

Letters



Miguel de Serpa Soares
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United Nations N.Y. 10017
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Sent by email only

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Dear Mr. de Serpa Soares,

Thank you for your letter of 24 February 2021, by which you refer to the ongoing dialogue between the European Data Protection Board (“the Board” or the “EDPB”) and the United Nations on data protection.

The Board fully recognises the importance of the tasks and missions of international organisations in general and of the United Nations in particular, and of the specificities of such organisations, notably in the light of their privileges and immunities.

In this respect, the Board welcomes that the United Nations consider the final version of the Guidelines¹ on Article 46(2)(a) and 46(3)(b) of Regulation (EU) 2016/679 (“the GDPR”)² as providing useful clarifications.

These Guidelines should provide a general basis to interested parties, including international organisations, for the development of binding agreements or non-binding administrative arrangements depending on the case at hand or as a guidance for the safeguards to be provided for in different transfer tools which practical work on actual solutions may help identify.

Taking the above into account, in our reply letter of 7 October 2020, the Board expressed its commitment to engage with international organisations in this context and indicated the regular

¹ Guidelines 2/2020 on Articles 46 (2) (a) and 46 (3) (b) of Regulation 2016/679 for transfers of personal data between EEA and non-EEA public authorities and bodies, https://edpb.europa.eu/our-work-tools/our-documents/guidelines/guidelines-2020-articles-46-2-and-46-3-b-regulation_en.

² Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), L119 of 4.5.2016.

workshops with international organisations organised by the European Data Protection Supervisor (“the EDPS”) as one possible appropriate venue to continue those discussions.

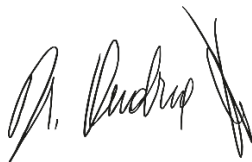
A workshop, held on 8 and 9 October 2020³, included a session dedicated to international transfers of personal data to international organisations, which provided an opportunity for an insightful and productive first exchange of ideas and information.

As a follow-up to this session, I wish to inform you that the EDPS has created a dedicated Task Force, whose first meeting took place on 14 April 2021 and to which several international organisations participated, together with some national supervisory authorities and the European Commission. The objective of this Task Force is precisely to further discuss- informally and without in any way replacing the formal procedures set out in the GDPR - how the rules on international transfers under the GDPR may apply when personal data is transferred to international organisations. Another meeting to discuss in more details the specific question of transfers from public entities to international organisations is already scheduled on 25 May 2021. We welcomed the participation of United Nations representatives to the first meeting of the Task Force and count on their continued participation to benefit from their valuable input to this Task Force on behalf of the United Nations System Organizations. Should your other colleagues be willing to participate to the work of such taskforce, please inform directly the EDPS (POLICY-CONSULT@edps.europa.eu).

I also look forward to receiving information on the update and strengthening of the data protection framework by the United Nations System Organizations you refer to in your letter and assure you that it will be considered with the utmost attention.

Lastly, I would like to renew the Board’s commitment to further engage with the United Nations System Organizations on developing concrete transfer tools and in general on the shared mission of protecting human rights, including the right to privacy.

Yours sincerely,



Andrea Jelinek

³ EDPS, Online Workshop: Data Protection within International Organisations 2020, 8 October 2020, https://edps.europa.eu/data-protection/our-work/publications/events/online-workshop-data-protection-within-international_en.