

Foreword

This book is intended to serve as an introduction to the gradually crystallising field of data law, building a bridge between academia and practice. Data law has developed rapidly since the publication of the European Digital and Data Strategy and is based on a large number of European legal acts aimed at regulating and controlling the use, exchange and security of data. The aim of this book is to provide a sound introduction to data law and, in particular, to help lawyers working in practice to navigate through the jungle of European legal acts.

The book is divided into three chapters. It begins with an introductory chapter on data law, in which we outline the cross-cutting issue of data law and explain the legal policy references to the Commission's digital and data strategy from 2020. The second chapter then deals in detail with the various data acts in the narrower sense. Here, we have taken inspiration from the bracket principle of the German Civil Code (BGB) and divided data law into a General Part and a Specific Part. The General Part consists of the horizontal legal acts such as the Data Act, the Data Governance Act and the General Data Protection Regulation – these regulations apply to all sector-specific legal acts, as the Union legislator regularly emphasises in the recitals to the various legal acts. The Specific part consists, among other things, of the sectoral legal acts such as the Regulation on the European Health Data Space (EHDS) or the Regulation on Access to Financial Data (FiDAR). This structuring of data law has not yet been presented in the literature in this form, and we hope to be able to enrich the still recent discussion on the systematization of data law.

The third chapter deals with the European regulation of data-based business models. In our view, data-based business models are the common denominator of all legal acts that do not relate to data law in the narrower sense, but are nevertheless part of the overarching digital and data strategy and can be characterised as data law in the broader sense. When regulating data-based business models, the legislator pursues either a product-based approach, as seen in the AI Act and the Cyber Resilience Act, or a function-based approach, which comes into play in the regulation of platforms through the Digital Services Act and the Digital Markets Act. The legislator's regulatory strategy is explained independently and supplemented with relevant examples and evidence.

The presentation of the individual legal acts follows a structured approach. After a brief introduction, we first outline the scope of each legal act and explain the respective rights and obligations of the parties involved. This is typically followed by a discussion on the supervision and enforcement of the regulations. Each section concludes with a summary and an examination of the practical implications. Throughout, we strived to emphasize issues of practical significance and, in some instances, propose potential solutions. Where feasible, we have included illustrations and diagrams to present the subject matter as clearly as possible.

Legislation, case law and the continually expanding body of literature have been considered up to October 2024. All online sources were last accessed on 1 November 2024.

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We hope this publication proves insightful and thought-provoking, and we wish you an engaging reading experience.

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