

Subject: Consumers must be at the centre of the Data Act proposal

Dear Executive Vice-President Vestager

In view of the forthcoming proposal for a Data Act, we would like to underline the importance of this initiative from a consumer perspective.

Discussions around access to data are often dominated by business-to-business and business-to-government considerations. However, it is consumers who play a central role in the data economy. It is consumers who provide and generate huge amounts of data through their use of connected devices and digital services. And a myriad of services eventually rely on access to this data to be able to prosper and innovate. In other words, this data is key from the point of view of competition, consumer choice and innovation.

The Data Act must follow the human-centric approach outlined in the Commission's Communication on "A European strategy for data". It must be coherent and consistent with other relevant initiatives that also touch on issues related to access to data, such as the Data Governance Act and the Digital Markets Act. It must also not preclude or weaken the application of consumer and data protection rules where relevant.

In particular, there are four elements that the proposal for the Data Act should include from a consumer standpoint:

1. Ensure that consumers are in control of the data that their connected devices and associated services generate. Where consumers are at the origin of the data, they should be able to decide freely and control when and with whom to share *their* data.
2. An enhanced data portability right. Such a right should not be limited to personal data, as is currently the case with the GDPR, and should be much easier to exercise than it is today in the context of the GDPR.
3. Safeguards to prevent the further accumulation and exploitation of third-party data by gatekeeper companies. This is a key component of the Digital Markets Act, which must be reaffirmed in the Data Act to ensure an open, competitive and healthy data economy.
4. Ensure that consumers have access to all the necessary remedies and redress mechanisms if their rights are not respected, including those envisaged under the Representative Actions Directive.

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We thank you in advance for taking our considerations into account and count on you to ensure the Data Act acknowledges and reinforces the role and rights of consumers with regard to data access and data sharing, without undermining the existing consumer protection and data protection legal frameworks.

We are also sending this letter addressed to Mr Thierry Breton, Commissioner for the Internal Market.

Yours sincerely,

Monique Goyens
Director General

Ursula Pachi
Deputy Director General

Cc: Werner Stengg, Cabinet Expert