

Final Minutes

113th EDPB plenary meeting

15 January 2026 – 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.

I. Adoption of the minutes and of the agenda, Information given by the Chair

I.1 Introduction

The Chair welcomed the participants to the meeting. The Chair recalled that the December plenary meeting has been scheduled for 9–10 December 2026 but that it has since been announced that the GPA will take place from 7–11 December 2026. In order to avoid the overlap, the EDPB members agreed to change the plenary dates to 15–16 December 2026.

I.1. Minutes of the 112th EDPB meeting

The EDPB members discussed the minutes of the 112th EDPB meeting and adopted them unanimously with some modifications to items B.1.2, B.2.3, C.1 and D.3.2.

The members agreed on the public version of the minutes.

I.2. Draft agenda of the 113th EDPB meeting

The draft agenda was adopted with the inclusion of three items under AOB.

The discussions relating to agenda points B.1.1 and B.2.1 were declared confidential in accordance with Art. 33(c) EDPB RoP.

A. Agenda items for adoption

There was no request to discuss the proposed A items. A single vote was organised for the five A agenda items and they were all adopted unanimously:

- A.1. Request for an Article 64(2) Opinion on German Public Audit Oversight Board (AOB) /Public Company Accounting Oversight Board (PCAOB) Administrative Arrangement -

decision to not adopt an opinion on the same matter as Opinion 5/2021 (International Transfers ESG)

- A.2. Opinion on the draft decision of the NL SA regarding the Controller Binding Corporate Rules of the Heineken Group (International Transfers ESG)
- A.3. Opinion on the draft decision of the NL SA regarding the Controller Binding Corporate Rules of the AkzoNobel Group (International Transfers ESG)
- A.4. Opinion on the draft decision of the NL SA regarding the Controller Binding Corporate Rules of the FrieslandCampina Group (International Transfers ESG)
- A.5. Opinion on the draft decision of the NL SA regarding the Controller Binding Corporate Rules of the ABB Group (International Transfers ESG)

B. Agenda items for discussion

B.1. Agenda items for discussion in view of adoption

B.1.1 DPF documents update (International Transfers ESG)

The EDPB Chair introduced the topic and gave the floor to the rapporteur.

The rapporteur presented the updates made to the DPF documents, namely the two FAQs (for European individuals and for European businesses), the Template Complaint Form for Submitting Complaints to the EU DPAs related to the DPF Principles, and the Rules of Procedure for the “Informal Panel of EU DPAs”. The updates were made on the basis of the experience gained so far and in order to provide further clarity.

The EDPB members adopted the updated DPF documents unanimously and agreed to publish them.

B.1.2. EDPB contribution to the LED evaluation (Borders, Travel & Law Enforcement ESG)

The EDPB Chair introduced the topic and presented the background to the document. The rapporteur then presented the document focusing on the main points of the general policy messages.

The EDPB members adopted unanimously the EDPB contribution to the LED evaluation, entrusting the EDPB Secretariat with incorporating the changes agreed into the final version of the document.

The EDPB members also agreed to publish it, together with the SA’s individual contributions.

B.1.3. Cooperation Procedure for the Authorisation of Contractual Clauses under Article 46(3)(a) GDPR and the Adoption of Standard Contractual Clauses under Article 46(2)(d) GDPR

The Chair introduced the topic and gave the floor to the rapporteur, who presented the document and informed the members of small editorial changes that had been made.

The EDPB members adopted unanimously the Cooperation Procedure for the Authorisation of Contractual Clauses under Article 46(3)(a) GDPR and the Adoption of Standard Contractual Clauses under Article 46(2)(d) GDPR, entrusting the EDPB Secretariat with incorporating the changes agreed into the final version of the document. The EDPB members also agreed to publish it.

B.1.4. Recommendations on the Application for Approval and on the elements and principles to be found in Processor Binding Corporate Rules (Art. 47 GDPR) (International transfers ESG)

The EDPB Chair introduced the topic and presented the background to the file.

The rapporteur presented the document and noted that the EDPB will expect all new applicants and to existing BCR-P holders to bring their BCR-P in line with the Recommendations after the updated version of the public consultation.

The EDPB members adopted unanimously the Recommendations on the Application for Approval and on the elements and principles to be found in Processor Binding Corporate Rules and agreed that they will be subject to a public consultation for a period of six weeks.

D. Items for information

D.1. Updates from EDPB members

D.1.1. Update on EDPB public event "Cross-regulatory interplay and cooperation in the EU: a data protection perspective"

The Chair introduced the item and gave the floor to the EDPB Secretariat which provided an update on the organisation of the event. The EDPB Secretariat informed the members that the event will take place on 17 March 2026 (in Brussels and online) and will aim to support the new cross-regulatory landscape while maintaining coherent and consistent safeguards for the protection of personal data, in line with the Helsinki commitments.

The EDPS expressed its support for the initiative and recalled that they are also organising the "Towards a Digital Clearinghouse 2.0" event on 27 January 2026.

D.1.2. Information on FantomApp

The Chair gave the floor to the FR SA to present the project which is aimed at raising public awareness, in particular teenagers and helping them to protect their social media personal data. The mobile app is accessible free of charge through app stores and web browsers. Nine European data protection authorities have expressed interest and supported the project. The content of the FantomApp application will be translated and adapted into the languages of partner countries.

D.1.3. SPE – OSS case digest on legitimate interest

The EDPB Secretariat informed that the OSS Case digest on legitimate interest prepared as an SPE project has been finalised. The source of the information was the EDPB OSS Register and five EDPB Binding decisions.

The EDPB Chair suggested that the Case Digest could be useful for the drafting team working on the legitimate interest guidelines as it may contain relevant practical examples from previous decisions. The report will be published on the EDPB website.

D.1.4. Discussion on letter received on procedure for assessment of certification criteria

The Chair introduced the item and referred to a letter the EDPB had received on procedure for assessment of certification criteria. The EDPB members agreed that the letter should be first discussed at subgroup level and the subgroup will also discuss whether it would be possible and necessary to modify the process for the evaluation of certification criteria.

B.2. Agenda items for discussion

B.2.1. Joint Opinion on Digital Omnibus – State of Play and Discussion (Key provisions & Technology ESGs)

The EDPB Chair introduced the topic and its background. The Chair underlined that the purpose of today's discussion is to provide strategic orientations on specific points of the Digital Omnibus joint opinion selected by the drafting team in cooperation with the subgroups. Following this, the rapporteurs provided a state of play on the Joint Opinion and presented the points for discussion. Several members also underlined the importance of keeping the Joint Opinion in a style which was appropriate for its intended purposes and target audiences.

The first discussion point concerned the purpose limitation in the context of scientific research and the proposed amendment to Articles 5(1)(b) GDPR and 4(1)(b) EUDR. The EDPB members discussed the question and agreed to keep the relevant paragraph in the draft Joint Opinion, recalling that, where an initial legal basis is relied on for further compatible processing, the rights of data subjects will then depend on that initial legal basis. The EDPB members also agreed to include text in the Joint Opinion which says that the compatibility of further processing test should not be confused with the assessment of the lawfulness of processing.

The second discussion point concerned the additional exemption for processing special categories of data in the context of development and operation of an AI system or model. The EDPB members discussed the question and agreed that the scope of the proposal should be maintained to AI systems and models.

The third discussion point concerned the obligation to make data breach notifications. The EDPB members discussed the question and decided to support the Commission's proposal to increase the notification threshold to data breaches that are likely to result in a high risk to the rights and freedoms of natural person.

B.2.2. Discussion on Supervisory Authorities' competences under the Data Act (Compliance, e-Government & Health ESG)

The EDPB Chair introduced the topic and noted that it concerns the interpretation of Articles 37(3) and 40(4) of the Data Act. Following this, the rapporteurs presented the possible interpretations of those provisions and invited the EDPB members to reflect on any recommendation that the EDPB and the EDPS may consider making in the Joint Opinion on the Digital Omnibus.

The EDPB members exchanged on the matter, with some underlining the fact that this provision had already raised questions during the national implementation of the Data Act. The members agreed on the need for more time on this matter and that the discussion would be continued at the upcoming ad hoc plenary meeting.

C. Organisational matters

C.2. General organisational matters

C.2.1. Appointment of Coordinators and Information point

Following departure of two coordinators, the EDPB members unanimously designated [REDACTED] and [REDACTED] as co-coordinators of the Borders, Travel & Law Enforcement subgroup (BTLE ESG), for a renewable term of two years.

Following this, the Chair recalled the need to find a coordinator for the Enforcement ESG and informed the members that the Cooperation ESG will soon require two new co-coordinators. The Chair invited the EDPB members to try to identify colleagues within their SAs who could take up these roles.

The Chair also referred to the lack of lead rapporteurs for some important files within the Cooperation ESG. The Chair invited the EDPB to consider allocating human resources for these files.

C.2.2 EDPB representatives to ENISA Advisory Group (Technology ESG)

The Chair informed that the Technology ESG has agreed by consensus to nominate [REDACTED] (DE SA) as main EDPB representative and [REDACTED] (ES SA) as alternate representative in the ENISA advisory group.

The Chair informed the EDPB members that she intends to appoint them and the members supported the proposal.

D. Items for information

D.2. Any other business

D.2.1 BE SA Update on the IAB case

The BE SA provided information to the EDPB members on the Belgian Market Court Decision of 7 January 2026 relating to IAB Europe's action plan. The BE SA presented the background to the case and the previous decisions of the Market Court and of the CJUE in this file. The BE then presented the latest decision of the Market Court, which has invalidated the BE SA's decision relating to IAB Europe's action plan and referred the case back to the BE SA to reassess the validation of the action plan and to provide IAB Europe with the opportunity to express its position. The BE SA will now assess the way forward.

The EDPB members took note of the information provided.

D.2.2 [REDACTED] SA Update on [REDACTED]

[REDACTED] SA informed the EDPB members that they have been actively engaged [REDACTED]

D.2.3 Information by Olivier Micol

Olivier Micol, currently Head of the data protection unit at DG JUST, informed that he will be soon moving to another position as part of a rotation practice within DG JUST, and that his colleague Andréas Stein will take over the role. He thanked the EDPB members and the EDPB Secretariat for the fruitful collaboration over the years. The EDPB members and the EDPB Secretariat also thanked him and wished him all the best.

Point E. Written state of play

E.1. Outcome of written procedures or urgent decisions

E.1.1 Outcome of written procedure – Discussion on the EDPB contribution to the scheduled Omnibus package regarding further changes to the GDPR

The Chair introduced this written state of play and reminded the members of the written procedure.

The EDPB members took note of this information.

E.2. Other written state of play

E.2.2 Windows' approach regarding Article 64 Opinions on Codes of Conduct, Accreditation Requirements, and Certification Criteria (CEH ESG)

The Chair introduced the written state of play and invited the EDPB members to take note of this update.

The EDPB members took note of this information.

Annex: Attendance List

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, PT SA, RO SA, SE SA, SI SA, SK SA,

European Commission

EFTA Surveillance Authority

Observers:

- AL SA, BA SA, MD SA, ME SA, MK SA, RS SA, XK SA. In line with Art. 8 of the EDPB RoP, the observers were present during the discussions of the Plenary meeting, with the exception of items B.1.1;
- The CH SA was present for item B.1.2 of the agenda.

EDPB Secretariat