



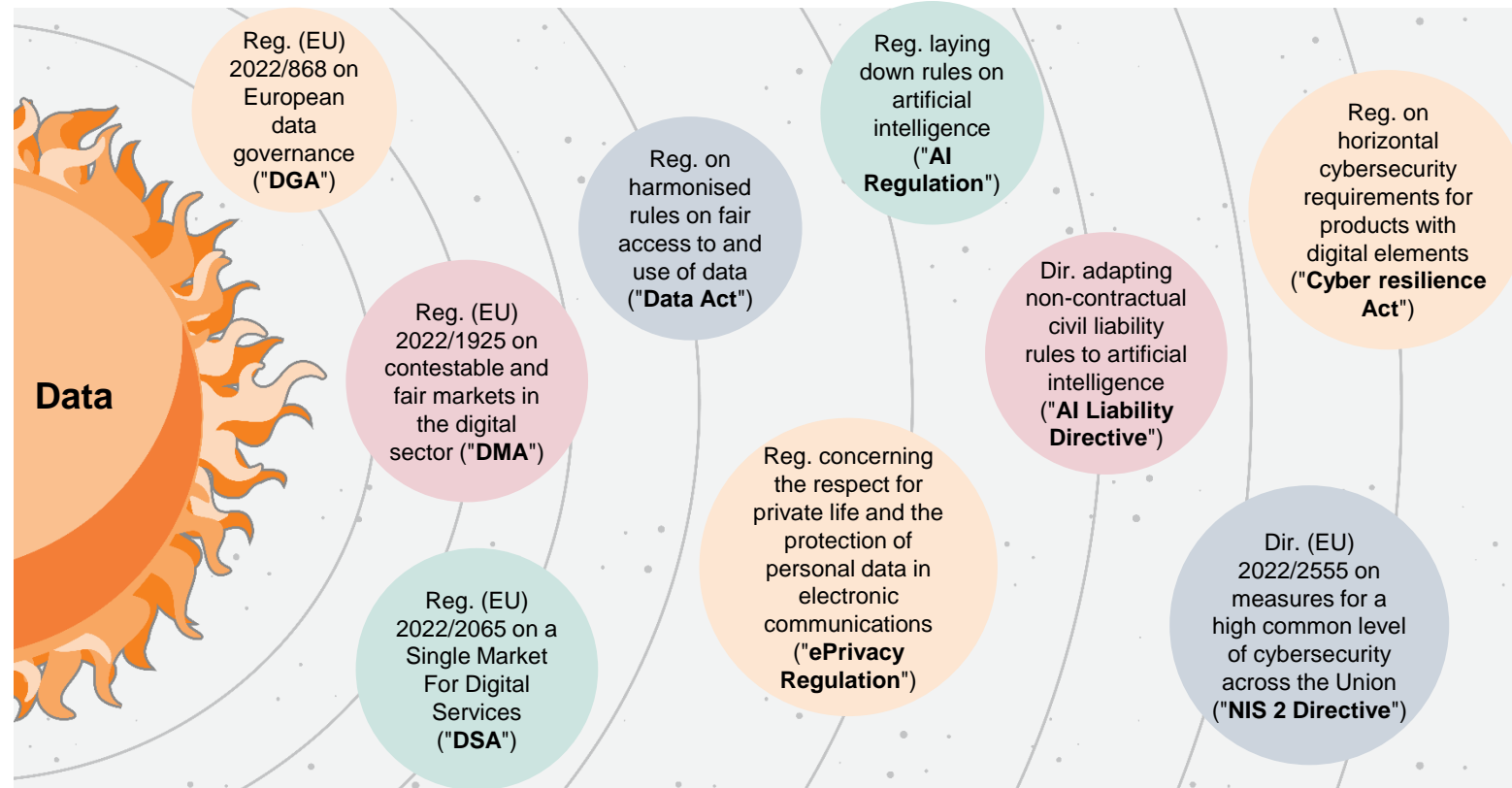
Introduction

If you are having trouble following new EU acts applying to businesses providing and/or using data in the private sector, the new Baker McKenzie Tips & Tricks published by our team is definitely for you!

What does it cover?

Our EU Data Legislation Tracker comprises new industry neutral EU legislative texts & initiatives that came across our radar in 2022 applying to data. It includes an analysis of the status of procedure and key elements of the identified data driven EU legislative acts contained in the illustration on the right.

This does not include sectorial instruments (e.g., DORA, European Health Data Space, or initiatives about digital labour platforms, media service providers, political adverts, electronic identification and the fight against child sexual abuse).



For more information...

If you have any questions, contact us!



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EU Data Legislation Tracker

as of 11.1.2023



Introduction

What's the purpose?

With the slides "**For whom and for what**", "**What do these acts specifically contain and address**", and "**When: EU Application Timeline**", you will understand and be able to quickly identify:



when does the text/initiative apply (Slide **When: EU Application Timeline**);



what type of data is relevant and what types of business are covered (Slide **For Whom and For What**);



what type of enforcement authority is competent (**Governance**);



what scheme applies to the data involved in the processing and transfers: GDPR for Personal Data per Regulation 2016/679 or the Free-Flow for Non-Personal Data per Regulation 2018/1807 or additional scheme (**Processing of the Data Covered and Data Transfers for Processing Businesses**);



what are the key obligations for data driven private businesses: should they notify information to competent authorities or users (**Notification Scheme**), should they explain the information to the user (**Transparency Obligations**), should they put specific measures for organisation and/or security purposes (**Organizational and/or Security Obligations**) or should they report incidents (**Incident Reporting Procedure**) - (**Processing Businesses' Obligations**);



what rights could be exercised from users or from the businesses and are they similar to the GDPR rights for Data Subject (**Rights**);



are there penalties, fines or other remedies if private businesses infringe their obligations (**Penalties / Fines**).

Note: this tracker provides a high-level view of the data and processing covered by the relevant EU legislation, with a timeline. It does not provide an analysis of the relevant provisions, which may be the topic of other of our Tips & Tricks.

For whom and for what?

Legislative Act	Relevant Data Covered	Private Businesses Covered
DGA	Data processed when using data intermediation services , which includes personal data and non-personal data	Data intermediation services providers , meaning neutral third parties that connect individuals and businesses that hold data with others that want to use data
DMA	Data processed when using core platform services (e.g., online search engines, web browsers, operating system, cloud computing services) offered or provided by gatekeepers, which includes personal data and non-personal data	All businesses in the digital sector , but especially the gatekeepers which are platforms that have a significant impact on the internal market, serve as an important gateway for business users to reach their end users, and which enjoy, or will foreseeably enjoy, an entrenched and durable position
DSA	Data processed when using intermediary services , with a focus on illegal content which may include personal and non-personal data	Intermediary services providers , meaning provider of one of the following information society services: 'mere conduit' service, 'catching service' and 'hosting' service
Data Act	Data related to the use of a product and/or service that is made available to the user* or data recipients**, which includes personal data and non-personal data	It covers: (i) manufacturers of products and suppliers of related services placed in the market; (ii) data holders , (iii) data recipients in the Union to whom the data is made available; and (iv) providers of data processing services, meaning a digital service other than an online content service
ePrivacy Regulation	Electronic communications data carried out in connection with the provision and the use of electronic communications services and information related to the terminal equipment of end-users, which includes personal data and non-personal data	Electronic communications service providers and users
AI Regulation and Liability Directive	Use of AI systems , which includes personal data and non-personal data, esp. special categories of data such as biometric data	It covers: (i) AI system providers placing it on the market or putting it into service (ii) AI systems providers when the output system is used in the Union and (iii) AI systems users located within the Union
NIS 2 Directive	Data shared when implementing and/or planning cybersecurity strategies and risk management	Entities referred to as essential entities and important entities
Cyber resilience Act	Data processed when using product with digital elements , which tends to include a direct or indirect logical or physical data connection to a device or network products	Economics operators such as manufacturers of products with digital elements on the market, importers and distributors



All these legislative acts have an impact on companies outside the EEA/EU and therefore have an extraterritorial scope

* The user is the person owning, renting, leasing a product or receiving the service.

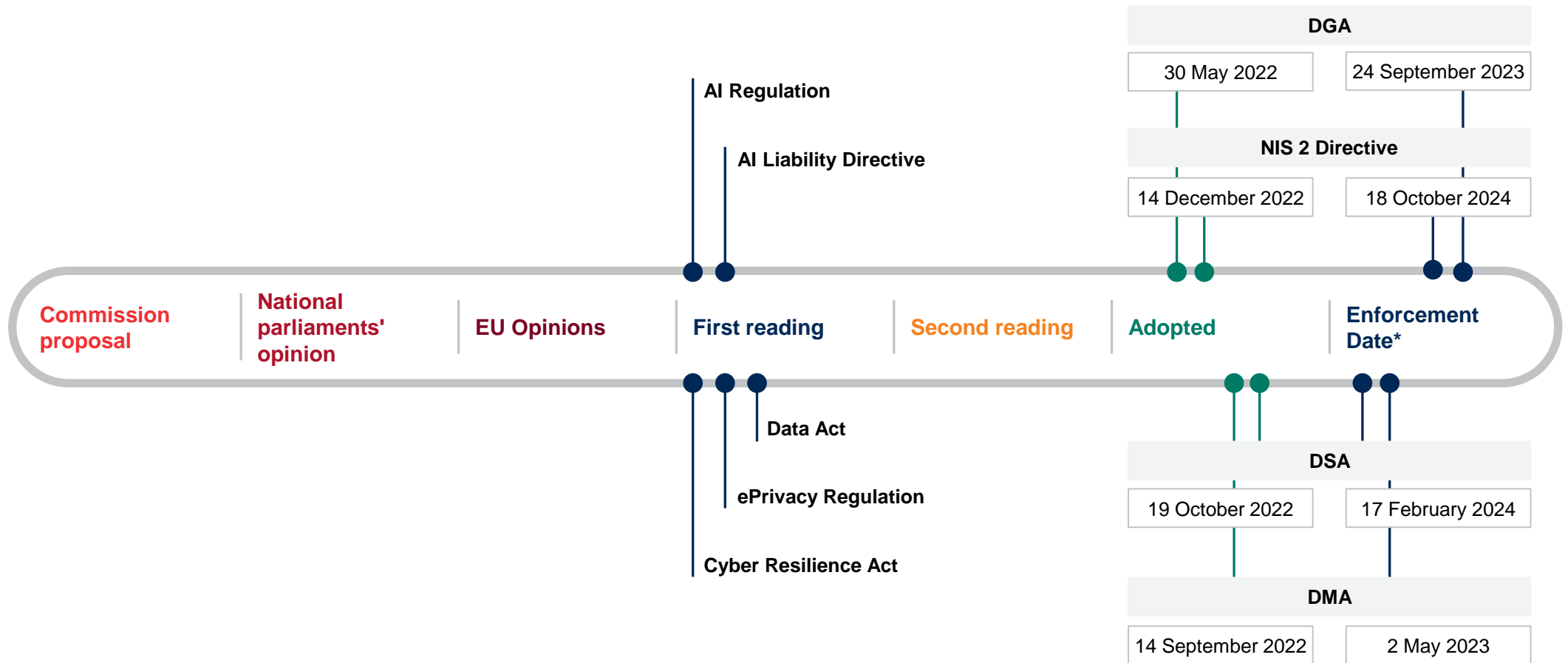
**The data recipient is a third party other than the user acting for non-personal purposes.

What do these act specifically contain and address?

Legend	Material Scope / Data Covered			Governance		Processing of the Data Covered				Processing Businesses' Obligations				Data Transfers for Processing Businesses			Rights					Penalties / Fines				
	Personal Data	Non-Personal Data	Undefined	Preexisting Enforcement Authority(ies) with New Competences	New Enforcement Authority(ies) with New Competences	GDPR Scheme	Additional Scheme to the GDPR	Free-flow for Non-Personal Data	Additional Scheme to the Free-flow	Notification Scheme	Transparency Obligations	Organizational and/or Security Obligations	Incident Reporting Procedure	GDPR Scheme	Additional Scheme to the GDPR	Restriction to the Free-flow for Non-Personal Data	GDPR Rights	Additional Rights for Natural Person	Rights for Legal Person	Civil Claims	Administrative Complaints	Administrative Fines	Civil Remedies	Criminal Penalties	Other Penalties	Other Remedies
DGA	●	●	●	●	●	●		●	●	●	●			●	●	●	●		●	●	●	●				●
DMA	●	●	●	●		●				●	●			No transfers scheme			●		●	●	●	●				●
DSA			●	●	●	●				●	●	●		No transfers scheme			●	●	●		●	●				●
Data Act	●	●	●	●	●	●		●		●	●			●	●	●	●	●		●	●	●	●			●
ePrivacy Regulation	●	●	●	●		●	●				●	●		No transfers scheme			●	●	●	●	●	●				●
AI Regulation	●	●	●	●	●	●	●			●	●	●	●	●	●		●					●				●
AI Liability Directive	●	●		●																●			●			
NIS 2 Directive	●		●	●		●	●			●	●	●	●	●			●	●	●	●	●	●		●		●
Cyber resilience Act	●		●	●		●	●			●	●	●		No transfers scheme			●	●	●		●	●				●

- Personal Data should be understood as defined in the GDPR
- Non-Personal Data should be understood as defined in the Regulation on Free-flow of Non-Personal Data

When: EU Application Timeline?



* Please note that the "enforcement date" only includes the general application date and/or the date of transposition. This does not include other application dates that may apply for specific articles by exception.

** Please also note that AI Regulation, AI Liability Directive, Data Act, ePrivacy Regulation, Cyber Resilience Act do not yet have a specific enforcement date.

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Expertise



IT Agreements



E-commerce



Personal Data



Cybersecurity



Tech Litigation



Tech Investments



Client Resources

Tips & Tricks

Our team offers a series of [tips and tricks](#) under fact sheets format in the areas of cyber surveillance, data protection (GDPR / ePrivacy), IT contract negotiation, E-commerce platforms and Tech investments.

Conferences Tech Times

We regularly organize conferences and seminars on hot topics, such as: 'CNIL's Sanctions: how to be prepared?', 'Company groups and business models: what are the criteria for GDPR sanctions?', and 'Personal data transfers: how to ensure GDPR compliance following recent developments?'

App

Our app '**Baker McKenzie Contract Reform**' is a simple tool to obtain a concordance between old and new relevant articles of the Civil Code, thanks to a simple search by keyword or by article number ([Google Play](#) and [App Store](#)).



Rankings

TIER 1

Information Technology, Computing, Internet and Telecoms

Legal 500 EMEA 2022 – France

Leading Firm

IT Software & Digital Projects, Data Protection; Internet and Telecoms

Décideurs 2022 – France

BAND 1

Information Technology, Computing, Internet and Telecoms

Chambers Europe 2022 – France

Gold Trophy

Data Protection & Privacy

Sommets du Droit 2022 – France



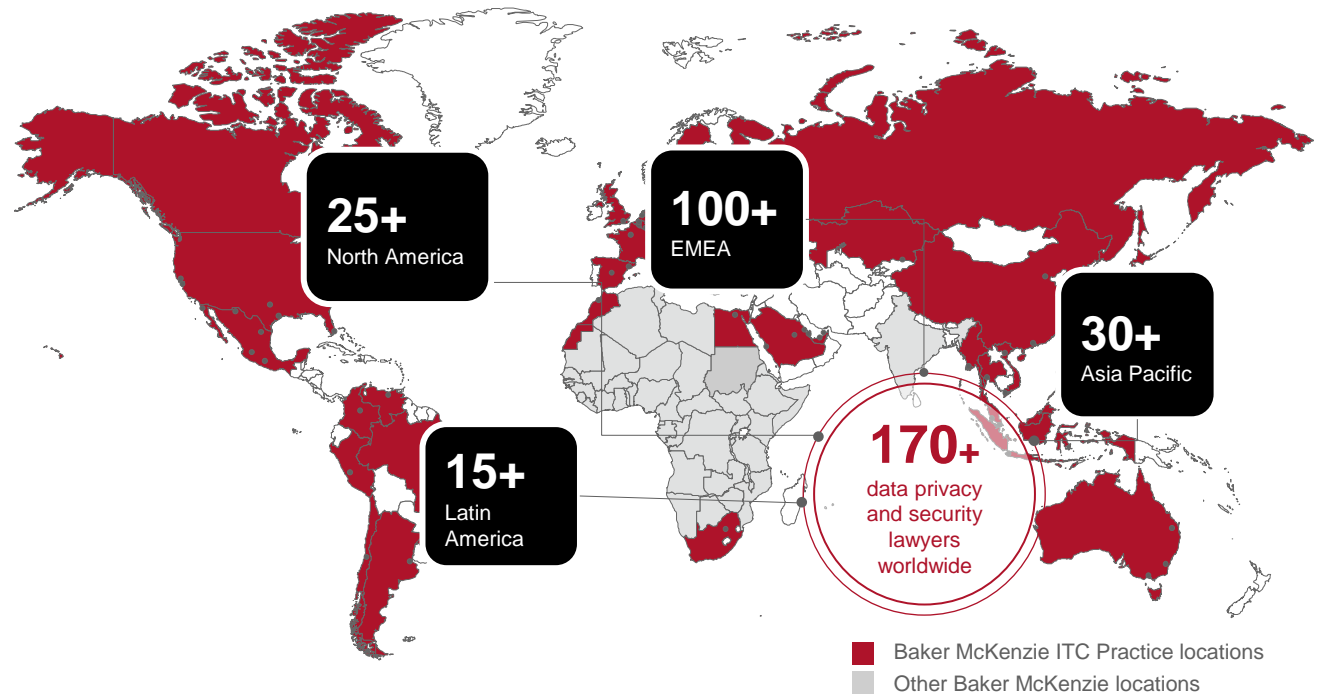
Our Global Footprint

Fluency across borders

Baker McKenzie's Data & Technology group is the largest in the world with an integrated network of local lawyers in **over 40 countries**, with more specialist data privacy and cybersecurity lawyers than any other law firm, We are able to quickly mobilize the right expertise globally.

We are advisors to a majority of Fortune 100 companies - working hand in hand with organisations **at every stage from data strategy and compliance to cyber crisis**.

Baker McKenzie's **footprint and longstanding top tier position in IT law on a global level**, gives our clients the benefit of access to the **most recent developments** in law, policy making and industry trends. Thanks to our client base and **international integration** we can more easily keep up to speed than others in rapidly evolving niches. Examples of such niches include Internet of Things, Blockchain, Artificial Intelligence and Data Monetization.



Core sectors



Consumer Goods & Retail



Energy, Mining & Infrastructure



Financial Institutions



Industrials, Manufacturing & Transportation



Technology, Media & Telecommunications



Healthcare & Life Sciences

What they say about us

#1

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Global Elite
Law Firm
BRAND INDEX

World's Strongest Law Firm Brand
for 12th Consecutive Years

Client Resources

Our [Global Data Privacy & Security Handbook](#) is updated on an ongoing basis to help you keep up with the dynamic legal landscape. We provide detailed overviews and allow a comparative perspective of the increasingly complex and sophisticated data privacy and security standards in over 50 countries.

Connect on Tech – [Blog and podcast series](#) with up to the minute insights on global developments in data protection, cybersecurity, information management and technology.

