



Final

22nd Plenary meeting

17 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 21th Plenary meeting – adoption

The minutes of the remote plenary meeting of 14 April 2020 were unanimously adopted.

1.2 Draft agenda of the 22th EDPB meeting – adoption

The draft agenda was adopted with the addition of one point in the AOB item, upon request of one of the members.

2. Current Focus of the EDPB Members

2.1 Processing of health data for research purposes in the context of the COVID-19 outbreak - state of play

The Chair thanked the rapporteurs [REDACTED] for their work on this file under tight deadlines.

The lead rapporteur presented the state of play of the document and explained the main discussion points that were addressed at the CEH ESG meeting of 16 April. The discussion points revolved around the legal bases for processing under Article 6 GDPR, the applicability of certain provisions of Article 9 GDPR, the information obligation exemptions pursuant to Article 14(5) GDPR as well as the questions

relating to the purpose limitation and the compatibility of further processing. The rapporteur also informed the Plenary that an updated section regarding international transfers of personal data for research purposes in the fight against COVID19 was agreed during the morning. The Chair explained the background of the addition of the section on international transfers to this document, [REDACTED]

The document will be presented for adoption at the next Plenary on Tuesday 21 April 2020.

2.2 Guidelines on geolocation and other tracing tools in the context of the COVID-19 outbreak - state of play

The Chair thanked the rapporteurs [REDACTED] for their work on this file under tight deadlines.

The lead rapporteur presented the document and outlined the work carried out so far, explaining that the document should be adopted during the next plenary meeting on Tuesday 21 April 2020.

The rapporteur explained that the document includes remarks on the applicable legal basis as well as a number of legal and technical recommendations. Additionally, the guidelines will deal with the extent to which the data at stake can be anonymised, which is being extensively discussed by the rapporteurs. Additionally, the rapporteur explained the importance of the technical annex which should be part of the guidelines and includes technical recommendations to app developers.

A discussion followed, focusing on the topic of the voluntary nature of the use of the apps analysed by the guidelines.

The updated draft guidelines will be soon made available to the members of the EDPB, aiming at the adoption of the guidelines at the next plenary meeting.

3. Impact of COVID-19 on the EDPB activities

3.1 [REDACTED] Request for an Art. 64 Opinion on [REDACTED] - discussion

The [REDACTED] explained the background of the request for an Art. 64(2) opinion, highlighting the reasons for considering it a priority.

The Chair asked whether any members of the Board wanted to volunteer to participate to the work on this file as co-rapporteurs, together with the [REDACTED].

The Chair proposed to wait for the finalisation of the section [REDACTED] within the guidelines on processing of health data for research purposes in the context of the COVID-19 outbreak, in order to assess whether the section of the upcoming guidelines relating [REDACTED] provides answers to the questions at stake.

It was agreed that the decision on this matter would be postponed until the next plenary meeting, in order to assess the necessity thereof after the adoption of the aforementioned guidelines.

4. FOR DISCUSSION AND/OR ADOPTION - Expert Subgroups and Secretariat

4.1 KEYP ESG - Guidelines on legitimate interest - request for mandate

The lead rapporteur presented the request for mandate, highlighting that the topic is already included in the EDPB Work Program. The request included, first, a mandate to the KEYP ESG to draft guidelines on the topic of legitimate interest under Article 6(1)(f) and, secondly, a mandate to the Secretariat to organise a stakeholders event on the topic, when it will be feasible.

The [REDACTED] volunteered to become part of the rapporteurs' team, together with the [REDACTED] and the [REDACTED]. The [REDACTED] announced that it might volunteer in the future.

The request for mandate was approved by the plenary.

5. AOB

5.1 Work methods of the Plenary meetings

The Chair informed the members that the number of plenary meetings is important due to the current emergency context.

She also informed the members that the physical plenary meeting of May is cancelled. However, this meeting will be replaced by the remote meetings.

Annex: Attendance List

- SAs: AT SA, BE SA, CY SA, CZ SA, DE SA, DK SA, EDPS, EE SA, EL SA, ES SA, FR SA, FI 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, PT SA, SE SA, SI SA, SK SA.

- European Commission

- EDPB Secretariat