



#1 Decoding the Data Act

Starting on 12 September 2025, the Data Act will come into force – a regulation that will revolutionise entities with access to data from connected products and related services, as well as those that want to use this data.

With this article, we are launching a series **entitled Decoding the Data Act**, in which we will discuss key issues for data holders, users and data recipients.

First, we will focus on data holders, i.e. the entities that will face the greatest number of new obligations.

Are you the data holder? You must meet the following two conditions:

1. Do you have data downloaded from a connected product or related service, or did you generate data while providing a related service?

A **connected product** is an item that obtains, generates or collects available data about its use or its environment and is capable of communicating data from the product via an electronic communications service, a physical connection or on-device access, and the primary function of which is not storing, processing or transmission of data on behalf of any party other than the user. Connected products include, for example:

- household appliances (e.g. washing machines, dishwashers);
- smart watches;
- data-generating production machines;
- modern cars;
- solar panels or heat pumps.



The Data Act also applies to connected products manufactured or placed on the market before 12 September 2025, but to data generated by them after that date.

A **related service** is a digital service, including software (excluding electronic communications services), which:

- at the time of purchase, rental, lease or hire, is connected to a product in such a way that its absence would prevent the communicated product to perform at least one of its functions, or
- which is communicated with a product by the manufacturer or a third party later to add to, update or modify the function of the connected product.

An example of a related service is:

- an application for operating household appliances or smart watches;
- an application presenting the data of a connected car (e.g. allowing remote opening a vehicle with a telematics system, presenting reports on the technical condition of the vehicle or driving style).

Product data is data generated as a result of using a connected product, which the manufacturer has designed so that it can be downloaded by the user, owner or a third party, e.g. the manufacturer, via an electronic communication service, a physical connection or access to the device.

2. You obtain this data lawfully (e.g. on the basis of a contract or legal obligation) from:

- the connected product, which has been placed on the EU market for the first time and/or
- the related service.



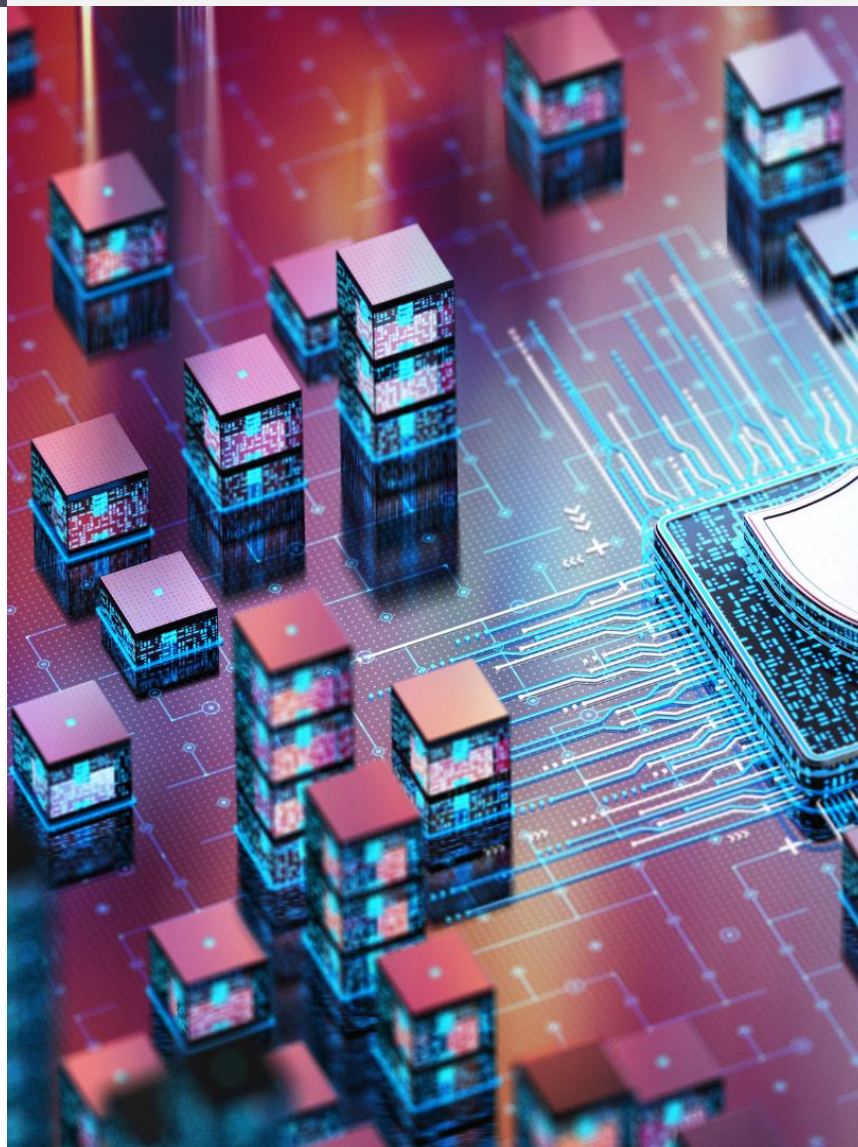
The Act applies only to individual connected products placed on the market within the EU (i.e. when a product is made available on the EU market for the first time). **A specific connected product is therefore placed on the market only once.**



Examples of products that will not be considered placed on the market within the territory of the EU are:

- (i) products purchased by a consumer in a third country while the consumer is staying there, and the product is imported by that consumer into the EU for their personal use;
- (ii) products manufactured in a Member State with the intention of exporting them to a third country.

If the answers to questions 1 and 2 are "yes", you are a data holder within the meaning of the Act and will be required to fulfil the obligations associated with this.





The data holder may or may not be the manufacturer of the device or the entity providing the applications. Data holders may be other entities, e.g. a company providing its own application for servicing devices or the seller or renter of the product.

Which data holders are not covered by the Data Act?

The obligations under the Act do not apply to data generated from manufactured or designed connected products or related services provided by micro-enterprises or small enterprises (unless there is a partner or affiliated enterprise) and if they are not subcontractors to whom such work has been outsourced. The same applies to medium-sized enterprises, but only for one year after they are placed on the market by such an enterprise.

In the next entries in the series, we will discuss the obligations and rights of the data holder.

Stay tuned – the next post in the series [Decoding the Data Act](#) is coming soon.

Feel free to contact us!



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