



Final

18th Plenary meeting

18-19 February 2020, 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 of the agenda

1.1 Minutes of the 17th Plenary meeting – adoption

The minutes were unanimously adopted with the modifications proposed and circulated prior to the meeting.

1.2 Draft agenda of the 18th EDPB meeting – adoption

The draft agenda was adopted with some modifications and additions. Considering the proposal of several SAs to provide national information, the title of agenda point 2.1 was changed to 'Updates from SAs' and the title of agenda point 2.3 was changed to 'Update'. An agenda point 'Update from SAs' will be added as a rule to each plenary agenda in future.

The discussions relating to agenda points 2.1, 2.3, 2.4 and 4.2 were declared confidential according to Art. 33 EDPB RoP. In addition, the discussion on Brexit within the agenda point 'Miscellaneous' was declared confidential. Observers were present during the plenary meeting except for points 2.1, 2.3, 2.4 and 4.2 of the agenda and except the discussion on Brexit within the agenda point 'Miscellaneous'.

One member of the EDPB suggested that in future the agenda might be split in two sections, A points which require debate and B points which are not expected to require any debate. The Chair of the EDPB took note of the suggestion.

2. Current Focus of the EDPB Members

2.1 SA Updates **CONFIDENTIAL**

■ update

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

The EDPB members also stressed the importance of cooperation in cross-border cases.

The EDPB members discussed the way the national procedures interplay with the GDPR.

■ update

The ■ SA followed up on the presentation given during the previous EDPB Plenary meeting and updated the information given to the EDPB members regarding ongoing investigations. The EDPB members took note of the information given.

The EDPB members discussed the way the national procedures interplay with the GDPR.

■ update

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2.2 Evaluation of the GDPR under Art. 97 – discussion and adoption

The Chair of the EDPB presented the state of play of the file after the meeting in the SAESG held on 8 January 2020 on a draft document prepared by the ■■■■■. Following the meeting, a drafting team was created to contribute to the work of the ■■■■■. An updated draft report was prepared with two sections - on the one hand the policy messages and on the other hand the coordinated answers to the EU COM questions.

Some members of the EDPB have sent corrections to the national figures they sent to the EDPB Secretariat prior to the meeting. The ■■■■■ is entrusted with incorporating these corrections into the final version of the report after the plenary meeting. The ■■■■■ reminded all SAs to quickly send their updated national replies to the EU COM questions, if it was not already done. The Chair of the EDPB clarified that those replies are not documents that need to be continuously changed but only reflect the information provided covering the period from 25 May 2018 to the end of the year 2019.

The report was unanimously adopted with the modifications discussed during the meeting: one with respect to the insufficient resources of SAs, one clarifying the fact that the IMI case register figures do not include those cross-border cases that are still in the preliminary phase of identifying the roles of

the LSAs and CSAs and the cross-border complaints filed at individual SAs that are not yet uploaded onto IMI; finally one concerning the contribution of the EU COM to the EDPB work.

The EDPB members decided to make the national replies to the questionnaire of the EU COM public along with the EDPB report. The EDPB members are responsible for sending the final version of their national response to the EDPB Secretariat.

2.3 Update CONFIDENTIAL

The [REDACTED] SA provided information to the EDPB members regarding ongoing investigations. The EDPB members took note of the information given.

One EDPB member recalled the importance of having sufficient information in order to support discussion on these points.

The EDPB members discussed the way the national procedures interplay with the GDPR.

2.4 Exchange of the experience regarding ██████████ by SAs – discussion

CONFIDENTIAL

3. Consistency mechanism and Guidelines

3.1 Guidelines on Art. 46.2 (a) and 46.3 (b) of Regulation 2016/679 for transfers of personal data between EEA and non-EEA public authorities and bodies – discussion and adoption

The rapporteur presented the work done on these guidelines.

The EDPB members adopted the guidelines unanimously with the changes agreed upon in the plenary meeting.

The guidelines will be submitted to public consultation for a period of 6 weeks.

4. For discussion and/or Adoption - Expert Subgroups and Secretariat

4.1 Coordinators ESG: Update of annual ESG/ biannual EDPB work plans – discussion and adoption

The EDPB Secretariat presented the draft update to the annual ESG work plans.

Some ESG coordinators have sent corrections to the work plan to the EDPB Secretariat prior to the meeting. The EDPB Secretariat is entrusted with incorporating these corrections into the final version after the plenary meeting.

The EDPB

The EDPB members decided to not update the EDPB work program 2019-2020 , as it is a biannual document.

4.2 ENF ESG

4.2.1 Statement on privacy implications of mergers – request for mandate CONFIDENTIAL

The coordinator of the ENF ESG presented a request for mandate for a statement on privacy implications of mergers, as some mergers raise concerns of accumulation of personal data by different entities after the merger, including re-use for different purposes. Thus, mergers may raise a risk to the right to data protection of data subjects.

The EDPB members adopted the mandate unanimously.

4.2.2 Statement on privacy implications of mergers – discussion and adoption CONFIDENTIAL

The rapporteur presented the draft statement and explained that issuing a statement is a matter of urgency if it is to be timely.

Some EDPB members and the EU COM proposed modifications to the statement. One EDPB member suggests wording which was not taken on board by the EDPB members.

The EDPB members adopted the statement with the modifications discussed during the meeting with 23 EU SAs and 3 EEA EFTA SAs in favour. 1 EU SA voted against the statement and 1 EU SA abstained.

4.3 KEYP ESG: Response to HODA letter – discussion and adoption

The [REDACTED] presented the draft letter.

The EDPB members support the main message of the letter, which underlines the EDPB's openness in principle to the view of stakeholders on any matters related to its work.

The EDPB members discussed modifications to the wording of the letter. The EDPB members adopted unanimously the letter, entrusting the EDPB Secretariat with incorporating the changes agreed into the final version of the letter - including fine-tuning the wording on the right to be heard in consultation with the EU COM.

4.4 Response to MEP Korner on TikTok

The coordinator of the SOCM ESG presented the state of play of the file after the meeting in the SOCM ESG held on 7 February 2020.

The rapporteurs will draft a reply and terms of reference for discussion at the next EDPB plenary meeting.

4.5 Secretariat

4.5.1 EDPB 2021 plenary meeting dates – discussion and adoption

The EDPB Secretariat presented the draft timetable of EDPB plenary meetings for 2021, which take into account the agreed interval, national days of EDPB members, major holidays and important conferences.

The NO SA raised that 17 May is a national day of Norway and requests for the EDPB plenary meeting to be changed. The EDPB Secretariat will change the date to 19-20 May. SK SA raised that 15 September is a national day. However, considering the limited possibilities of change and the fact that

the SK national holiday of 1st September was already taken on board, the members agreed to not change the dates for the September plenary meeting.

The EDPB members adopted unanimously the dates proposed with the modification.

4.5.2 EDPB Budget updates – discussion

The EDPS and the EDPB Secretariat informed the EDPB members regarding the execution of the 2019 budget, the adopted budget for 2020 and the ongoing preparation of the budget framework for 2021-2027.

5. Miscellaneous

5.1 Brexit update **CONFIDENTIAL**

5.2 EU COM data strategy

The EU COM informed the EDPB members about the new data strategy announced on 19 February 2020, as well as the accompanying white paper on artificial intelligence. The EU COM stresses that the GDPR is used as a baseline in the data strategy and in the white paper.

Both the digital strategy and the white paper on artificial intelligence are submitted for public consultation until 19 May 2020.

Annex: Attendance list

AT SA, BE SA, BG 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, RO SA, SE SA, SI SA, SK SA, UK SA

European Commission

EDPB Secretariat

Observers:

MD, MK

Invited Guests

The following guests attended the agenda point [REDACTED]

Delegations of votes:

■ SA and ■ SA were not present and have not delegated their vote.

■ SA delegated voting rights to ■ SA for agenda point 4.2.

■ SA delegated voting rights to ■ SA for agenda points 4.3 and following.

■ SA delegated voting rights to ■ SA for agenda points 4.3 and following.

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