private, commercial and public stakeholders:

- **Manufacturers (typically data holders)** are required to provide information about available product data and related service data and make the data available.
- **Users** can ask to access the data themselves or can ask data holders to share the data with a third party of their choice.
- **Data recipients and third parties** can use data shared at the request of the users to develop new applications such as analysis, repair and maintenance services.

*Businesses can play a dual role. They can be required to provide data but can also access new data sources if they use connected products themselves or develop new products or services as third parties.*

### What are connected products and related services?

Connected products and related services can be found in all areas of the economy and society:

- **Connected products** are objects that can record data about their use, performance or environment (in particular using sensors) and transmit this data through a cable-based or wireless connection (such as WLAN, 5G, USB or NFC).

*Connected products can be found in various product categories, including smart household appliances (eg refrigerators, fire alarms, door locks), smart electronic equipment (eg TVs, smartwatches), connected vehicles (eg cars, trucks, aircraft) and connected industrial machinery (eg robots, wind turbines, agricultural machinery).*

- **Related services** are linked to connected products and can influence the functionality of the products, for example by transmitting data or commands (bidirectional exchange of data).

*Related services include apps to adjust the brightness of lights or regulate the temperature of a smart refrigerator and many other similar applications. Services that can only retrieve data, however, are not considered to be related services.*

## Which information and data must be provided and how?

Data holders are required to make **product data** and **related service data** accessible to users and share the data with third parties at the request of the users:

- **Pre-contractual information:** Anyone selling, renting out or leasing connected products or providing related services must provide pre-contractual information relating to the product or service with details of the **scope of and possible options for data access**, such as the type, format and volume of the data available.
- **Product data and related service data:** Raw data, pre-processed data and the relevant metadata must be made available for **users** easily, securely, free of charge, in a comprehensive, structured, commonly used and machine-readable format – and, where feasible, continuously and in real time.

*The data access rights under the Data Act cover both machine-generated data and personal data.*

These requirements also generally apply when users request data to be shared with third parties:

- Data holders must agree with third parties on **fair, reasonable and non-discriminatory** (FRAND) conditions and transparent arrangements for making data available and may request **reasonable compensation** from third parties for providing the data.

*The use of unfair contractual terms concerning data access and data use is not permitted. The European Commission has published non-binding model contractual terms as guidance for businesses.*

## Are there exemptions from the obligation to provide data?

In principle, the obligation to make data available covers **all data** from connected products and related services.

There are, however, some **exemptions and restrictions**:

- The obligation **does not apply to products** that have been manufactured or designed by a **microenterprise or a small enterprise**.
- The obligation under the Data Act generally covers trade secrets as well. However, the Data Act also has a mechanism to protect trade secrets, known as the **“trade secrets handbrake”**. For example, data holders and users must agree on proportionate technical and organisational measures (TOMs) before data is shared.
- The **“safety and security handbrake”** takes effect if there is a risk to the health, safety or security of persons. This means that data holders can withhold safety-related and security-related data under certain circumstances (especially if there is a risk to product safety or to the health of users).

*The processing of personal data is subject to the provisions of the General Data Protection Regulation (GDPR); compliance with these provisions is essential when personal data is made available.*

*Further information:*

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