



Deutscher **Anwalt** Verein
Der Präsident

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**Public Consultation of the European Data Protection Board (EDPB) on a
Harmonised Template for the Notification of Personal Data Breaches under
Article 33 GDPR (Version 1.0 of 8 June 2026)**

Dear Sir or Madam,

The German Bar Association (Deutscher Anwaltverein – DAV) welcomes the opportunity to contribute in the EDPB's public consultation on the draft harmonised template for personal data breaches notification (Version 1.0, adopted on 8 June 2026), which is open until 5 August 2026. The DAV is an association comprising about 60,000 German lawyers and represents the interests of the German legal profession at the national, European and international levels.

The DAV expressly welcomes the initiative. An EU-wide harmonised, machine-readable template capable of being implemented through the supervisory authorities' IT systems has the potential to standardise the currently highly divergent national and regional notification practices, facilitate parallel notifications to multiple supervisory authorities where required, and thereby make a tangible contribution to reducing administrative burden. The DAV particularly appreciates that the draft employs business logic to collect certain information only where necessary and provides predefined response values and tooltips to facilitate completion by notifying entities.

However, in the interests of legal certainty and ensuring that the template remains confined to the requirements imposed by data protection law, one fundamental principle should be consistently observed: only those data elements that directly correspond to the exhaustive list set out in Article 33(3) GDPR should be designated as mandatory fields. Any additional information, however useful it may be for cooperation between supervisory authorities under the consistency mechanism (Articles 60 et seq. GDPR), should consistently be treated as voluntary or optional.



Otherwise, the template would, through administrative form design, create substantive notification obligations for which no legal basis exists. The EDPB has no competence to expand the catalogue of mandatory information laid down in Article 33(3) GDPR. Moreover, mandatory additional information would sit uneasily with the principle of data minimisation and the stated objective of simplification, as it would significantly increase the burden of submitting a notification within the 72-hour period prescribed by Article 33(1) GDPR, often on the basis of information that is still incomplete. The draft contains several mandatory fields that do not derive substantively from Article 33(3) GDPR. We therefore respectfully invite the EDPB to review critically the distinction between mandatory and optional information, including, for example, the following:

- **Data Protection Officer (Section 2.3.1):** The template makes it mandatory to indicate whether a Data Protection Officer (DPO) has been designated and, where the answer is affirmative, to provide the DPO's name and contact details. Article 33(3)(b) GDPR, however, merely requires the notification to include "the name and contact details of the data protection officer or other contact point where more information can be obtained." The contact point does not necessarily need to be the DPO. The DAV therefore suggests making only the designation of *one single* contact point mandatory, while treating the identification of that contact point as the DPO as optional.
- **Involved Third Parties (Section 2.4):** Where third parties are involved (e.g. data processors or joint controllers), the template requires the notifying entity to provide, on a mandatory basis, the role of the party involved, its name (allowing multiple entries), and its contact details. Article 33(3) GDPR contains no requirement for the structured identification of third parties. Apart from the initial yes/no question, these fields should remain optional, particularly since reliable information will frequently not yet be available within the notification deadline.
- **Notification of Other Authorities (Section 6.1):** The template asks whether the incident has been reported to the police or prosecuting authorities as a criminal offence and whether other supervisory or competent authorities under other legal regimes (for example, national cybersecurity authorities) have been notified. Where the answer is affirmative, the notifying entity must provide the authority concerned and the relevant reference number. Article 33(3) GDPR contains no such reporting requirement. The DAV therefore recommends that this entire section be treated as voluntary. The initial question, correctly designated as "Mandatory: No", should equally apply to the associated detail fields, including, in particular, the field in row 111.



In addition, attention should be drawn to further mandatory fields that likewise lack a direct basis in Article 33(3) GDPR, including the structured description of the affected IT systems (row 63), software and services together with their locations, as well as the detailed cross-border information (lead supervisory authority, lists of Member States concerned, and the number of affected data subjects by country (rows 114 et seq.)). The mandatory nature of these fields should likewise be reconsidered.

Against this background, the DAV respectfully invites the EDPB to consider the following amendments:

1. The EDPB should clarify, in a legend or introductory note, that only those fields corresponding to Article 33(3) GDPR are legally mandatory, whereas all other fields constitute voluntary supplementary information, the omission of which will not result in sanctions.
2. In particular, the above-mentioned fields concerning the designation of the DPO, the notification of other authorities, and involved third parties should be changed from "Mandatory: Yes" to optional.
3. The business logic should consistently ensure that incomplete initial notifications pursuant to Article 33(4) GDPR remain possible without disadvantage and that mandatory fields do not, in practice, compel premature completion where the relevant information is not yet available.
4. Prior to the mandatory implementation of the template by the supervisory authorities, the EDPB should ensure that the implementation timetable provides notifying entities and the legal profession with an adequate transition and testing period.

Kind regards,

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President of the German Bar Association