



Final

11th Plenary meeting

4 June 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, the agenda

1.1 Adoption of the Minutes of the 10th Plenary meeting

The minutes were adopted unanimously.

1.2 Draft agenda of the 11th EDPB meeting – adoption

The draft agenda was adopted with additional items: Update on the Spanish electoral legislation, update on the decision of the Irish Supreme Court concerning the reference made to the CJEU on the validity of standard contractual clauses in the context of EU – US data transfers.

The discussions relating to points 2.5, 2.7, 2.8 and 2.11 were declared confidential according to Art. 33 EDPB RoP.

Observers were present during the plenary meeting except for points 2.5, 2.8 and 2.11 of the agenda.

2. Current focus of the EDPB

The Deputy Chair of the EDPB, chairing the meeting, informed the members on the fact that the EDPS, with the support of the EDPB Secretariat, will defend the EDPS budget, including the EDPB budget, on 6 June 2019. The documents relating to the draft budget for 2020 have already been shared with the members at the March plenary meeting.

2.1 Reply to LIBE request in the implications of the CLOUD Act – adoption

The EDPB and the EDPS have received two substantially identical letters from the LIBE Committee requesting guidance on the implications of the US Cloud Act. A joint response was prepared by the [REDACTED] after having been shared with the [REDACTED]

The response letter was already discussed during the May Plenary and members requested some changes to be made. [REDACTED] received comments from the EDPB members and organized a conference call in order to prepare a new version of the draft letter.

As EDPB members need more time to reflect on this matter, this item will be put again on the agenda of the July plenary meeting. Comments can be sent to the rapporteurs until 14 June. They will be discussed at the next [REDACTED] meeting on 18 June 2019.

2.2 Annex on the Guidelines on Accreditation – adoption

The rapporteur presented the document. EDPB members unanimously adopted the annex.

2.3 Annex on the Guidelines on Certification – adoption

The rapporteur presented the document. EDPB members unanimously adopted the annex.

2.4 C-ITS response letter to Commission – adoption

The Secretariat briefly summarized the developments so far as the EDPB already sent a letter with comments on this matter to the EU Commission in November 2018.

The Secretariat presented the draft letter and an EDPB member suggested a minor change regarding the person to whom the letter is addressed. In addition, there was a discussion on whether or not the EDPB comments sent in November should be annexed to the draft letter.

EDPB members unanimously adopted the content of the letter, including the minor change. EDPB members decided that the EDPB comments sent in November do not need to be annexed.

2.5 Opinion on CY Art 35.4 DPIA list – adoption

The [REDACTED] presented the draft opinion. The CY SA informed the EDPB that it decided to withdraw its list. The draft opinion could therefore not be adopted.

2.6 Guidelines 1/2019 on Codes of Conduct and Monitoring Bodies under Regulation 2016/679 – adoption

The rapporteur presented the guidelines.

With those changes incorporated, EDPB members adopted the guidelines with three abstentions.

2.7 Proposals for Common Strategic Priorities for Supervision and Guidance – discussion and/or adoption

The rapporteur presented the document.

2.8 Update

██████████ followed up on the presentations given during previous EDPB Plenary meetings and updated the information given to EDPB members regarding ongoing investigations. EDPB Members took note of the information given.

The [REDACTED] also provided information on the decision of the Irish Supreme Court of 31st May 2019. The Supreme Court dismissed Facebook's appeal regarding the High Court's decision to make a reference to the Court of Justice of the European Union ('CJEU') for a preliminary ruling on the validity of Standard Contractual Clauses insofar as they apply to EU to US data transfers.

2.9 Governance of social media platforms – request for mandate

The Coordinator presented the request for mandate drafted by the

2.10 LIBE Request on Regulation establishing the conditions for accessing the EU information systems – request for mandate

The Coordinator presented the request for mandate drafted by the [REDACTED] which aims at drafting an answer to a LIBE committee request to give a legal assessment on the implications for data protection of two new proposals presented by the Commission on January 2019. These two proposals are the Regulation establishing the conditions for accessing the other EU information systems and the Regulation establishing the conditions/or accessing other EU information systems for ETIAS purposes. EDPB members unanimously adopted the mandate.

Two EDPB members have expressed their willingness to act as co-rapporteur on this issue.

2.11 State of play on the EDPS investigation into Microsoft IT solutions used by EU Institutions – discussion

As the EDPS is undertaking an investigation into the compliance of contractual arrangements concluded between the EU institutions and Microsoft, it informed the EDPB members about its preliminary findings. The EDPS invited the interested members to join its investigation under Regulation 2018/1725 into Microsoft IT solutions used by EU Institutions. The EDPS also invited the interested members to participate in a taskforce to exchange information and informally cooperate on this issue. This initiative was welcomed by the plenary. The EDPS invited the members to bilaterally contact them for possible cooperation.

3 Miscellaneous

