



## 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

**\* 3.2 If yes, of which third country or international organisation ?**

United Nations  
Monaco, Serbia, Montenegro, Macedonia, Albania, Bosnia and Herzegovina

**\* 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.**

Monaco, Serbia, Montenegro, Macedonia, Albania, Bosnia and Herzegovina, due to the geographical proximity of the borders with the EU.

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

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### 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?

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## 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

**4.1.2 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

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

We used this procedure especially when we wanted to know whether the controller based in another member state had implemented measures.

**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?**

We have not yet conducted an investigation where it would be appropriate to use the Article 62 procedure.

**\* 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?**

We do not have a case where it would be appropriate to use the Article 62 procedure.

## 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	5522
2021	5522
2022	5500
2023	5500
2024 (Forecast)	5522

**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	49	-
2021	44,5	-
2022	43,7	-
2023	42,9	-
2024 (Forecast)	?	It depends on whether the Ministry of Finance agrees to our repeated request to increase the number of employees.



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

	BUDGET (€)
2020	1 859 514
2021	1 727 539
2022	1 730 195
2023	1 951 548
2024 (Forecast)	1 962 548

**\* 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

**4.4.5 Please explain, if needed:**

We are not competent authority under e-Privacy Directive. We have not yet been assigned any competences in the area of Data Strategy by national legislative measure.

**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 checked="" type="radio"/>	<input 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?**

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## 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	282	486	542	573	627	732

**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	0	0	0	0	0	0
The number of complaints received from another DPA through the OSS.	0	1	4	3	5	4

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	3	10	8	10	11

**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	126	197	219	218	231	189

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	0	0	0	4	0
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?**

The complaint has to meet the requirements set out in Sec. 100 (3) of Act no. 18/2018 Coll. on Personal Data Protection:

A complaint to initiate proceeding pursuant to paragraph 1 (hereafter as “complaint”) shall contain:

- a) the name, surname, correspondence address and signature of the complainant,
- b) identification of the entity against which the complaint is addressed, with name, surname, permanent residency or organisation name, headquarter and identification number if such number was assigned,
- c) the subject of the complaint, identifying the rights that might have been infringed during personal data processing,
- d) evidence supporting the arguments lay down by the complaint,
- e) a copy of document or other type of evidence demonstrating the exercise of a right pursuant to second title of second chapter of this Act or special regulations,2) if such right has been exercised by the data subject, or justification of special consideration if such right has not been exercised by the data subject, if the complaint was lodged by a data subject.

**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	9
Median Time	6

## 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	23	30	24	40	18	43

**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	10	10	10	10	10	10
Median Time	7	7	7	7	7	7
Total number of closed investigations	292	508	532	564	633	222

## 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	We do not keep this kind of statistics.	We do not keep this kind of statistics.	We do not keep this kind of statistics.	We do not keep this kind of statistics.	We do not keep this kind of statistics.	We do not keep this kind of statistics.

**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	We do not keep this kind of statistics.	We do not keep this kind of statistics.	We do not keep this kind of statistics.	We do not keep this kind of statistics.	We do not keep this kind of statistics.	We do not keep this kind of statistics.
Issue reprimands to a controller or a processor where processing operations have infringed provisions of this Regulation	We do not keep this kind of statistics.	We do not keep this kind of statistics.	We do not keep this kind of statistics.	We do not keep this kind of statistics.	We do not keep this kind of statistics.	We do not keep this kind of statistics.
Order the controller or the processor to comply with the data subject's requests to exercise his or her rights pursuant to this Regulation	We do not keep this kind of statistics.	We do not keep this kind of statistics.	We do not keep this kind of statistics.	We do not keep this kind of statistics.	We do not keep this kind of statistics.	We do not keep this kind of statistics.
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	We do not keep this kind of statistics.	We do not keep this kind of statistics.	We do not keep this kind of statistics.	We do not keep this kind of statistics.	We do not keep this kind of statistics.	We do not keep this kind of statistics.
Order the controller to communicate a personal data breach to the data subject	We do not keep this kind of statistics.	We do not keep this kind of statistics.	We do not keep this kind of statistics.	We do not keep this kind of statistics.	We do not keep this kind of statistics.	We do not keep this kind of statistics.
Impose a temporary or definitive limitation including a ban on processing	We do not keep this kind of statistics.	We do not keep this kind of statistics.	We do not keep this kind of statistics.	We do not keep this kind of statistics.	We do not keep this kind of statistics.	We do not keep this kind of statistics.

<p>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</p>	<p>We do not keep this kind of statistics.</p>	<p>We do not keep this kind of statistics.</p>	<p>We do not keep this kind of statistics.</p>	<p>We do not keep this kind of statistics.</p>	<p>We do not keep this kind of statistics.</p>	<p>We do not keep this kind of statistics.</p>
<p>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</p>	<p>We do not keep this kind of statistics.</p>	<p>We do not keep this kind of statistics.</p>	<p>We do not keep this kind of statistics.</p>	<p>We do not keep this kind of statistics.</p>	<p>We do not keep this kind of statistics.</p>	<p>We do not keep this kind of statistics.</p>
<p>Order the suspension of data flows to a recipient in a third country or to an international organisation.</p>	<p>We do not keep this kind of statistics.</p>	<p>We do not keep this kind of statistics.</p>	<p>We do not keep this kind of statistics.</p>	<p>We do not keep this kind of statistics.</p>	<p>We do not keep this kind of statistics.</p>	<p>We do not keep this kind of statistics.</p>

### 5.3.3 The number of fines you imposed

	2018	2019	2020	2021	2022	2023
Number of Fines	19	28	54	53	52	28



**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.**

the basic principles for processing, including conditions for consent, pursuant to Articles 5, 6, 7 and 9

the data subjects' rights pursuant to Articles 12 to 22

### 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 (€)	65000	66000	103000	89000	106000	86000
Average level of fine	3500	2300	1913	2092	1166	3070
Median level of fine	3000	2000	1500	2000	1000	3000

## 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	12	We do not keep this kind of statistics.
Successful challenges	All challenges are still ongoing.	N/A

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

All challenges are still ongoing.

## 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.**

As this question type does not allow more than 5000 characters we sent reply to this question via email.

## 7 Additional Policy Messages

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In the previous GDPR report, the EDPB provided general policy messages, highlighting additional areas and topics that the EDPB considered worth mentioning. For example, the EDPB underlined the need to provide DPAs with sufficient resources, acknowledged the challenges of SMEs and addressed the topic of international transfers more in depth, among others.

**\* 7.1 Would you like the future EDPB GDPR report to include an additional section on General policy messages?**

- Yes  
 No

**\* 7.2 Please add the topics and/or policy messages you would like to include in the EDPB report. Elaborate the reasons why, in your view, such topic should be included.**

Insufficient human, financial and technical resources of DPA – we are one of the many DPAs that have the problem that after 5 years of application of GDPR we are still not sufficiently equipped with any of the above-mentioned resources. We would appreciate if the EDPB called on the Commission to take action in this area and intervened from its position on this matter with relevant national stakeholders.

New competences in the area of Data Strategy – we ask EDPB to send a message to Commission and the co-legislators that new Data Strategy Acts with regard to the powers of data protection authorities should be implemented in member states as harmonized as possible. This would prevent different application of data protection rules.

We believe that these topics should be dealt with separately.

## Contact

[Contact Form](#)