



EUTA's feedback on the DSA Delegated Regulation on data access

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Data is at the heart of modern business models, enabling companies to innovate, create value, and better understand users and customers. Data also has an important role to play in our society, with the potential to promote transparency, accountability and contribute to the evaluation of societal risks.

The Digital Services Act (DSA) (Article 40) requires very large online platforms (VLOPs) and very large online search engines (VLOSEs) to grant data access to vetted researchers to detect, identify and understand systemic risks. The European Tech Alliance (EUTA) supports this objective, however, it strongly emphasises the need to provide precision and safeguards to enable data sharing in a fair, reasonable, cost-effective, and technically-feasible manner for all stakeholders. These precautions are crucial as this future Delegated Act could serve as a foundation for further data sharing obligations in other European legislation (e.g. Data Act).

1. Ensure data access requests are proportionate and consistent with the DSA's objectives and other EU legislation

- The future Delegated Act should clearly define which data are necessary to examine societal risks, what constitutes a "reasoned request" and how to resolve disputes if there is a disagreement between the interested parties.
- As part of their applications, researchers should be required to explain the rationale for requesting specific datasets and how they will be used.
- In line with other EU legislation, VLOPs and VLOSEs must be able to protect their users' and customers' personal data and the security of their services, as well as confidential information, in particular trade secrets and intellectual property.

2. Provide safeguards to guarantee the feasibility of researchers' requests

- Timeframes to provide data access must be reasonable, as unduly short deadlines will lead to poor outcomes for researchers, authorities and platforms alike. The process of gathering and presenting data in an understandable format for researchers requires in-depth understanding of the data's meaning, contents, limitations, which is commonly called "data cleaning". For example, different features, screens or interactions on platforms might be instrumented in different ways.
- Duplication of workload should be avoided by ensuring that researchers look at existing transparency reporting and other available data before making requests.

3. Enable fair and appropriate conclusions

- When analysing the data, researchers should be encouraged to acknowledge the full context of the data and adopt a balanced view considering all relevant factors to prevent misinterpretation.
- VLOPs and VLOSEs should be given due opportunity to respond to the Commission and Digital Services Coordination (DSC) regarding potential misrepresentations of their data.
- VLOPs and VLOSEs should be exempted from any liability related to the misuse of their data by researchers, including potential data breaches.
- The criteria for researchers to be vetted and qualify for data access should be clarified, including disclosure of project funding to the Commission and DSC to prevent conflicts of interest.



Lastly, we urge the European Commission to establish standards that reflect the diverse business models and capacities of all VLOPs and VLOSEs - both current and potential. The extraction and provision of a specific data category can entail significant resource investment that should not be overlooked. Ongoing regulatory dialogue with European platforms is therefore necessary to identify challenges and set appropriate expectations of compliance.

To conclude, data access is complex: it can enhance transparency, accountability, and serve the public interest. However, safeguards are needed to avoid misinterpretations.

We thank you for taking our concerns into consideration. Do not hesitate to let us know if you need any additional information from the EUTA and European digital champions.

About the EUTA

The EUTA gathers major European digital champions and scaleups successfully built across Europe, with a total of 29 companies from 14 European countries.

Our Mission is to create a better future for Europe through technology, based on our shared EU values. We aim to contribute to our local European economies and build a sustainable, green, innovative and inclusive Europe for future generations.

Our Vision is to develop smart policies promoting European tech innovation, investments and competitiveness. We believe it is important to create the right regulatory conditions which both enable European tech champions to grow and empower consumers in the EU.

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