



Final

71st Plenary meeting 14 November 2022, Remote

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 of the agenda, Information given by the Chair

1.1 Minutes of the 70th Plenary meeting – adoption

The minutes were adopted unanimously without changes.

The members of the EDPB also agreed on the public version of the minutes.

1.2 Draft agenda of the 71st EDPB meeting – adoption

The draft agenda was adopted with the inclusion of new points under AOB: 4.2. EDPS request to the CJEU to annul two provisions of the amended Europol Regulation; 4.3. Request from the Authority for European Political Parties and European Political Foundations and 4.4. December meeting.

The discussions relating to agenda points 3.3.1 and 3.3.2 were declared confidential according to Art. 33 EDPB RoP.

2 Current Focus of the EDPB Members

2.1 GPA 2022 in Istanbul

The Chair of the EDPB informed the EDPB members about this year's Global Privacy Assembly (GPA) "A Matter of Balance. Privacy in The Era of Rapid Technological Advancement", which was held by the Turkish SA in Istanbul from 25 to 28 October 2022, with an open session taking place from 25 to 26 October 2022, and the closed session from 27 to 28 October 2022. The Chair of the EDPB expressed her appreciation that many SAs were present.

The Chair of the EDPB also congratulated the DK SA for receiving the "Education and public awareness" and the "People's choice" awards for "Datadysten", a game designed specifically for children and young people, which aims at raising awareness of the GDPR in an interactive way. The DK SA presented

the game, which is available for free on its website and has been created together with children and teachers¹. The DK SA plans to launch the game in English by the end of the year and possibly in other languages.

The members of the EDPB exchanged their impressions on the GPA and discussed ways to strengthen the EDPB's representation in such events. In this regard, several members of the EDPB considered that coordination among the EDPB members should be reinforced in preparation for international events. The members of the EDPB agreed on the importance to reinforce the EDPB presence and cooperation with other bodies in international forums and agreed to further discuss the matter at the SAESG. The Chair of the EDPB decided to include the topic in the agenda for one of the next SAESG.

3 Expert Subgroups, CSC and Secretariat

3.1 ITS ESG

3.1.1 Draft Recommendations on the Application for Approval and on the elements and principles to be found in Controller Binding Corporate Rules (Art. 47 GDPR) - **discussion and adoption**

The rapporteur presented the draft recommendations and provided an overview of the work done. The draft recommendations will replace WP256 rev.01 (the so called referential for BCR-C) and WP264 (the document containing the standard application form for BCR-C) and include the agreements reached in the course of approval procedures of BCRs since the entering into application of the GDPR, as well as requirements related to the CJEU ruling in Schrems II.

The draft Recommendations were unanimously adopted.

The EDPB members agreed on having a public consultation on the draft until 10 January 2022.

The corresponding work on updating the documents on BCR-P will be done by the ITS subsequently.

3.2 TECH ESG

3.2.1 Guidelines on Blockchain - strategic orientation - **discussion**

The rapporteur presented the work done on these Guidelines and explained the different options put forward to the Plenary concerning the qualification of miners in public permissionless blockchains when they process – knowingly or not – personal data.

Multiple members of the EDPB expressed their view on the different options. The EDPB Plenary unanimously agreed that the TECH ESG should continue their work on the Guidelines, taking into account the discussion held. The TECH ESG is asked to explore the possibility to find a compromise between the options discussed.

3.3 ENF ESG

3.3.1 Update of the 101 TF: Facebook cases - **state of play**



¹ The game is available at: <https://datadysten.dk>

[REDACTED]

The EDPB members took note of the information.

3.3.2 Update from the Cookie Banner TF and orientation of the work - **discussion and decision**

3.4 BTLE ESG

3.4.1 Implications of the PNR judgement of the CJEU (Case C-817/19) - **request for mandate**

The rapporteur presented the request for mandate. The EDPB members adopted the mandate. 1 EU Member abstained.

4 AOB

4.1 Information on the Nordic Meeting held in Helsinki on 13 - 14 October 2022

The FI SA presented an update on the Nordic Meeting, which took place on 13-14 October. At the meeting, the SAs from Denmark, the Faroe Islands, Finland, Iceland, Norway, Sweden and Åland discussed current data protection topics, shared best practices and agreed on common goals. A report of the meeting was shared and is publicly available.

The next Nordic meeting will take place in Iceland in spring.

4.2 Action to the ECJ for annulment of provisions in the Europol regulation

The EDPS informed the Members about their action for annulment, indicating that this is the first time they take such action. On 16 September 2022 the EDPS issued an action against the provisions 74a and 74b of the Europol Regulation, amended on 28 June 2022. The EDPS considers that those new provisions have the effect to retroactive legalise processing of personal data which was found by the EDPS to be in breach of Europol Regulation and for which the EDPS issued an erasure order on 3 January 2022. The members of the EDPB took note of the information.

4.3 Request from the Authority for European Political Parties and European Political Foundations

The Plenary agreed, following the request by the APPF, to invite its director to give a short presentation on Art 10a under [Regulation 1141/2014](#), ahead of the elections of the EP.

4.4 EDPB December event

The members agreed to hold a reception after the December Plenary meeting, in order to exchange and discuss in a more informal setting.

5 For information - Expert subgroups and Secretariat

5.1 Guidelines on dark patterns in social media platform interfaces: how to recognise and avoid them (after public consultation) – **written state of play**

The members of the EDPB took note of the written state of play.

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, LV SA, MT SA, NL SA, NO SA, PL SA, RO SA, SE SA, SI SA, SK SA

- European Commission

- Observers: AL SA, MD SA, RS SA. In line with Art. 8 of the EDPB RoP, the observers were present during the plenary meeting except for points 3.3.1 and 3.3.2 of the agenda.

- EDPB Secretariat