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External Data Protection Officers

Title **Position Paper**

Public consultation on Recommendations Template [2026] for Data Protection Impact Assessment (DPIA), Version 1.0

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Dear Members of the European Data Protection Board,

We welcome the opportunity to comment on the EDPB's public consultation on the **Template [2026] for Data Protection Impact Assessment (DPIA)** and the accompanying **Explainer**, both adopted in version 1.0 on 10 March 2026 and published for consultation on 14 April 2026. The consultation is currently open until 9 June 2026.

At the outset, we would like to emphasise that the structured approach chosen by the EDPB is **extremely helpful**. In our view, the template already reflects a number of important elements that have proven valuable in practical DPIA work. From day-to-day practice, it is also evident that precisely this type of structured approach is not only useful for DPIAs in the strict sense, but also highly valuable for broader **risk and measure management** under the GDPR. The template and explainer therefore provide a strong basis for a common and practically workable European approach.

At the same time, several clarifications would significantly improve the precision, practical usability and methodological consistency of the template. Our comments below follow the structure of the DPIA template itself and focus on concrete sections of the draft.

1. Summary of Key Points

1. General remark on the overall logic of the template

It would be helpful if the EDPB expressly clarified that the logic of the template can also be used, *mutatis mutandis*, as an orientation for **general GDPR risk assessments and documentation**, even where a formal DPIA under Article 35 GDPR is ultimately not required.

2. Section 0.3 – Name of the processing

It should be clarified that the template is also intended to be used **before a processing operation goes live**. Against that background, the reference in section 0.3 to the “internal name given to the processing” and, in particular, to “the given name in the record of processing activities” may be misleading, because a DPIA is ideally carried out already for envisaged or planned processing operations. The wording should therefore make clear that a preliminary project or working title may be used and that the reference to the record of processing activities is only optional where such record already exists.

3. Section 0.5 – DPIA technical sheet / Reasons to conduct the DPIA

The template currently refers to the WP248 rev.01 guidance in the list of reference materials and then lists reasons why a DPIA may be required or considered necessary/beneficial. Reference to the aspect that “in most cases, a data controller can consider that a processing meeting two criteria would require a DPIA to be carried out.” should be added. Further, the template does **not expressly refer to Article 35(1) GDPR**, although that provision is central to the general threshold of “likely to result in a high risk”. In addition, the template should expressly mention **blacklists of national supervisory authorities** as relevant references. Furthermore, the category “new processing activity, DPIA necessary or beneficial” does not in itself reflect a sufficiently robust legal category under the GDPR or supervisory authority standards and should therefore be deleted.

4. Section 1 – Systematic description of the processing / Section 1.1

In practical use, it is often more useful to present the relevant personal data in a way that directly relates **data categories to the specific data subject category concerned**, especially where not all data items are processed for all categories of data subjects. The current table in section 1.1.a allows this only indirectly. A more explicit relational structure would improve clarity and reduce ambiguity. These two aspects should then be supplemented with a reference to the purpose of the processing in section 1.1.b.

5. Section 1.3 – Means of processing, supporting assets and underlying architecture

We recommend differentiating between **direct and indirect supporting assets / means of processing**, in line with approaches known from established national methodologies such as the German *Standard-Datenschutzmodell*. This would improve the traceability of the risk analysis and would better reflect the role of applications, infrastructure, organisational assets and peripheral systems in the processing environment. The explainer already encourages a structured grouping of assets by module, layer or function, which could easily accommodate such differentiation.

6. Section 2.1.a – Legal basis

The current structure explicitly focuses on Article 6(1) GDPR and Article 9(2) GDPR. However, it would be advisable to add express references to **Articles 8, 10 GDPR**, and to **sector-specific legal provisions under Union or Member State law**, especially as these are often highly relevant in practice, including for public-sector controllers. This would better reflect the legal reality of complex processing operations.

7. Section 2.3 – Measures supporting compliance

It would be very helpful to refer, at least in the explainer, to **available catalogues, modules or libraries for measures**, such as those known from the *Standard-Datenschutzmodell* or comparable (national) methodologies. This applies in particular to section 2.3.a, section 2.3.b and, especially, to sections 2.3.d and 2.3.e. A clearer methodological anchor would improve consistency and practical usability.