GIS Odyssey Journal

2025 • Volume 5 • Number 1

https://doi.org/10.57599/gisoj.2025.5.1.69

Agnieszka Piskorz-Ryń[1], Marlena Sakowska-Baryła[2]

THE DATA GOVERNANCE ACT – A STEP TOWARDS A EUROPEAN DATA SPACE

Abstract: The article attempts to explain how the DGA is a step towards a European data space. An assessment of the DGA is undertaken in relation to the re-use of protected data and data altruism. The article asks the research question whether the DGA is an important instrument in this matter and whether it is an effective tool to improve access to data in the EU. The answer to the question thus posed is as follows. DGA has an impact on the re-use of protected data. However, this act does not grant the right to re-use such data. It is further left to the Member States to decide on this. The DGA, on the other hand, normalizes procedures and provides institutional support in the process of implementing requests. What will be important, however, is not the procedure described as such, but the obligation under the DGA to assess whether a request for protected data can be granted. It is also important to provide institutional support to public sector entities as well as data users. A component of the European data space is the concept of data altruism. This idea has been regulated in the DGA, providing a normative basis for the sharing of personal data by data subjects and non-personal data holders. At the same time, data altruism embodies the tenets of sustainable development and the exercise of information freedoms on the part of those willing to take advantage of the opportunity to share data. Data altruism is a concept in which organizations and individuals share data openly and altruistically for social, scientific or economic benefit. Nowadays, however, the application of this idea is associated with a number of problems mainly of regulatory and organizational nature. The analysis conducted here aims to introduce the concept of data altruism and identify the reasons for the low interest in its implementation.

Keywords: protected data, DGA, data altruism, re-use

Received: 17 February 2025; accepted: 25 March 2025

[1] Cardinal Stefan Wyszyński University in Warsaw, Faculty of Law and Administration, Warsaw, Poland, ORCID ID: 0000-0001-9788-0988, email: a.piskorz.ryn@uksw.edu.pl

[2] University of Lodz, Faculty of Law and Administration, Lodz, Poland, ORCID ID:0000-0002-3982-976X, email: marlena.sakowska.baryla2@wpia.uni.lodz.pl

Introduction

The Data Governance Act ('DGA', Regulation (EU) 2022/868 of the European Parliament and of the Council of 30 May 2022 on European Data Governance and amending Regulation (EU) 2018/1724) has applied since 23 September 2023 (Article 38 of DGA). It regulates partly separate scopes of issues, but their common denominator is data and its availability. DGA is a part of the larger regulatory framework pursued by the EU for digitalization, data economy, artificial intelligence, and other important policy goals often approached under the label of digital sovereignty (Ruohonen & Mickelsson, 2023). This regulation is one of the pillars of the European Data Strategy (A European strategy for data, COM(2020) 66 final). It announced two major legislative initiatives to realise its ambitions for the European data economy of the future: the Data Act (Regulation (EU) 2023/2854 of the European Parliament and of the Council of 13 December 2023 on harmonised rules on fair access to and use of data and amending Regulation (EU) 2017/2394 and Directive (EU) 2020/1828 (Data Act) and DGA. The EU has for years recognised the potential of data produced by the public sector for the development of the European economy. This regulation should be seen as a complement to the EU's existing re-use activities. The DGA complements Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and re-use of public sector information. Thus, unlike the other recently adopted regulations targeting big tech companies, the DGA attempts to build a European common effort to introduce new forms of data governance to reduce the problem of data concentration in the hands of big tech companies (Maroni, 2024). It refers to digital solidarity and data sharing. (Maroni, 2024; Hajduk & Chukwuma, 2024).

The EU has for years recognised the potential of data produced by the public sector for the development of the European economy. This regulation should be seen as a complement to the EU's existing re-use activities. The DGA complements Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and re-use of public sector information. The DGA aims to improve data sharing and re-use while protecting the privacy and data protection rights of EU citizens (Vogelezang, 2022).

Altruistic data sharing is another important issue. Its sharing can facilitate various goals that may be considered as supporting the 'common good' (Michałowicz, 2024). Such objectives would include healthcare, combating climate change, improving mobility, facilitating the development, production and dissemination of official statistics, improving the provision of public services, or public policy making (Recital 45 of DGA). The sharing of data by individuals or companies can improve or accelerate the achievement of socially relevant goals for the good of society. For this reason, data altruism is referred to as 'data sharing for the common good' (Baeck, 2015), 'data sharing in the social good', (Coulton, at el., 2015), 'donating data' (Skatova at el., 2014), 'data philanthropy'(George at el., 2019; Lev-Aretz Y., 2019; Regulating data altruism in law and introducing tools to enable voluntary data sharing should create huge data repositories for machine learning and data analytics.

The article attempts to explain how the DGA is a step towards a European data space. An assessment of the DGA is undertaken in relation to the re-use of protected data and data altruism. The article asks the research question whether the DGA is an important instrument in this matter and whether it is an effective tool to improve access to data in the EU.

Materials and methods

The paper has been prepared using a legal dogmatic method, considering EU acts, policy documents, and academic literature. Due to the topic of the article, the focus is on the DGA analysis. The article draws on available literature relating to this regulation. However, it is not very numerous to date. It was also decided, as the European legislator does, to address the issues of re-use of protected data and data altruism separately. Indeed, the content of the Regulation is not uniform and therefore the layout has been adopted as in the Regulation.

Results and discussion

As mentioned, the DGA on re-use complements the Open Data Directive. This act regulates the scope of matters excluded from the scope of the Directive (Art. 1(2)). Chapter 2 of the DGA is dedicated to the issue of re-use of protected data. In accordance with Article 3 Protected data are safeguarded on the grounds of commercial confidentiality, including business, professional, and company secrets; statistical confidentiality; the protection of intellectual property rights of third parties; or the protection of personal data, insofar as such data fall outside the scope of Directive (EU) 2019/1024. In this way, the European legislator indirectly defines the scope of re-use regulated in the DGA. Confidential business data includes data protected by trade secrets, protected know-how and any other information the unwarranted disclosure of which would affect the market position or financial health of an undertaking. This means that the material scope of the Regulation overlaps, in relation to Chapter 2, with the data excluded from the Open Data Directive under Article 1(2). Recital 10 of DGA writes "The categories of data held by public sector bodies that should be subject to re-use under this Regulation go beyond the scope of Directive (EU) 2019/1024, which excludes data not accessible for reasons of commercial and statistical confidentiality and data contained in works or other objects to which third parties have intellectual property rights". The DGA regulation is complementary to the Open Data Directive. The DGA complements the gap left open by the Open Data Directive, which addresses only the re-use of documents and does not address protected data (Piskorz-Ryń, 2024). The DGA regulates what is not regulated in the Directive. On a European basis, the DGA and the Directive form a coherent system. Problems may only concern the implementation of the Directive in national law and the consequences for the application of the DGA. This is the situation we face in the Republic of Poland (Piskorz-Ryń, 2024 (1)).

However, there are important differences between the regulations. The Regulation, unlike the Directive, does not grant a public subjective right to re-use protected data. The

Regulation does not impose an obligation on public sector bodies to allow re-use of data. It does not exempt these entities from confidentiality obligations under Union or national law. It lacks a legal basis for demanding the re-use of protected data. It also does not modify existing provisions. The matter is left to EU law or left to the discretion of Member States. The solution adopted in the DGA represents a structural return to the original version of Directive 2003/98/EC, which did not include an 'obligation to allow re-use of documents' (Sibiga, 2023). It is only where Member States allow such re-use that Chapter II of the DGA provides a framework in this respect. In this regard, the DGA only contains a mandatory minimum standard with conditions for access and use of such data (Specht & Hennemann, 2023). The DGA is 'neutral' in terms of data rights, i.e. it does not affect substantive legal provisions on access to and further use of data (Brink & Ungern-Sternberg, 2023).

Due to the sensitivity of such data, certain technical and legal procedural requirements must be met before they are made available, not least to ensure the respect of rights others have over such data or to limit the negative impact on fundamental rights, the principle of non-discrimination and data protection. The fulfilment of such requirements is usually time- and knowledge-intensive. This has led to the insufficient use of such data (Recital 6 of DGA). Some Member States are setting up structures, processes or laws to facilitate such re-use, but these measures have not been taken across the Union. The Act is creating rules for the handling of protected data aimed at making it accessible while respecting its protected nature and the rights of third parties. The DGA formalises procedures which, until its entry into force, depended on the decision of the public sector body and its will in this respect. They were not regulated in most Member States.

The DGA in Chapter 2 regulates the rules for access to protected data held by public sector bodies for re-use. The personal scope of the regulation is determined by the concept of public sector bodies (Art. 2 (17) of DGA). It refers to the State, regional or local authorities, bodies governed by public law, or associations formed by one or more such authorities or bodies governed by public law. This Act contains, in Article 3(2), subject and object exclusions. The first group includes data held by: public undertakings; public service broadcasters and their subsidiaries, and by other bodies or their subsidiaries for the fulfilment of a public service broadcasting remit and cultural establishments and educational establishments. The subject exclusions concern data held by public sector bodies which are protected for reasons of public security, defence or national security; or data the supply of which is an activity falling outside the scope of the public task of the public sector bodies concerned as defined by law or by other binding rules in the Member State concerned, or, in the absence of such rules, as defined in accordance with common administrative practice in that Member State, provided that the scope of the public tasks is transparent and subject to review.

The DGA regulates procedures related to protected data to reconcile the protected nature and the rights of third parties. This would not be reconcilable with Article 1(2) of the DGA. The only exception is if the would-be user obtains data subjects 'consents or data holders' permissions. Then the re-use will not be in breach of national or EU law. The title

of Chapter 2 'Re-use of certain categories of protected data held by public sector bodies'. The DGA thus contains procedural provisions on the request, conditions and fees. Regarding conditions and charges, it ensures that they are non-discriminatory, transparent, proportionate and objectively justified. As far as fees are concerned, it makes it possible to reduce them for certain categories of operators. It also regulates exclusive rights. The DGA does not oblige public sector bodies to release data, but only to assess whether such release is possible in accordance with the law, using the conditions set out in the DGA.

An important element of Chapter 2, apart from procedural issues, is the establishment of infrastructures to facilitate re-use in the Member States. It serves on the one hand, to support public sector bodies. On the other hand, it provides support to potential data users. The first group includes the competent bodies. Performing the public task of consenting to the re-use of protected data requires expertise, including technical, legal and organisational knowledge, and imposes a heavy burden on public sector bodies. Each Member State must designate, as a minimum, one competent body. Its task is to provide assistance to public sector bodies. This assistance is providing guidance and technical support on how to best structure and store data to make that data easily accessible (Article 7 (4)(b)). In this way, public sector bodies can prepare to share data of a protected nature. Proper structuring of the data will make it easier to share upon request. In addition, it may include providing technical support by making available a secure processing environment for providing access for the re-use of data(Article 7 (4)(a)) and providing technical support for pseudonymisation and ensuring data processing in a manner that effectively preserves the privacy, confidentiality, integrity and accessibility of the information contained in the data for which re-use is allowed, including techniques for the anonymisation, generalisation, suppression and randomisation of personal data or other state-of-the-art privacy-preserving methods, and the deletion of commercially confidential information, including trade secrets or content protected by intellectual property rights (Article 7 (4)(c)). It may also include the provision of assisting the public sector bodies, where relevant, to provide support to re-users in requesting consent for re-use from data subjects or permission from data holders in line with their specific decisions, including on the jurisdiction in which the data processing is intended to take place and assisting the public sector bodies in establishing technical mechanisms that allow the transmission of requests for consent or permission from re-users, where practically feasible (Article 7 (4)(e)). Competent entities may also substitute for public sector bodies in handling a request for protected data (Article 7(2)). At the same time, the DGA imposes an obligation on Member States to ensure that The competent bodies shall have adequate legal, financial, technical and human resources to carry out the tasks assigned to them, including the necessary technical knowledge to be able to comply with relevant Union or national law (Article 7(3)).

Data altruism. One of the issues regulated by the regulation is the definition of a framework for the voluntary registration of entities that collect, and process data shared for altruistic motives (Article 1(1)(d)). Data altruism means the voluntary sharing of data on the basis of the consent of data subjects to process personal data pertaining to them,

or permissions of data holders to allow the use of their non-personal data without seeking or receiving a reward that goes beyond compensation related to the costs that they incur where they make their data available for objectives of general interest as provided for in national law, where applicable, such as healthcare, combating climate change, improving mobility, facilitating the development, production and dissemination of official statistics, improving the provision of public services, public policy making or scientific research purposes in the general interest (Article 2(16) of DGA).

The regulation of data altruism in European Union law reflects a new and open approach to the management of information resources. The regulation aims to increase access to data for public and private entities. This idea of data altruism fits into the broader framework of the EU's policy of data openness and the data economy. According to the DGA, altruistic data sharing aims to support scientific research, technological innovation and public policies by providing broad access to high-quality information resources. The concept of sharing information resources as a kind of good or capital is not new (Kirkpatrick, 2013). Links to the paradigms of the common good and sustainable development are evident in this concept (Sakowska-Baryła, 2024). Within the framework of data altruism, individuals may wish to share information about themselves. Therefore, data altruism is linked to people's informational freedoms, their informational autonomy, their freedom to acquire and disseminate information, and their right to decide who can access their information, when, how, and under what terms. The need to normalize data altruism has become strong today, when data is the basis of the economy, science and the functioning of the state, while at the same time data subjects are guaranteed a number of rights primarily in the GDPR. The regulation of data altruism is intended to embody the need to balance the protection of personal data with the public benefits of data sharing by an authorized entity. Data altruism is intended to ensure voluntariness, security, and the fulfillment of public purposes. The introduction of legal mechanisms for the use of data altruism is expected to contribute to social and economic sustainability. However, there are doubts as to whether the adopted regulation ensures the effective achievement of these parallel legally and socially momentous goals (Sakowska-Baryła, 2023).

The implementation of the concept of data altruism in the EU poses a number of challenges, such as privacy (the need to ensure compliance with GDPR and provide mechanisms for anonymizing data), public trust (convincing citizens to share data securely for altruistic purposes), interoperability (standardization of data formats and harmonization of regulations across EU member states), sustainable funding model (the need to provide stable financial mechanisms for data altruism organizations). It seems that data altruism can significantly influence the development of the digital economy by fostering innovation in sectors such as healthcare, transportation or environmental protection. Certainly, with freer access to information resources, it is possible to develop new technologies and optimize decision-making processes in both business and the public sector.

The European Data Protection Board (EROD) and the European Data Protection Supervisor (EDPS), in a joint opinion on the DGA draft (EDPB-EDPS Joint Opinion 03/2021 on the Proposal for a regulation of the European Parliament and of the Council on

European data governance (Data Governance Act) Version 1.1), pointed out numerous inconsistencies in its content with the GDPR. They recommended that the draft legislation explicitly stipulate that it does not affect the level of protection of individuals in connection with the processing of personal data, and that it does not introduce any changes to the obligations and rights set forth by EU and national data protection laws. Such clarification z found its way into the final adopted DGA text. In accordance with Article 3.1. DGA „Union and national law on the protection of personal data shall apply to any personal data processed in connection with this Regulation. In particular, this Regulation is without prejudice to Regulations (EU) 2016/679 and (EU) 2018/1725 and Directives 2002/58/EC and (EU) 2016/680, including with regard to the powers and competences of supervisory authorities. In the event of a conflict between this Regulation and Union law on the protection of personal data or national law adopted in accordance with such Union law, the relevant Union or national law on the protection of personal data shall prevail. This Regulation does not create a legal basis for the processing of personal data, nor does it affect any of the rights and obligations set out in Regulations (EU) 2016/679 or (EU) 2018/1725 or Directives 2002/58/EC or (EU) 2016/680". Consequently, the DGA is without prejudice to EU data protection laws, including the GDPR, also with regard to the powers of supervisory authorities acting under the GDPR. This means that the DGA and GDPR apply in parallel. It can be said that the provisions of the two EU regulations are co-applicable, and no *lex specialis derogat legi generali* relationship exists between them. In particular, the DGA provisions do not modify the provisions of the GDPR on the rights of data subjects. To a certain extent, the DGA provisions supplement the regulation contained in the GDPR. These include the obligations of data intermediaries to facilitate the exercise of data subjects' rights, whether or not those intermediaries have the status of a controller under the GDPR. According to recital 35 of the DGA, when data intermediary service providers are data controllers or data processors as defined in the GDPR, they are bound by the provisions of that regulation. Thus, the EU legislator has not resolved the question of the status of data intermediaries under the GDPR, and therefore this requires a case-by-case assessment (Drobek, 2024).

Under the DGA, data altruism is devoted to a separate Chapter IV entitled just "Data Altruism", although its very concept is defined in Article 2 of the DGA, in which the act formulates a glossary of terms, thus approximating the specific conceptual grid used in its provisions. To define the term "data altruism", two elements are crucial. First – the "sharing" activity is fundamental in data altruism. Second – fundamental is the "data" to which the activity referred to as "data sharing" applies. The two are included together in Article 2(10) of the DGA. The provision indicates that 'data sharing' means the provision of data by a data subject or a data holder to a data user for the purpose of the joint or individual use of such data, based on voluntary agreements or Union or national law, directly or through an intermediary, for example under open or commercial licences subject to a fee or free of charge. Also important is the concept of "data", which the DGA defines separately in Article 2(1). According to this provision 'data' means any digital representation of acts, facts or information and any compilation of such acts, facts or

information, including in the form of sound, visual or audiovisual recording. The term "data" thus has a broad meaning - it includes both personal data and non-personal data. Thus, data altruism applies to both personal and non-personal data.

Regarding personal data, Article 2(3) of the DGA indicates that it refers to personal data within the meaning of Article 4(1) GDPR. In contrast, the DGA defines non-personal data from the negative side, indicating in Article 2(4) that "non-personal data" means data other than personal data. The term "data sharing" alludes to the demand for appropriate data management in the data ecosystems of specific industries, sectors or areas of socio-economic life and the idea of the common good. It's a shift away from thinking based on ownership and attachment to ownership and the allocation of economically legitimate rights, where the goal is to mobilize data as an underutilized or underutilized resource for financial or non-financial gain. Thus, this involves creating additional space for data use, whether for financial or non-financial benefits (Sybilski, 2022).

To speak of data altruism, the sharing of data must be voluntary and must be the result of the will of the sharing entity. There is no data altruism if the sharing of data and putting it to use by a third party is done coercively. This refers to coercion understood as pressure exerted on someone or circumstances forcing someone to share data. There is also coercive interference with the disposal of data if it occurs as a result of an unlawful act, or if allowing access to and use of the data occurs in performance of a legal obligation, which the subject or holder of the data was obliged to fulfil. The push, however, is not to encourage data sharing using the data altruism mechanism, including advocacy, outreach and education (Michałowicz, 2022).

Related to the voluntary nature of data sharing is the need for consent. This involves the data subject's consent or permission to use non-personal data belonging to the one who, for altruistic reasons and for the purposes of the general public, shares it. The concepts of consent and permission are approximated in the DGA regulations. In Article 2(5) of the DGA, it is indicated that "consent" means assent as defined in Article 4(11) of the GDPR. Article 2(6) of the DGA indicates that "permission" means granting data users the right to process non-personal data. It should be clarified that according to Article 4(11) of the GDPR, "consent" of a data subject means a voluntary, specific, informed and unambiguous demonstration of will by which the data subject, in the form of a statement or explicit affirmative action, consents to the processing of personal data concerning him or her. At the same time, it should be assumed that consent understood in this way in practice will have to meet the conditions provided for the proper expression of consent in Article 7 of the GDPR. At the same time, it should be assumed that consent understood in this way in practice will have to meet the conditions provided for proper consent in Article 7 of the GDPR. In addition, the processing of personal data in the framework of altruistic sharing of this kind of information must meet the requirements provided for in Article 5 of the GDPR, which sets out the basic principles for the processing of personal data, and comply with the requirements provided for in Article 6(1)(a) of the GDPR – in the case of so-called ordinary data, and in Article 9(2)(a) – in the case of so-called special categories of data. The permissibility of personal data processing in the case of data altruism may be controversial. In practice, data protection regulations may be interpreted

in such a way that the general criterion of "necessity of processing" arising from the cited GDPR provisions and the prohibition formulated therein on the processing of special categories of personal data will protect the data subject from hasty or reckless sharing of personal data. This is one of the most serious risks next to the danger of reversing the anonymization process. Indeed, it is likely that with the maximization of the availability and use of personal data, previously anonymized data will cease to be anonymous. The possibility of re-identification has increased with opportunities to access and aggregate large data sets and with improvements in analytical techniques. The concerns cited may result in an overprotective and harmful attitude on the part of individuals and organizations, as individuals clearly prioritize the protection of their rights over the potential benefits of philanthropy. Similarly, private companies may do the same to secure the trust of their clients and avoid legal problems (Mariarosaria, 2017).

From the perspective of the European Data Strategy and the common data space shaped on its basis, it is important that, according to the assumption derived from the DGA, data altruism serves "general interests". Data sharing is to be done for "general interest" purposes. Article 2(16) of the DGA explicitly lists health care, combating climate change, improving mobility, facilitating the development, production and dissemination of official statistics, improving the delivery of public services, shaping public policy, and scientific research as categories of general interest. This is not a closed catalog, but merely an exemplary list, approximating the constituent elements of what is referred to as "general interest". Because "data altruism" implies sharing data, it should be considered that "general interest" should be understood similarly to the concept of "public interest", while at the same time it is a concept close to what is usually understood as "common good" (Sakowska-Baryła, 2023). Common good is characterized by ensuring the use and management of a resource through rules established and supervised by the community. With a broad understanding of the concept of common good, it is reasonable to assume that they also include the information environment and information resources. The common good in the form of data should be shared. It's about sharing resources and their utility among multiple entities. In the case of data, this seems all the more effective and desirable because data is a resource that is great for multiplication. Indeed, it is the case that by using data, we repeatedly get more data. By combining data from different sources, we obtain data with additional informational value that can serve new purposes – other than the original ones. It is important, therefore, to provide adequate access to data to the extent possible, while taking care of that area in which data comes from data subjects and data holders willing to share it. Managing resources in this way comes into play under conditions of competing uses of the environment, while taking into account sustainable development and the decision of the data subject in the case of personal data and the data holder in the case of non-personal data as to whether or not they want to voluntarily share data. Data altruism thus becomes one of the tools to support sustainable development, information autonomy and freedom of dissemination and acquisition of information. According to this scheme, the regulation included in the DSA seems to have been designed. Especially since sustainable development can be understood as development that is in line with the needs of current generations, without detracting from the ability of future

generations to meet their needs (*Our Common Future, From One Earth to One World From* A/42/427).

Voluntary data sharing can improve the functioning of the EU internal market, develop new applications and benefit the public. Whether the solutions adopted by the DGA are effective enough to meet the expectations of adequately safeguarding the privacy of individuals and their personal data and strengthening the data economy treated as information capital is another question.

Despite the fact that the concept of data altruism seems beneficial and attractive, the regulation under analysis has so far not met with widespread application. Perhaps the problem lies in too little dissemination of knowledge about this solution. The application of the idea of data altruism poses many challenges and problems. Among these concerns, the most significant are privacy and data protection, particularly given the importance of special category data, as well as ordinary data – such as financial information that also falls within the scope of privacy.

In the case of personal data, the problem of insufficient or reversible anonymization repeatedly remains topical. In addition, a significant difficulty may arise in connection with the application of the heavily stringent provisions of GDPR. Another challenge in the case of data altruism is ensuring data security and the risk of abuse. This is because the shared data can be used unethically, such as for manipulation, fraud or misinformation, or be subjected to cyber attacks that expose both donors and data recipients to harm. Lack of standardization can also be problematic, as data is often stored in different formats and structures, making it difficult to integrate and reuse. In this case, the lack of uniform standards for metadata and data quality can cause problems with interpretation and use. Data quality and reliability is also a challenge for the use of data altruism instruments. The lack of adequate verification mechanisms can lead to misinformation, yet the data provided may be incomplete, erroneous or outdated, affecting its usefulness. In addition, the incentives and costs of operating, maintaining, updating and sharing data seem problematic, as well as the ethical aspects of deciding whether to share data, the potential for altruistic commercialization of shared data by others without the donor's consent, the risk of inequality, and the prevalence of open data and uncontrolled use of data for personal gain by those with access to the data. On the one hand, the mechanism for the registration of recognized data altruism organizations by the competent national authority (Article 17 of the DGA) and the rules described in the DGA for the operation of such entities, including transparency requirements (Article 20 of the DGA), have important guarantee qualities as to the reliability and legality of the operation of such entities, but on the other hand, as practice shows, it would probably still be necessary to wait for national legislation and the spread of the idea of data altruism.

Conclusions

The analysis in the article shows that the DGA is a step towards a European data space. As far as the re-use of protected data is concerned, the DGA can be considered an important instrument in this matter and an effective tool for improving access to data in

the EU. This is because it establishes a procedural framework for activities that were not previously regulated under EU law. Normally, this matter was not regulated by Member State law. Under the DGA, public sector bodies are required to assess the feasibility of sharing data, to the extent that the request concerns protected data. So far, if an entity did not have a proactive data policy it refused re-use. However, the further protected nature of the data may result from Member State law and there will be no uniform rules in the EU in this respect.

The DGA's provision of institutional support to public sector bodies and data users is also a fundamental change. This will at least partly facilitate re-use. Proper preparation of data for re-use to preserve its protected nature requires work and expertise. It is therefore essential that the right competent bodies are set up and that they perform the tasks assigned to them correctly. They will be able to reduce the non-legal barrier to re-use, which is lack of expertise. It is therefore crucial to entrust these tasks to competent bodies that are able to perform them properly. It is also important that the Member States fulfil their obligation to provide the relevant actors with adequate resources to carry out their tasks. This will certainly contribute to achieving the objectives of the regulation. The operation of the single information points will make it easier to obtain data in individual Member States without knowing the administrative structure. The same purpose is served by submitting applications via these points. This will facilitate the procedure for those interested in obtaining data.

Data altruism as a regulated legal instrument relevant to respect for the principle of sustainable development and the evident need to see data as a common good – modern information capital of economic and social importance - is also undoubtedly an important element of the EU data strategy. However, the realization of the concept of data altruism and the application of the DGA regulations governing this institution at this stage do not seem to have reached the expected level. Using the institution of data altruism is not simple. It requires careful balancing of private and public interests and ensuring high standards of security and transparency. This does not change the fact that proper use of the concept can contribute to the dynamic development of the European data ecosystem, promoting innovation and economic growth.

References

A European strategy for data, COM(2020) 66 final. Official Journal L 345, 31/12/2003 P. 0090 – 0096. https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52020DC0066 [access: 15.02.2025].

Baeck P. (2015). Data for Good: How Big and Open Data Can Be Used for the Common Good, pp. 1–61. https://search.issuelab.org/resource/data-for-good-how-big-and-open-data-can-be-used-for-the-common-good.html [access: 15.02.2025].

Bårtvedt van Os M. (2021). Presentation of a first set of data altruism definitions, use cases and findings, pp. 10–12. https://tehdas.eu/app/uploads/2021/09/tehdas-presentation-of-a-first-set-of-data-altruism-definitions-use-cases-and-findings.pdf [access: 14.02.2025].

Brink S., Wolff H.A., Ungern-Sternberg A., Albers M. (2025). BeckOK Datenschutzrecht. Beck'sche Online-Kommentare *(BeckOK Data Protection Law. Beck's Online Commentaries).*

Coulton C.J., Goerge R., Putnam-Hornstein E., de Haan B. (2015). Harnessing big data for social good: A grand challenge for social work (Grand Challenges for Social Work Initiative Working Paper No. 11), pp. 4–19. https://grandchallengesforsocialwork.org/wp-content/uploads/2015/12/WP11-with-cover.pdf [access: 15.02.2025].

Drobek P. (2024). Altruizm danych osobowych i ich ochrona *(Altruism of personal data and its protection)*. In: A. Gryszczyńska, W.R. Wiewiórowski, G. Szpor (ed.), Internet. Solidarność cyfrowa, pp. 37–45.

EDPB-EDPS Joint Opinion 03/2021 on the Proposal for a regulation of the European Parliament and of the Council on European data governance (Data Governance Act) Version 1.1, https://www.edpb.europa.eu/our-work-tools/our-documents/edpbedps-joint-opinion/edpb-edps-joint-opinion-032021-proposal_pl [access: 14.02.2025].

Hajduk P., Chukwuma V.O. (2024). Digital solidarity through spatial data – an EU and African perspective, GIS Odyssey Journal, vol 4, no 2, pp. 101–116. https://www.gisjournal.us.edu.pl/index.php/gis-odyssey-journal/article/view/146/93 [access: 15.02.2025].

Kirkpatrick R. (2013). A New Type of Philanthropy: Donating Data. Harvard Business Review. https://hbr.org/2013/03/a-new-type-of-philanthropy-don [access: 14.02.204].

Mariarosaria T. (2017). Data Philanthropy and Individual Rights, Minds and Machines, pp. 1–5, https://link.springer.com/article/10.1007/s11023-017-9429-2 [access: 14.02.2025].

Maroni M. (2024). The Idea of Data and European Constitutional Imaginaries: an Immanent Critique of the Data Governance Act. In: F. Brozzetti, M. Catanzariti (ed.), EU Data Institutionalism (special issue), 2, Serie V – aprile/giugno 2024, pp. 285–315.

Michałowicz A. (2022). Altruizm danych w świetle aktu w sprawie zarządzania danymi – między teorią a praktyką *(Data Altruism in the Light of the Data Governance Act – Between Theory and Practice)*. Internetowy Kwartalnik Antymonopolowy i Regulacyjny, no. 5.

Michałowicz A. (2024) Data Sharing for the Common Good – Remarks on the Data Altruism Framework Established under the Data Governance Act, Yearbook of Antitrust and Regulatory Studies, vol. 17, no. 29, pp. 209–234. https://doi.org/10.7172/1689-9024.YARS.2024.17.29.7.

Our Common Future, From One Earth to One World From A/42/427. Our Common Future: Report of the World Commission on Environment and Development. http://www.un-documents.net/ocf-ov.htm#I.3 [access: 14.02.2025].

Piskorz-Ryń A. (2024 (1)). Spotkanie legislatorów prawa administracyjnego *(Meeting of administrative law legislators)*. In: B. Kowalczyk, Ł. Prus, K. Kulińska-Jachowska, M. Tabernacka (ed.), Prawo administracyjne jako miejsce spotkań: księga

jubileuszowa dedykowana Profesorowi Jerzemu Supernatowi. Wrocław, pp. 255–263. https://www.bibliotekacyfrowa.pl/publication/158302 [access: 15.02.2025].

Piskorz-Ryń A. (2024). European Data Governance Act – essential problems for reuse of public sector information. Prawo i Więź, no. 6, pp. 321–334.

Ruohonen J., Mickelsson S. (2023). Reflections on the Data Governance Act. Digital Society, vol. 2 article no. 10, pp.1–10. https://link.springer.com/article/10.1007/s44206-023-00041-7 [access: 15.02.2025].

Sakowska-Baryła M. (2023). Altruizm danych – istota instytucji na tle uprawnień informacyjnych i kategorii dobra wspólnego *(Data altruism – the essence of institutions against the background of information rights and the category of the common good)*. Prawo i Więź, no. 4, pp. 319–333.

Sakowska-Baryła M. (2024). Dane jako dobro wspólne *(Data as a common good)*. In: A. Gryszczyńska, W.R. Wiewiórowski, G. Szpor (ed.), Internet. Solidarność cyfrowa, pp. 23–36.

Sybilski D. (2022). Nowe modele dzielenia się danymi według przepisów aktu w sprawie zarządzania danymi (DGA). Cz. I. Altruizm danych *(New Data Sharing Models Under the Data Governance Act (DGA) Part I: Data Altruism)*. Prawo Nowych Technologii, no. 2, pp. 39–43.