



Final

62nd Plenary meeting

14 March 2022, Remote

1 Adoption of the minutes and of the agenda, Information given by the Chair

1.1 Minutes of the 61st Plenary meeting – adoption

The minutes of the previous plenary meeting were adopted unanimously. The members of the EDPB also agreed on the public version of the minutes.

1.2 Draft agenda of the 62nd EDPB meeting – adoption

The draft agenda was adopted with the inclusion of two new points under AOB.

The discussions relating to agenda point 3.1 were declared confidential according to Art. 33 EDPB RoP.

2 Consistency mechanism and Guidelines

2.1 Review of the consolidated Article 60 Guidelines – discussion and adoption

The rapporteur presented the changes of the consolidated Guidelines. The Guidelines include an executive summary and a quick reference guide was added as annex to provide information on the steps and procedure in a more streamlined manner.

One member suggested to add a disclaimer indicating that the annex should be read with the relevant sections of the Article 60 Guidelines of the EDPB for any question of legal interpretation.

It was highlighted that Art. 60.2 GDPR applies throughout the entire cooperation procedure. Nothing precludes the SAs to decide to draft jointly a decision even if the formal submission is the responsibility of the LSA. The EDPB members agreed on this interpretation.

All EDPB members adopted the Article 60 Guidelines including the annex (Quick Reference Guide), except 1 member which abstained. The EDPB members agreed on the publication of the Article 60

Guidelines and of the annex (Quick Reference Guide) with a disclaimer, except 1 member which abstained.

2.2 Joint Opinion on Covid-19 certification Regulation extension – discussion and adoption

The rapporteur presented the Joint Opinion to the EDPB members.

The Proposals aim to amend certain provisions and seek to extend the application of Regulation 2021/953 by 12 months, as well as prolong for the same time the power of the Commission to adopt delegated acts pursuant to the EUDCC Regulation (EU) 2021/953.

The members of the EDPB unanimously adopted the Joint Opinion.

2.3 Guidelines on data protection in social media platform interfaces: practical recommendations – discussion and adoption

The rapporteur presented the Guidelines on data protection in social media platform interfaces to the EDPB members.

The Chair of the EDPB proposed to modify the title of the Guidelines to include the term “Dark Patterns”. The EDPB members agreed to modify the title to “Dark Patterns in social media platform interfaces: How to recognise and avoid them “

The Guidelines were unanimously adopted by the members of the EDPB with the new title. The Guidelines will be subject to a public consultation for a period of 6 weeks.

3 Current Focus of the EDPB Members

3.1 Commissioners’ meeting on cooperation – information

The Chair of the EDPB presented to the EDPB members the state of play of the preparation for the Commissioners’ meeting on cooperation in Vienna. The topics presented at the last plenary meeting will be fine tuned. The EDPB members will receive questions on the topics timely in advance in order to prepare the meeting.

4 FOR DISCUSSION AND/OR ADOPTION – Expert Subgroups and Secretariat

4.1 COOP and ITS ESG

4.1.1 Draft toolbox on essential data protection safeguards for enforcement cooperation between EEA and third country data protection authorities – discussion and adoption

The rapporteur presented the draft toolbox as modified along the lines discussed during the December 2021 plenary meeting on essential data protection safeguards for enforcement cooperation. In light of the ITS ESG’s input, the structure has evolved from an administrative arrangement to a toolbox which could be used in the context of administrative and international agreements.

The draft toolbox was unanimously adopted by the members of the EDPB. The EDPB members decided to publish this document.

4.2 ENF ESG

4.2.1 Amendment of the Rules of Procedure by the RoP Drafting Team concerning the notification and translation of binding decisions – request for mandate

Following the plenary's discussion in April 2021, the EDPB Secretariat presented the request for mandate regarding the amendment of the EDPB Rules of Procedure concerning the notification and translation of EDPB binding decisions.

The ENF ESG considered that the binding decision would be translated via an urgent process into the languages of the SAs that need to take action at national level.

To enhance certainty, the ENF ESG proposed that this procedure should be also reflected in the Rules of Procedure.

One member of the EDPB underlined the need to clarify that the authentic version of the decision will only be in English, and that the notification of the binding decision occurs when the English text of the binding decision is notified to the addressees.

Finally, the request for mandate also included a request from the EDPB Secretariat to entrust the RoP Drafting Team with correcting typos and editorial mistakes in the Rules of procedure.

The EDPB members adopted the request for mandate unanimously.

5 AOB

5.1 Invitation for the participation at the Spring Conference of European Data Protection Authorities – information

HR SA invited all EDPB members to the Spring Conference of European Data Protection Authorities on 18-20 May 2022 in Dubrovnik. The Spring Conference aims at enhancing the cooperation between SA's.

5.2 Involvement of supervisory authorities in awareness raising campaigns in the context of growing number of frauds and scams in the bank sector – information

HU SA shared information about the widespread social phenomenon of banking fraud. The Hungarian Banking Association decided to establish a Public-private partnership, targeting this area. The goal of this partnership is to raise awareness and to help prevent such crimes in the future. As they have encountered an increasing number of complaints in this area, HU SA decided to participate in this initiative.

HU SA asked whether other EDPB members encounter similar cooperation in their respective Member States and intend to create a voluntary mutual assistance request, to share the experiences.

5.3 Presentation of the mobile app “GDPR in your pocket” – information

BG SA presented to the EDPB members the mobile app “GDPR in Your Pocket” developed under SMEDATA project. Several SA's were involved in this project which is co-financed by the European Commission.

BG SA indicated that the purpose of this mobile app aims at introducing the GDPR to citizens and to small- and medium enterprises (SMEs) in a user friendly way. This app is available in four languages and includes GDPR, its recitals, ECJ Case Law and EDPB Guidelines. EDPS highlighted the opportunity for EDPB members of cross-checking of the application in the framework of mutual assistance.

The EDPB Secretariat will circulate further information on this app to the EDPB members.

5.4 Information about a meeting with ENISA

The Chair of the EDPB met the Executive Director of ENISA on 10 March 2022 in Vienna. The topics discussed were general cooperation, possible cooperation with a focus on the health sector and the cloud certification scheme, concerning which they could still include data protection specifications e.g. via an extension for the scheme (the EDPB could provide input). ENISA is ready to cooperate and to provide advice on security issues on informal or formal request. The Chair of the EDPB will communicate a report summarising the meeting.

5.5 BE SA Update - Request for Mandate

Following the discussion of the last plenary meeting on 22 February, BE SA informed the EDPB members about the structural changes in a pre-draft of law prepared by the Belgian Government that undermines the independence of the SA.

The EDPB members adopted unanimously the request for mandate to ENF ESG for the drafting of a letter. The rapporteurs and the lead rapporteur are invited to share information through the EDPB Secretariat.

Annex: Attendance List

SAs:

AT SA, BE SA, BG SA, CY SA, CZ SA, DE SA, DK SA, EDPS, EE SA, EL SA, ES SA, FI SA, FR SA, HR SA, HU SA, IE SA, IS SA, IT SA, LI SA, LT SA, LU SA, MT SA, NL SA, NO SA, PL SA, PT SA, RO SA, SE SA, SI SA, SK SA

- European Commission

- Observers: MD and SR. In line with Art. 8 of the EDPB RoP, the observers were present during the plenary meeting except for points 3.1 of the agenda.

- EDPB Secretariat