European Data Protection Board and enforcement in Europe

Anna Zawila-Niedzwiecka
Secretariat of the European Data Protection Board
EDPB missions and tasks

• Contributing to the consistent application of the data protection rules in EU
  • **General guidance**: Guidelines, Opinions (i.e. on draft adequacy decisions)
  • **Consistency findings:**
    • **Opinions**:
      • list of cases (BCR, contractual clauses, codes of conduct, etc)
      • any issue of general application or cross-border effect
    • **Binding decisions (Dispute resolution)**
      • Lead SA
      • Reasoned objection raised in the OSS
      • Non-respect of a consistency opinions
  • Cooperation
    • GDPR enforcement – only at the level of the EU Member States
EDPB Opinions

• 28 opinions on the processing operations subject to data protection impact assessment
• on the interplay between ePrivacy Directive and the GDPR
• on the Administrative Arrangement for the transfer of personal data to non-EEA Financial Supervisory Authorities
• on the adequate protection of personal data in Japan
• on proposals on European Production and Preservation Orders for electronic evidence in criminal matters
• on the interplay between the Clinical Trials Regulation (CTR) and the GDPR
EDPB Guidelines

• on Codes of Conduct and Monitoring Bodies under GDPR
• on the accreditation of certification bodies under Article 43 of the GDPR
• on the territorial scope of the GDPR (Article 3)
• on derogations of Article 49 under the GDPR
• on certification and identifying certification criteria in accordance with Article 42 and 43 of the GDPR
• 18 guidelines of Article 29 WP endorsed
Tasks of the Secretariat

Secretariat tasks: analytical – administrative – logistical support

a) the day-to-day business of the Board;
b) communication between the members of the Board, its Chair and the Commission;
c) communication with other institutions and the public;
d) the use of electronic means for the internal and external communication;
e) the translation of relevant information;
f) the preparation and follow-up of the meetings of the Board;
g) the preparation, drafting and publication of opinions, decisions on the settlement of disputes between supervisory authorities and other texts adopted by the Board.
The One Stop Shop Procedure

- Lead SA draft measure
- Concerned SAs
- Notification
- Objection
- Objection accepted
- Objection refused

- Lead SA adopts measure
- Lead SA assesses the objection
- Updated draft measure

EDPB Consistency mechanism: binding decision

- No Objection
• IT platform to support cooperation and consistency procedures
• 14 IMI modules, 19 forms and more than 10,000 data fields
• More than 1000 exchanges between SAs
• Multilingual web platform (no software to be installed)
• Addresses differences in administrative structures (centralised vs decentralised)
• Provides a transparent follow-up of the different procedures (dashboard, search, linking, logging)
• Easily adaptable to new policy areas
A new form of cooperation - I
→ 732 procedures initiated by SAs from 25 different EEA countries to identify the Lead and Concerned Supervisory Authorities

→ 27 SAs were assumed as LSA

→ 414 are ongoing and 318 are closed
→ 327 cross-border cases registered by SAs from 31 different EEA countries

Exercise of the rights of the data subjects

- Consumer rights
- Data Breach

Top 3 case topics

230 Complaints
97 Other origins
Cooperation of Supervisory Authorities

• **Number of complaints:**
  - in most SAs a number of complaint is 40-60 % higher then before 25 May 2018
  - 94,622 complaints 52 % of these cases have already been closed and 1 % of these cases challenged before national court.

• **Number of data breach notifications:**
  - around 65,000 in all SAs
For further information:

- The EDPB website: https://edpb.europa.eu/
- Follow us on social media:
  - Twitter: @eu_edpb
  - LinkedIn: https://www.linkedin.com/company/eu-edpb/
Thank you

Questions ?