



## Report on the application of the GDPR under Article 97

### Questions to Data Protection Authorities / the European Data Protection Board

Fields marked with \* are mandatory.

## 1 Introduction

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According to Article 97 of the GDPR, the Commission should submit a first report on the evaluation and review of the Regulation to the European Parliament and the Council by 25 May 2020, followed by reports every four years thereafter. The Commission's first report was adopted on 24 June 2020 (the '2020 report'). [1] The next report is due by mid 2024 (the '2024 report').

In this context, the Commission should examine, in particular, the application and functioning of:

- Chapter V on the transfer of personal data to third countries or international organisations with particular regard to decisions adopted pursuant to Article 45(3) of this Regulation and decisions adopted on the basis of Article 25(6) of Directive 95/46/EC; and
- Chapter VII on cooperation and consistency.

The GDPR requires that the Commission takes into account the positions and findings of the European Parliament and the Council, and of other relevant bodies and sources. The Commission may also request information from Member States and supervisory authorities.

Against this background, this document seeks to obtain the views of the European Data Protection Board on the abovementioned points. As was also done for the 2020 report, this document also seeks to obtain information from data protection authorities (DPAs) on their enforcement of the GDPR and on activities undertaken to promote awareness of data protection rights and obligations.

We would be grateful to receive replies to the below questions (in English) by **15 December 2023**.

In 2020, the European Data Protection Board provided a consolidated contribution of the individual replies of the DPAs to the questionnaire circulated in preparation of the 2020 report.[2] The Commission would be grateful if the Board would again provide such a contribution, in addition to providing the individual replies of DPAs. When there are several DPAs in a given Member State, please provide a consolidated reply at

national level. In the context of the preparation of the report, and following the input from other stakeholders, it is not excluded that we might have additional questions at a later stage.

Please note that your replies might be made public or may be disclosed in response to access to documents requests in accordance with Regulation (EC) No 1049/2001.

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[1] Communication from the Commission to the European Parliament and the Council, Data protection as a pillar of citizens' empowerment and the EU's approach to the digital transition - two years of application of the General Data Protection Regulation, 24.6.2020 COM(2020) 264 final.

[2] [https://edpb.europa.eu/sites/default/files/files/file1/edpb\\_contributiongdprevaluation\\_20200218.pdf](https://edpb.europa.eu/sites/default/files/files/file1/edpb_contributiongdprevaluation_20200218.pdf)

## 2 Supervisory Authority

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### \* 2.1 Select your supervisory Authority

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- EDPS
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Iceland
- Ireland
- Italy
- Latvia
- Liechtenstein
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Norway
- Poland
- Portugal
- Romania
- Slovakia
- Slovenia
- Spain

## 3 Chapter V

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**\* 3.1 In your view, should the data protection framework of any third country or international organisation be considered by the Commission in view of a possible adequacy decision?**

- Yes  
 No

**\* 3.3 The Commission is interested in the views of the Board on the third countries for which enforcement cooperation agreements under Article 50 GDPR should be prioritised, in particular in light of the volume of data transfers, role and powers of the third country's supervisory authority and the need for enforcement cooperation to address cases of common interest. Please mention the countries that, in your view, should be prioritised and the reasons.**

Latvian data protection authority has not noted large volume of data transfers to countrys where Article 50 enforcement cooperation agreements could be considered.

**3.4 Reasons for prioritisation if there should be any:**

N/A

**3.5 Are there any other suggestions or points you would like to raise as regards tools for international transfers and/or enforcement cooperation with foreign partners?**

N/A

## 4 Chapter VII

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In July 2023, the Commission adopted a proposal for a regulation laying down additional procedural rules relating to the enforcement of the GDPR.[1] The DPAs and the EDPB provided extensive input to the Commission during the preparation of the proposal and following adoption, the EDPB and the EDPS adopted a joint opinion on the proposal on 19 September 2023.[2] The questions below focus on DPAs' application and enforcement of the GDPR and do not seek DPAs' views on the proposal.

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[1] Proposal for a Regulation of the European Parliament and of the Council laying down additional procedural rules relating to the enforcement of Regulation (EU) 2016/679, COM/2023/348 final.

[2] [https://edpb.europa.eu/our-work-tools/our-documents/edpb-edps-joint-opinion/edpb-edps-joint-opinion-012023-proposal\\_en](https://edpb.europa.eu/our-work-tools/our-documents/edpb-edps-joint-opinion/edpb-edps-joint-opinion-012023-proposal_en)

### 4.1 Cooperation Mechanism

#### 4.1.1 One-stop-shop (OSS) – Article 60 GDPR

*The EDPB Secretariat will extract from IMI the numbers regarding the OSS cases where your DPA has been in the lead and concerned since 25 May 2018*

*The EDPB Secretariat will extract from IMI the numbers regarding whether your DPA has been in the situation of the application of the derogation provided for in Article 56(2) GDPR (so-called "local cases", i.e. infringements or complaints relating only to an establishment in your Member State or substantially affecting data subjects only in your Member State).*

##### 4.1.1.1 Do you have any comment to make with respect to the identification and handling of local cases under Article 56(2) GDPR?

- Yes
- No

##### \* 4.1.1.3 Did you raise relevant and reasoned objections?

- Yes
- No

\* 4.1.1.4 In how many cases did you raise relevant and reasoned objections?

1

\* 4.1.1.5 Which topics were addressed?

Scope and thoroughness of investigation led by the LSA

\* 4.1.1.6 In how many did you reach consensus with the LSA?

1

#### 4.1.2 Mutual assistance – Article 61 GDPR

\* 4.1.2.1 Did you ever use Mutual Assistance - Article 61 procedure in the case of carrying out an investigation?

- Yes  
 No

\* 4.1.2.3 Did you ever use Mutual Assistance - Article 61 procedure in the case of monitoring the implementation of a measure imposed in another Member State?

- Yes  
 No

\* 4.1.2.4 Could you explain why you have never used Mutual Assistance - Article 61 procedure for monitoring the implementation of a measure imposed in another Member State?

There was no need in involving the CSA in requesting additional information or to take any measures.

**\* 4.1.2.5 What is your experience when using Mutual Assistance - Article 61 procedure?**

Satisfactory.

**4.1.3 Joint operations – Article 62 GDPR**

**\* 4.1.3.1 Did you ever use the Joint Operations - Article 62 procedure (both receiving staff from another DPA or sending staff to another DPA) in the case of carrying out an investigation?**

- Yes  
 No

**\* 4.1.3.2 Could you explain why you have never used Joint Operations - Article 62 procedure for carrying out an investigation?**

There was no need, for a joint operation.

**\* 4.1.3.3 Did you ever use Joint Operations in the case of monitoring the implementation/enforcement of a measure imposed in another Member State?**

- Yes
- No

**\* 4.1.3.4 Could you explain why you have never used Joint Operations - Article 62 procedure for implementation/enforcement of a measure imposed in another Member State?**

There was no need for a joint operation.

## 4.2 Consistency mechanism

### 4.2.1 Urgency Procedure – Article 66 GDPR

**\* 4.2.1.1 Did you ever adopt any measure under the urgency procedure?**

- Yes
- No

## 4.3 European Data Protection Board

*The EDPB Secretariat will provide an indicative breakdown of the EDPB work according to the tasks listed in Article 70 GDPR and of the EDPB Secretariat resources allocated to complete the tasks listed in Article 75 GDPR, including on Article 64, 65 and 66 GDPR procedures, as well as on litigations.*

**4.3.1 How much resources (Full-time equivalent\*day) does your DPA allocate to participation in EDPB activities?**

	FTE*day
2020	168
2021	184
2022	340
2023	340
2024 (Forecast)	364

#### 4.4 Human, technical and financial resources for effective cooperation and participation to the consistency mechanism



4.4.1 How many staff (full-time equivalent) has your DPA?

	FTE	Comments
2020	31	31 full time employees
2021	33	33 full time employees
2022	35	35 full time + one employee dedicated for implementation of a EU project
2023	35	35 full time + one employee dedicated for implementation of a EU project
2024 (Forecast)	35	35 full time

**4.4.2 What is the budget of your DPA? Please provide the figures (in euro)**

	BUDGET (€)
2020	1 053 392
2021	1 226 404
2022	1 450 603
2023	1 596 416
2024 (Forecast)	1 596 416

**\* 4.4.3 Is your DPA dealing with tasks beyond those entrusted by the GDPR, including under the new EU legislation adopted under the Data Strategy?**

- Yes
- No

**\* 4.4.4 Please provide an indicative breakdown between those tasks and those entrusted by the GDPR.**

In addition to tasks entrusted by the GDPR, Latvian DPA has responsibilities entrusted by the law transposing police directive, Latvian DPA is also authority supervising compliance of authorities in regards of use of VIS, SIS II, Eurodac, and other systems.

Specific responsibility of the Latvian DPA is licensing of Credit Bureaus and instruments for exchange of KYC information.

Latvian DPA has a role in supervision of - providers of secure electronic signature; e-privacy aspects; political parties in regards of European Parliament elections.

**4.4.5 Please explain, if needed:**

N/A

**4.4.6 How would you assess the sufficiency of the resources from your DPA from a human, financial and technical point of view?**

	Sufficient	Insufficient
* Human Resources	<input type="radio"/>	<input checked="" type="radio"/>
* Financial resources	<input type="radio"/>	<input checked="" type="radio"/>
* Technical Means	<input type="radio"/>	<input checked="" type="radio"/>

\* 4.4.7 is your DPA properly equipped to contribute to the cooperation and consistency mechanisms?

Yes

No

\* 4.4.8 How many persons (FTE) work on the issues devoted to the cooperation and consistency mechanisms?

8

## 5 Enforcement

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### 5.1 Complaints

**5.1.1 The number of complaints (excluding requests for information) received by your DPA.**

	2018	2019	2020	2021	2022	2023
Number of Complaints	1206	1236	941	973	708	647

**5.1.2 The number of complaints where your DPA was in the lead**

	2018	2019	2020	2021	2022	2023
The number of complaints received directly from complainants	1206	1236	941	973	708	647
The number of complaints received from another DPA through the OSS.	N/A	5	7	6	5	6

5.1.3 The number of complaints received by your DPA and forwarded to the lead DPA.

	2018	2019	2020	2021	2022	2023
Number of Complaints	1	1	4	6	3	1

**5.1.4 The number of complaints relating to national cases resolved through a decision adopted by your DPA.**

	2018	2019	2020	2021	2022	2023
Number of Complaints	N/A	N/A	38	18	97	122

5.1.5 The number of complaints relating to cross-border cases, resolved through an Article 60 GDPR decision adopted by your DPA[1]. Please indicate a breakdown of the decisions adopted under Article 60(7), (8) or (9) GDPR.

[1] This does not include amicable settlements.

	2018	2019	2020	2021	2022	2023
Number of complaints resolved through an <b>Article 60(7)</b> GDPR decision	0	2	4	3	1	3
Number of complaints resolved through an <b>Article 60(8)</b> GDPR decision	0	0	0	0	0	0
Number of complaints resolved through an <b>Article 60(9)</b> GDPR decision	0	0	0	0	0	0



**5.1.6 The total number of complaints resolved through amicable settlement**

	2018	2019	2020	2021	2022	2023
Number of Complaints	0	0	0	0	0	0

**\* 5.1.7 What kind of communication or request do you qualify as a complaint?**

A complaint must be done by or on behalf of a data subject and it must contain information required by the Law on Legal Force of Documents, i.e., it must contain name, surname, date and be signed (by hand or electronically)

**5.1.8 For complaints handled by your DPA which you consider to be closed, provide the average and the median time (in months) from receipt of the complaint (either directly from the complainant or from another DPA) to closure (e.g. by decision or amicable settlement).**

	In months
Average Time	11
Median Time	9

## 5.2 Own-initiative investigations

5.2.1 The number of “own-initiative” investigations launched by your DPA since 25 May 2018

	2018	2019	2020	2021	2022	2023
Number of Complaints	N/A	N/A	33	221	102	49

**5.2.2 The number of these investigations that you consider to be closed. Provide the average and the median time (in months) from launch of the investigation to closure.**

	2018	2019	2020	2021	2022	2023
Average Time	N/A	N/A	11	11	11	11
Median Time	N/A	N/A	9	9	9	9
Total number of closed investigations	N/A	N/A	36	226	83	37

## 5.3 Corrective measures

**5.3.1 The number of decisions in which you used your corrective powers [1]**

[1] Please reply per number of decisions, not per number of corrective powers used per decision. For instance, if one decision ordered both a ban and a fine, please reply "1".

	2018	2019	2020	2021	2022	2023
Number of Decisions	N/A	N/A	191	239	234	162

5.3.2 The number of times you used any other corrective power than fines. Please specify the type of measure by reference to Article 58(2) GDPR

	2018	2019	2020	2021	2022	2023
Issue warnings to a controller or processor that intended processing operations are likely to infringe provisions of this Regulation	N/A	N/A	0	0	3	0
Issue reprimands to a controller or a processor where processing operations have infringed provisions of this Regulation	N/A	N/A	21	13	12	2
Order the controller or the processor to comply with the data subject's requests to exercise his or her rights pursuant to this Regulation	N/A	N/A	22	28	30	26
Order the controller or processor to bring processing operations into compliance with the provisions of this Regulation, where appropriate, in a specified manner and within a specified period	N/A	N/A	151	207	202	89
Order the controller to communicate a personal data breach to the data subject	N/A	N/A	0	0	0	0
Impose a temporary or definitive limitation including a ban on processing	N/A	N/A	1	1	0	0

Order the rectification or erasure of personal data or restriction of processing pursuant to Articles 16, 17 and 18 and the notification of such actions to recipients to whom the personal data have been disclosed pursuant to Article 17 (2) and Article 19	N/A	N/A	6	3	0	0
Withdraw a certification or to order the certification body to withdraw a certification issued pursuant to Articles 42 and 43, or to order the certification body not to issue certification if the requirements for the certification are not or are no longer met	N/A	N/A	0	0	0	2
Order the suspension of data flows to a recipient in a third country or to an international organisation.	N/A	N/A	9	0	0	0



5.3.3 The number of fines you imposed

	2018	2019	2020	2021	2022	2023
Number of Fines	26	16	11	5	9	1

**5.3.4 Please provide examples of the type of circumstances and infringements that normally resulted in a fine and include the provisions of the GDPR breached.**

Normally the infringement and circumstances were related to the unlawful legal basis for processing of personal data and processing of data subjects' personal data in large scale, having a serious consequences or not complying with the previous order to bring the processing in compliance with the GDPR

**5.3.5 The average and median level of fines and the total amount of fines imposed by your DPA**

	2018	2019	2020	2021	2022	2023
Total amount of fines (€)	10230	163522,59	92894,80	109627,18	1223059,13	N/A
Average level of fine	393,46	10220,16	8444,98	18271,20	101921,59	N/A
Median level of fine	N/A	N/A	N/A	N/A	N/A	N/A

## 5.4 Challenges to decisions in national courts

5.4.1 How many of your decisions finding an infringement of the GDPR have been challenged in national courts? Please provide the absolute figure and the percentage.

	Absolute figure	%
Decisions finding an infringement of GDPR challenged in national court	22	2.66
Successful challenges	2	11

#### \* 5.4.2 Where challenges were successful, what were the reasons of the national courts?

In both cases where challenges were successful it was because of failures to follow Latvian procedural rules by the DPA. One case concerned non-compliance with due dates regarding taking a decision, other failure to translate into the state language all evidence materials.

## 6 Promoting awareness of rights and obligations

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#### \* 6.1 Provide details of activities undertaken (publication of guidance, publicity campaigns, etc.) to promote awareness of data protection rights and obligations among the public and data controllers and processors. Where relevant, provide links to materials.

2020

To explain the boundary between freedom of expression and privacy in the digital age, a public awareness campaign was carried out.

Data State Inspectorate in cooperation with SIA "TNS Latvia" (Kantar) in November and December 2020 carried out a public opinion study "Public awareness and understanding of personal data protection".

In the year 2020, the Inspectorate, in cooperation with non-governmental organisations, was involved in the development of sectoral guidelines and organisation of informative events on the issues of processing and protection of personal data among those:

- Three sectoral guidelines (Association of finance, brokers and insurance were consulted on drafting guidelines)
- A seminar organised by the Procurement Monitoring Bureau on 11 March 2020 for the staff of the institution on the General Data Protection Regulation and the latest trends in the protection of personal data;
- Training organised by the Ministry of Foreign Affairs on 15 October 2020 for clerks of Latvian diplomatic and consular missions abroad – contract staff on the General Data Protection Regulation and current trends in the protection of personal data;
- Data technology company SQUALIO in cooperation with the Latvian Personnel Management Association on 2 December 2020 at the webinar for the members of the Latvian Personnel Management Association on topical personal data protection issues in personnel management.

Recommendations and guidelines

In 2020 four general recommendations and guidelines were drafted.

Recommendation "Installation of video cameras and performance of video surveillance in the private property of a natural person".

Recommendation "On transfer of personal data to non-EU or EEA Member States in accordance with the General Data Protection Regulation (GDPR)"

Recommendations on the end of the transition period with regard to the withdrawal of the United Kingdom from the European Union

Guidelines on criteria for determining the amount of administrative fines for undertakings and natural persons

The recommendations and guidelines developed during the reporting year are available at: <https://www.dvi.gov.lv/lv/dvi>

Explanations and opinions are available at: <https://www.dvi.gov.lv/lv/skaidrojumi-un-viedokli>

2021

#### Seminars

Many online seminars were carried out – among those:

- A seminar for citizens on the performance of video surveillance for household needs and current developments in the activities of the Data State Inspectorate;
- Online seminar “Employer’s right to process employee’s personal data in the context of COVID-19”;
- Online seminar “Preventive inspection by state and local government authorities, cookies and recommendations on the use of cookies on the website”.

#### Conference

A International conference “PERSONAL DATA – THE FUTURE” PERSPECTIVE” was carried out. The conference records are available at [www.dvi.gov.lv](http://www.dvi.gov.lv).

#### Recommendations and guidelines

##### Guidelines on cookies

The guidelines are available at: <https://www.dvi.gov.lv/lv/dvi>

Guidelines on the processing of personal data in an educational establishment for the purpose of providing face-to-face learning during COVID-19

Manual on the processing of data of natural persons in the field of AML/TPFN and compliance with sanctions

Explanations and opinions are available at: <https://www.dvi.gov.lv/lv/skaidrojumi-un-viedokli>

2022

#### Seminars

In order to provide the public with information on current developments in data protection and to answer the most frequently asked questions, in the reporting year the Inspectorate ensured participation in 33 seminars and conferences at national and international level, including organising online seminars on topical issues in data protection:

10 informative lectures in cooperation with State Employment Agency.

#### Conference

In the reporting year, the Inspectorate organised an international conference “Personal Data – a Future Perspective! 2022”

Information on the conference: [https://www.dvi.gov.lv/lv/pdnp\\_2022](https://www.dvi.gov.lv/lv/pdnp_2022)

#### Virtual assistant

Virtual assistant Zintis was introduced as one of means for communication with general society

Information campaign “Your Data – Your Security”

<https://www.dvi.gov.lv/lv/tavi-dati-tava-drosiba>.

Recommendations “Processing of personal data during pre-elections”

<https://www.dvi.gov.lv/lv/jaunums/rekomendacijas-politiskam->

for the party-and-community.

Manual on the processing of data of natural persons in the field of AML/TPFN and compliance with sanctions in collaboration with Latvian Bank:

<https://www.dvi.gov.lv/lv/jaunums/fktk-sadarbiba-ar-dvi-and-Fna-made-recommendations-financial-iestadem-physical-personal-data-recommendations>.