



Final

20th Plenary meeting

7 April 2020

Remote meeting

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 19th 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 the addition of an AOB point.

1.3 Communication regarding remote plenary meetings – Information by the Chair

The EDPB members discussed the topic of exchanging information on Covid-19 within the Board. It was agreed that all the information about Plenary' meetings on Covid-19 will be shared with the members of the Plenary group, as well as with the Corona Contact Points. During the calls, only one person from each Member State should be allowed to take the floor.

1.4 Format for future remote plenary meetings – Information by the Chair with the SEC

The EDPB Secretariat suggested organising remote plenary meetings via videoconferencing and informed the EDPB members about the new system obtained from the EU Parliament, which does not require the use of a software, such as Jabber and enables up to 50 participants to take part in the meeting. Commissioners discussed this issue and it was agreed that the EDPB Secretariat will conduct tests with the EDPB Members.

2. Current Focus of the EDPB Members

2.1 Processing of personal data to fight COVID-19

2.1.1 Request for mandate regarding geolocation, individual tracking and contact tracing in the context of the COVID-19 outbreak

The EDPB members discussed the content of the mandate. The European Commission gave an update on its activities in this area. It was decided that the Board would comment on the document drafted by the Commission only after receiving it. It was agreed, that the guidelines will focus on the core issues and principles and not on a particular technology. The EDPB members agreed that although TECH ESG will be the leading sub-group, rapporteurs working on this topic may come from different ESGs.

The EDPB members adopted the mandate unanimously with some light changes.

The EDPB members decided that this mandate will be made public and referred to in a press release.

2.1.2. Request for mandate regarding teleworking tools and practices in the context of the COVID-19 outbreak

Considering the high priority of the other two topics, the EDPB members decided to postpone, for the time being, the adoption of the mandate and the work on this guidance.

2.1.3 Request for mandate regarding the processing of health data in the context of the COVID-19 outbreak

Several EDPB members underlined the importance of addressing the issue of legal basis and exercising the rights of individuals. Some EDPB members underlined that, although it does not prevent the Board from drafting the guidelines, some issues covered by this mandate are regulated in national laws. The EDPB members agreed that although CEH ESG will be the leading sub-group, rapporteurs working on this topic may come from different ESGs.

The EDPB members adopted the mandate unanimously with some light changes.

The EDPB members decided that this mandate will be made public and referred to in a press release.

The Chair underlined that the EDPB should issue the guidance on both topics - tracking and health data - within the shortest possible notice.

2.2 Impact of COVID 19 on EDPB activities

2.2.1 Impact on the art. 64 procedures (consistency opinions)

The issue of Art. 64 GDPR deadlines in the context of coronavirus pandemic was discussed. Different views were shared.

2.2.2 Impact on art. 60 procedure (One Stop Shop cooperation)

The EDPB members discussed the issue of deadlines in administrative procedure. Several EDPB members confirmed that national governments suspended such deadlines in their member states. The European Commission was consulted about the EU law deadlines. The EDPB Secretariat reminded about the forum in Confluence where the members are sharing detailed information about the subject matter.

2.2.3 Written procedures

As regards written procedures, [REDACTED]

3. AOB

The European Data Protection Supervisor informed the EDPB about its statement on the use of technology and possibility of development of a pan-European Covid-19 mobile app.

The EDPB Members agreed that the next plenary meeting will take place next week and that all information about it will be shared with Plenary and the Corona Contact Points. One person per Member State will be entitled to speak. This principle will apply with DE being allowed to have more representatives attending but only one taking the floor by particular points.

A press release about the decisions taken during the meeting will be published.

Annex: Attendance List

- SAs: AT SA, BE SA, BG SA, CY 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, PT SA, SI SA, SK SA, SE SA

- European Commission

- EDPB Secretariat