



Final

7th Plenary meeting 12 February 2019, Brussels

Some points have been redacted from these minutes as their publication would undermine the protection of one or more of the following legitimate interests, in particular: the public interest as regards international relations; the privacy and integrity of the individual regarding the protection of personal data in accordance with Regulation 2018/1725; the commercial interests of a natural or legal person; ongoing or closed investigations; the decision-making process of the EDPB, in relation to matters upon which a decision has not yet been taken and/or the decision-making process of the EDPB, in relation to matters upon which a decision has been taken.

1 Adoption of the minutes and the agenda

1.1 Minutes of the 6th EDPB meeting

One EDPB member asked for a modification in the minutes. ■ requested to annex a statement justifying its a dissenting position relating to the Clinical trial opinion.

1.2 Draft agenda of the 7th EDPB meeting

The Chair of the Board welcomed the new Commissioner of the FR SA.

Items 2.2, 2.3 of the agenda were declared confidential according to Art. 33 EDPB RoP.

Observers were present during the plenary meeting except for points 2.2, 2.3 of the agenda.

The draft agenda was adopted unanimously.

2 For discussion and/or adoption - Current focus of the EDPB

2.1 EDPB 2019/2020 Work Program – discussion and adoption

The EDPB SEC informed that the first draft of the EDPB Work Program 2019/2020 was discussed in January at the plenary meeting. After the meeting, EDPB members were invited to send written comments on the revised version and the document has been updated accordingly.

One member proposed changes. The members of the EDPB unanimously adopted the EDPB 2019/2020 Work Program with the changes proposed. The Work Program will be published on the EDPB website.

2.2 Art. 64 GDPR Opinion on the draft AA by ESMA/IOSCO – discussion and adoption

The rapporteur explained that WP29 and EDPB have assisted ESMA and IOSCO with the drafting of the AA during the last two years (six rounds of comments) in order to ensure that the guarantees required under the GDPR for the safeguarding of personal data will be included in the AA.

The EDPB Members expressed the general support for the opinion and underlined the need to closely monitor the effective application of the AA.

The EDPB members unanimously adopted the Opinion.

The opinion will be published on the EDPB website.

2.3 Brexit

Following the first discussions held during the Plenary meeting in January to anticipate the consequences of a possible No-deal Brexit on 29 March 2019, the EDPB SEC and ITESG prepared documents clarifying consequences for personal data transfers. Those draft documents had been discussed by the Strategic Advisory Expert Subgroup (SAESG) on 31 January 2019.

2.3.1 Information note on GDPR data transfers – discussion and adoption

The EDPB members discussed the information note on GDPR data transfers. The EDPB members agreed to the information relevant for the public authorities with slight changes. The EDPB members decided to keep the information on BCRs as a separate document and not as part of the information note.

The EDPB members unanimously adopted this information note, after adjustments were integrated in the document.

The information note will be publicly available on the EDPB website and the Chair invited the EDPB members to publish it also on their websites or to provide a link to the website of the EDPB.

Regarding the separate document on BCRs, the EDPB members made some modifications of the wording. With these modifications, EDPB members unanimously adopted the document.

This document will also be published on the EDPB website.

2.3.2 EDPB statement on questions from Politico – adoption

The Chair informed that the EDPB and several members had received the same set of questions on Brexit from Politico.

2.3.3 Information on BCRs and cooperation cases including the participation of the ICO – state of play

2.4 Guidelines on Code of Conduct – discussion and adoption

The lead rapporteur presented the draft guidelines and the work done by the Compliance expert subgroup in the last one and a half year. The aim of these guidelines is to provide practical guidance and interpretative assistance in relation to the application of Art. 40 and 41 GDPR. They intend to help clarifying the procedures and the rules involved in the submission, approval and publication of codes at national and European level.

The guidelines will be available on the EDPB website and will be subject of a public consultation. The received positions of stakeholders will be published on the EDPB website.

3 For discussion and/or adoption - Expert subgroups and Secretariat

3.1 Cooperation ESG –

3.2 Secretariat

3.2.1 Number and location of plenary meetings for 2019 and 2020 – discussion and decision

The EDPB SEC prepared an info note on possible number and dates of plenary meetings in 2020. The EDPB members agreed on the need to plan for 2020 the same number of meetings as those planned for 2019 (i.e. 11 Plenary meetings). Further discussions were held on the possibility of having teleconferences, the use of written procedures as well as possibility to convey more often meetings of the SAESG.

The EDPB SEC informed the EDPB members that when using teleconferences, interpretation is not possible. The EDPB SEC is deploying a videoconferencing system, as agreed by the EDPB members in November 2018. However, it underlined the possible technical challenges to have 100 participants to a videoconference.

Several members informed that some of the proposed meeting dates collide with their national holidays. The EDPB SEC will update the document upon receipt of the information from Members on their national holidays and submit it to a vote by written procedure.

3.2.2 EDPB written report to the LIBE Committee – state of play

The Chair informed that she received an invitation to the Liberties, Justice and Home Affairs Committee (LIBE Committee) for 26 February 2019 to a session on the implementation of the GDPR. The purpose of this session is to obtain information on current state of play of the consistency mechanism and as well as the means and powers of the EU data protection supervisory authorities.

The LIBE Committee asked the EDPB to provide a written document by 18 February 2019 on the full overview of implementation and enforcement of the GDPR, including detailed overview of available means for supervisory authorities.

The EDPB members welcomed the interest of the LIBE Committee.

The EDPB SEC will finalise the report for the LIBE Committee.

3.2.3 EDPB annual report: Table of content – discussion and decision

According to Art. 71.1 GDPR “the Board shall draw up an annual report”. This report “shall be made public and be transmitted to the European Parliament, to the Council and to the Commission”. Art. 71.2 GDPR stipulates that the report “shall include a review of the practical application of the guidelines, recommendations and best practices referred to in point (l) of Art. 70 (1) GDPR as well as of the binding decisions referred to in Art. 65.” A proposal for a table of content was drawn up by the EDPB SEC and discussed at the SAESG level on 31 January 2019.

After a question from one EDPB member on the language to be used for the content to be provided by the EDPB members, the EDPB SEC confirmed that it has to be provided in English.

The EDPB members unanimously adopted the table of content of the EDPB annual report.

3.2.4 EDPB Staff exchange program – discussion and adoption

The EDPB SEC presented the initiative of the EDPS for the Staff exchange program. The proposal was to start with a pilot secondments programme in 2019 and to have a first edition in 2020. The EDPS HR team and the EDPB SEC held a meeting and a teleconference with HR representatives of the EDPB members to discuss a draft project of the EDPB staff exchange program. They prepared an updated version of the proposal including the results of discussions and the following written feedback. The document will become a joint decision of the EDPB and the EDPS.

The EDPS informed also on the possibility to second a national expert to the EDPS Policy and Consultation Unit in the framework of their own staff exchange program.

4 Miscellaneous

COM reminded about the currently open call for proposals to co-finance SAs initiatives in reaching out to stakeholders. The deadline for applications is the 11 April 2019.

█ thanked the EDPB SEC for the written state of play on access requests to EDPB documents. They suggested for the future to add further information on the documents that have been asked and on the follow up given to each access request. █ indicated its supports to this proposal.

5 Annex: Attendance list

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, IT SA, IS SA, LI SA, LT SA, LU SA, LV SA, MT SA, NL SA, NO SA, PL SA, PT SA, RO SA, SE SA, SI SA, SK SA, UK SA

European Commission

EDPB Secretariat

Observers:

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