

Brussels, 31 March 2020

Patrick Breyer
Member of the European Parliament

By email only

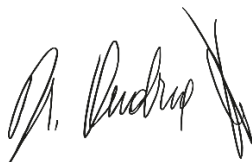
Ref: OUT2020-0024

Dear Mr. Breyer

I would like to thank you for your email dated 22 January 2020 on the data retention case within the Danish national police. The Danish Data Protection Agency has informed the EDPB that it has opened a case investigating the matter. EDPB members will take due account of the conclusion of the Danish Data Protection Agency investigation.

As regards the question on the necessity for further investigations of other Member States' IT systems used in processing communications data, the EDPB notes that the false communication data in this case related to deficiencies in an internally developed IT system of the Danish National Police. However, the content of the case highlights the importance and the need for software to adhere to the principles of data protection and the obligation of Data Protection by Design and by Default. I would like to recall the EDPB adopted guidelines 4/2019 on Article 25 Data Protection by Design and by Default on 13 November 2019. The guideline specifies the requirement for controllers to *"implement appropriate technical and organisational measures and necessary safeguards, designed to implement data protection principles in an effective manner and to protect the rights and freedoms of data subjects."* The interpretations provided in this guideline on Article 25 of the GDPR equally apply to Article 20 of Directive (EU) 2016/680.

Yours sincerely,



Andrea Jelinek