

GDPR: One year on

The role of the EDPB for ensuring consistent application

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...Future is not only what you dream,
future is what you make...

Paving the way for ensuring consistency

- ❑ Two years of intensive preparation
- ❑ EDPB Taskforce – established in 2016 within Article 29 WP – high level steering of the preparation process
- ❑ Rules of Procedure of EDPB
- ❑ Memorandum of Understanding between EDPB and EDPS

Result – on 25 May 2018 the EDPB has been up and running

European Data Protection Board

What is EDPB

Independent EU body with legal personality contributing to consistent application of GDPR across the EU

Established on 25 May 2018 by GDPR

Composed of all 28 EU Member States supervisory authorities, EDPS and EC

What is not EDPB

Separate supervisory authority

Investigative body

Enforcement authority

EDPB in action

GDPR enforcement – only by the supervisory authorities of the EU Member States

Role of EDPB:

- promoting cooperation and the effective exchange of information and best practices between national SAs;
- providing guidance;
- resolution of disputes between leading and concerned SAs.

EDPB expert subgroup and draft strategy on enforcement – ***supporting and not replacing national SAs***

EDPB in action – Guidelines

- ❑ The EDPB has adopted the 16 GDPR related WP 29 guidelines, as well as 7 guidelines of its own (4 of which have been finalised following public consultation). These include among others:
 - Guidelines on certification;
 - Guidelines on derogations;
 - Guidelines on accreditation;
 - Guidelines on territorial scope;
 - Guidelines on codes of conduct;
 - Guidelines on the processing of personal information under art. 6 (1) (b);
 - Guidelines on the processing of personal data through video devices.

- ❑ The Board has also adopted numerous other documents, including - recently - a statement on the use of personal data in the course of political campaigns and a statement on the ePrivacy regulation (privacy within the electronic communication sector).

EDPB in action – Advisory role

- ❑ The EDPB advise the European Commission on any issue related to the protection of personal data, such as, for instance, the **assessment of the adequacy of the level of data protection** in third countries or international organisations.
- ❑ It is in this role that we contributed to the Annual Review of the Privacy Shield in September this year and to the Japanese Adequacy Decision recently adopted by the Commission.

EDPB in action – Consistency findings

- ❑ 36 opinions on DPIA lists,
- ❑ 1 on the interplay between the ePrivacy regulation and the GDPR,
- ❑ 1 on a draft Administrative Arrangement for transfer of data between EEA and non-EEA Financial Supervisory Authorities,
- ❑ 1 on the competence of an SA in case of a change in circumstances relation to the single or main establishment,
- ❑ 1 on accreditation requirements for a code of conduct monitoring body,
- ❑ 1 on a national proposal of Standard Contractual Clauses for the relation between controller and processor.

EDPB in action – Exchange of best practices

- ❑ The EDPB is also a platform for the exchange of experiences between national supervisory authorities, allowing for a discussion on topics such as the issuing of fines and enforcement strategies.
- ❑ This is possible throughout the information system of the Board and via its website and newsletter!

EDPB in action – Near future goals

The Board adopted its work plan 2019-2020, which can be found on our website.

The EDPB upcoming workload includes:

- ❑ the final adoption of draft guidance following public consultation, such as guidelines on territorial scope;
- ❑ the adoption of new guidance, such as on Connected vehicles, Data Protection by Design and by Default;
- ❑ The EDPB will certainly also address the topic of the cross-border access to electronic evidence.

EDPB in action – IMI

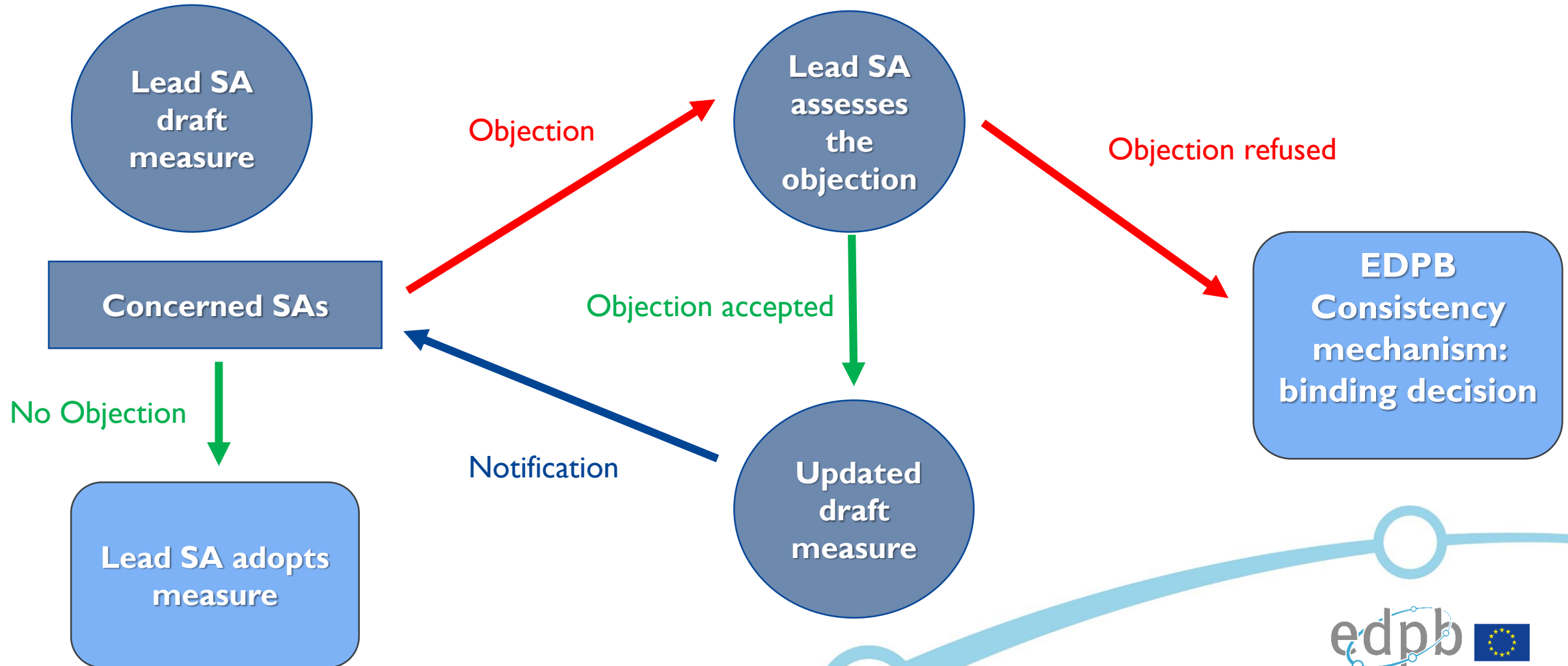
Internal Market Information System

- ❑ IT platform to support cooperation and consistency procedures 14 IMI modules, 19 forms and more than 10.000 data fields

Fact and figures:

- ❑ 727 cross-border cases in the case register until 29/10/2019.
- ❑ Those cases have been used to launch the following number of procedures:
 - 1716 procedures relating to Mutual Assistance (Art 61) until 02/09/2019. Those procedures can lead in the future to One-stop-shop procedures;
 - 363 One-stop-shop procedure (Art 60);
 - 47 Local Case Requests (Art 56.2) until 02/09/2019;
 - 59 Consistency procedures: of which 31 cases on DPIA lists.

EDPB in action – One Stop Shop Procedure



Transfers of personal data to third countries or international organisations

- Transfers on the basis of an adequacy decision;
- Transfers subject to appropriate safeguards;
- Transfers on the basis of a 'Binding corporate rules'.

Personal data transfers in case of No deal Brexit

- ❑ Steps to follow in the events of no deal Brexit:
 - To determine which processing activities will require transfers to the UK;
 - To determine the pertinent instrument for the data transfer;
 - To apply the proper instrument;
 - To indicate in its internal documentation the upcoming transfers to the UK;
 - To upgrade the privacy policy in order to inform the data subjects.

GDPR compliance – a joint endeavor





**No one is big enough,
alone**

Thank you!

For more information:

www.edpb.europa.eu