

Please notice, the web page referred to the feedback form, but there was no feedback form that could be downloaded with the template and its guidance (at least, not connecting with Firefox and from the public consultation page), so, I improvised one.

Page	Section	Text	Modification proposed	Reason
0	Whole document		Should be made one document/template for both GDPR and EUDPR (the template is only for GDPR)	The GDPR and EUDPR are different in some provisions, but the EDPS, that has supervision over EU entities based on the EUDPR, and the national DPAs that supervise others based on GDPR, are both in the EDPB, it would make sense to have one DPIA template usable both by private sector and EU. Additionally, this can show to both that the principle "the law does not apply to us, we make our laws" is not something that guides the EU (putting aside what individual staff members may eventually say), even more important considering the penalties for EUDPR violations are a fraction of the ones for GDPR the same violations under GDPR
4	0.1	Main establishment/point of contact or representative	Create two separate lines, one for the main establishment, one for the point of contact or representative	The main establishment is important legally in terms of e.g. DPA, but e.g. for group of companies or companies that outsource certain roles/activities, the point of contact/representative may have different coordinates
4	0.2	Processor(s) and sub-processor(s)	Suggested to leave only the list, and eventually the obligations, here, and have the definition of their tasks in annex	The best way to be clear, even for the ones doing the DPIA, is to consider the data flows and the role they have in the data flow, and at the same time, for any authority checking, the diagrams of the data flows can be important tools to understand the processing
5	0.5	Reasons to conduct the DPIA	Should be added the possibility of indicating as reason the fact of doing for something already existing with no prior DPIA	It is a nice theory to assume all old systems were replaced by some for which the DPIA has already been done, but reality is that there are still plenty of old systems around, it is better to have a DPIA done "a posteriori" and this way have problems corrected or systems replaced, than to pretend there are no old systems
6	0.5	Reasons to conduct the DPIA	For point 5, should be added the simple possibility that time has past	Independently from trigger events, etc. any kind of risk assessment (like a DPIA) should be reviewed periodically
6	0.5	Reasons to conduct the DPIA	For point 5, should be added the possibility of an updated after implementation	A DPIA, being a risk management document, should be done as early as possible to help guide the development, but when the system is implemented, an update should be made to include changes that may have happened over the development, especially if an "agile" approach was used during the development
6	0.5	DPIA or parts of it intended to be published or to be shared externally	Should be added the possibility of indicating explicitly with whom would be shared, and if different roles/groups would have different access (different parts)	The document as a whole or in part may be shared with different publics/stakeholders
7	1.1a	List with special categories of data	Suggest to add the possibility that a combination of data present may easily reveal the information	The legal framework (GDPR, sentences, etc.) clearly indicate that if something can be easily inferred, than it must be considered like if it was there, and there are often cases where elements put together may reveal more, included information that falls under the "special category" according to GDPR and EUDPR
8	1.2	"data flows or a similar figure"	"data flows or similar figures"	In many, if not most cases, to have a clear picture will be needed multiple data flows
9	1.4	Compliance with approved code of conduct	There is an indication of compliance required (legal obligation), or necessary or beneficial, could be considered a third case, where the compliance is required by industry standards	The "necessary" could cover it, but it will
9	2.1a	"the data subject has given consent"	"the data subject has given his/her free informed explicit consent"	GDPR, EUDPR, court cases, etc. all agree, the consent must be informed, explicit and freely given (not subject to any constraint, explicit or deriving from a difference in power between the sides) – the template is going to be used as guidance, it should contain the full indication
10	2.1b	"the data subject has given explicit consent"	"the data subject has given free explicit informed consent"	Same as previous line
10	2.1b	Point e	Eliminate, or at least make explicit that must be restricted only to cases where it is explicitly allowed	The most recent can be considered cases C-446/21 and C-252/21 for special categories (and there were indications for other types of data in the past in relation with e.g. web scraping or social networks), the fact they are made available on a public source does NOT mean that they can be used for every use the processor or controller wants, the reason the data subject made them available still restrict their use
11	2.2a	Data minimisation, retention periods, and data quality	Should be explicitly indicated the reference to remembering backups	Backup are almost never considered, however, they can hold the data for years, and it is not said that it is so extremely difficult to delete data from them (or in other words, cannot be used the defense that it was unreasonably difficult to delete the data from there)
13	2.3a		Add the reference the need for matrices indicating who has access to what and their "need to know"	Access rights should be decided and documented for each role (and there must be a list of people corresponding to roles), with the justification of why they need access, copying from best practices in deciding and configuring accesses for systems in general and even more, for system managing information subject to specific legal framework (not personal data protection)
17	4.1a		Should be considered adding a part to indicate explicitly potential threats, based on the processing and systems as implemented rather than on the first analysis, unless it is accepted one of the points before and it is foreseen to have a DPIA updated based on the implementation	See above, the threat profile ("sound good" terminology, but widely used) can change between the first analysis and the final implementation, for a number of reasons, not linked only to the implementation
18	5.1			Notice that DPO most often is a person and does not have the technical and data analysis knowledge necessary to give practical implementation level recommendations – even when it is not an individual but an organisational entity (e.g. DPO Office), it most often made up of legal, paralegal and administrative employees without the technical and analytical knowledge needed to analyse in detail systems, architectures, etc. and provide implementation guidance
18	5.2	"including explanations o why"	"including explanation of why"	
19	6	"The processing must be abandoned"	"The processing must not be implemented/must be abandoned"	Either two boxes are created, or on covering both cases – incidentally, in previous parts, it was considered for granted that the DPIA would be done for new systems or processing and not considered the case of existing ones, here is done the opposite, referring only to something existing already, and not to the case of something for which the DPIA is early enough that the systems or processing do not exist yet
19	6	"The processing will be consulted with the SA"	"A prior consultation will be done with the competent SA"	
19	6	(see Error: Reference source not found)	Eliminate the link, or correct it, most probably it was inserted by mistake as a link to the local machine or a network resource on the local network	
19	End	"Optionally, justify the decision made"	"Justify the decision made" (plus, add up the indication of the need for the signature of whom take the decision)	Any and every risk management decision must be justified, and with the signature of the preson who took it, even if it is just a pre-made phrase like "Based on the assessment, after considering risks and benefits, it was decided to continue (or implement, or realise) the processing operation" or something similar reused more than once