

Comments on the EDPB DPIA Template

Keisuke Noma, 22 May 2026

I respectfully suggest clarifying the relationship between section 3.3 (“Assess the proportionality of the processing”) and section 4 (“Risk assessment and management”).

I recognise that the current structure of the template aligns with Article 35(7) of the GDPR, which lists, in order, the systematic description of the processing, the assessment of necessity and proportionality, the assessment of risks, and the measures envisaged to address those risks, as the minimum components of a DPIA. The sequence of the assessments in the template follows this order and, in that sense, the current structure is legally understandable.

However, from a practitioner’s perspective, this sequencing of the template may create uncertainty as to what the controller must consider when completing the proportionality assessment. According to the template, the proportionality assessment in section 3.3 requires the controller to compare the “potential impacts on the rights and freedoms of data subjects” with the advantages resulting from the processing. The explainer likewise states that, in the proportionality assessment, the advantages should not be outweighed by the “disadvantages it causes with respect to the exercise of individuals fundamental rights and freedoms”.¹

Nevertheless, the template generally requires the assessment of the “impacts” or “disadvantages” in the later section 4. While section 3.1 (“Impacts of the processing on the rights and freedoms of the data subjects”) covers some of the impacts (i.e. “[t]hreats posed by the processing, as it has been designed and planned to be implemented”), another part of the impacts is addressed in section 4.1.a (“Impacts on the rights and freedoms of the data subjects caused by non-default, accidental, unlawful, or abnormal events”). In addition, the risk assessment is conducted in section 4.1.c (“Inherent risk assessment”), including scenarios laid out in section 3.1. If there are unacceptable or excessively high risks, the residual risk assessment is conducted in section 4.2.b (“Residual risk assessment”), considering the additional mitigating measures detailed in section 4.2.a (“Additional mitigating measures”).²

This may cause practical confusion. My understanding is that, in the proportionality assessment, the controller needs to consider the results of the risk assessments in section 4 as well, as the risks considered in section 4 also constitute the “impacts” or “disadvantages” that need to be considered in the proportionality test. The explainer states that proportionality should be assessed “with complete and updated information”,³ and I consider that this supports my understanding (though the position is not very clear). However, if section 3.3 is placed before section 4, controllers may be uncertain whether the proportionality assessment should consider only the impacts identified in section 3.1, or also the inherent and residual risks later assessed in section 4. From a practical-use perspective, it may be more natural and user-friendly for the template to follow the operational logic and actual sequence of analysis in the DPIA, rather than strictly following the order of Article 35(7) of the GDPR.

I therefore suggest moving section 3.3 after section 4.2.b. This would reduce practical confusion most effectively, as requiring the controller to revisit an earlier proportionality

¹ Paragraph 34 of the explainer.

² Paragraphs 42 and 43 of the explainer.

³ Paragraph 34 of the explainer.

assessment after completing section 4 risks creating avoidable confusion without materially improving the assessment process. Nevertheless, if it is also important to preserve the template's alignment with Article 35(7) of the GDPR, another option would be to clarify that section 3.3 is a preliminary proportionality assessment which must be revisited after sections 4.1.c and 4.2.b have been completed, while keeping section 3.3 in its current position and adding an express instruction to that effect. Suggested wording could be added to section 3.3:

“This proportionality assessment should be reviewed and, where necessary, updated after completion of the inherent and residual risk assessments in sections 4.1.c and 4.2.b, so that the final proportionality conclusion reflects the full assessment of impacts, likelihood, severity, mitigating measures and residual risks to data subjects' rights and freedoms.”