



8th Plenary meeting
12-13 March 2019, Brussels, VM2-2

1 Adoption of the minutes and the agenda

1.1 Minutes of the 7th EDPB meeting

The minutes were adopted.

1.2 Draft agenda of the 8th EDPB meeting

The agenda was amended and then adopted.

Agenda point 2.1 was moved for a meeting with 27 members and the EEA EFTA authorities after the plenary meeting on the first day.

Points 2.1, 2.2, 2.3, 2.5, 2.6 were declared confidential according to Art. 33 EDPB RoP.

Observers were present during the plenary meeting except for points 2.1, 2.2.1, 2.3 and 2.6 of the agenda.

2 FOR DISCUSSION AND/OR ADOPTION - Current Focus of the EDPB

2.2 ePrivacy

2.2.1 Art. 64 GDPR Opinion on the interplay between the ePrivacy Directive and the GDPR - [REDACTED]

The Opinion was presented by the TECH ESG coordinator and the [REDACTED] as rapporteur, and discussed by the Members of the EDPB. Following these discussions, the document presented was revised.

The revised Opinion was adopted [REDACTED]
[REDACTED]

2.2.2 ePrivacy Regulation: latest developments - [REDACTED]

The Chair of the EDPB informed the Members of the EDPB about the latest developments regarding the text of the ePrivacy Regulation, including provisions that might have an impact

[REDACTED]

The Members of the EDPB decided to draft a brief statement on ePrivacy Regulation.

27 members and 3 EFTA EEA members of the EDPB voted in favour of the adoption of the suggested statement. The statement will be published on the EDPB website.

2.3 DPIA

2.3.1 Art. 64 GDPR Opinions on DPIA lists: ES and IS - [REDACTED]

The rapporteur presented the Opinions prepared regarding the 25.4 GDPR – lists of ES and IS. ES and IS have stated that they will implement the recommendations made in the draft opinions. The Members of the EDPB had no comments and unanimously adopted the two opinions.

2.3.2 Art. 35.5 GDPR lists - [REDACTED]

[REDACTED]

The Members of the EDPB agreed to take the same approach as the one taken for the analysis of the Art. 35.4 GDPR lists. The same rapporteurs, as for Art. 35.4 GDPR, will be selected, unless they express the opposite.

2.4 Statement on elections

The [REDACTED] as main rapporteur, presented the statement that incorporated comments received by the Social Media ESG.

[REDACTED]

[REDACTED] The Annex 1 containing the information on national guidance will be separate from the text to enable regular updates.

After discussions, the Secretariat of the EDPB included comments by the Members of the EDPB and submitted a new draft to the members.

The Members of the EDPB unanimously adopted the new version of the statement. The Secretariat of the EBPB will publish it on the website of the EDPB and will launch a fast-track procedure for its translation, using machine translation tools. Once the members of the EDPB have proofread the translation, it will be published on the EDPB website.

2.5 Standard Contractual Clauses - Art. 28.8 GDPR- [REDACTED]

The Secretariat of the EDPB presented background information relating to this topic. Specific issues were raised in the info note with the aim for a harmonized and consistent approach. The scope of an opinion on this item was discussed.

[REDACTED]

[REDACTED]

2.6 Exchange of SA's experiences regarding the recent reports [REDACTED]

The members of the EDPB recognized the importance of a good exchange of information in general and in particular in the matter.

[REDACTED]

[REDACTED]

[REDACTED]

3 FOR DISCUSSION AND/OR ADOPTION – Expert Subgroups and Secretariat

3.1 Key Provisions ESG

3.1.1 Guidelines on territorial scope: contributions from public consultation and next steps

The rapporteur provided a state of play on the work and a summary of the answers received from the public consultation.

3.2 International Transfers ESG

3.2.1 Cooperation and procedure for approval of Ad-hoc Contractual Clauses and Standard Data Protection Clauses– request for mandate

The EDPB members gave the requested mandate to the International Transfers ESG.

3.2.2 Update of BCR common views guide – request for mandate

The EDPB members gave the requested mandate to the International Transfers ESG.

3.3 IT Users ESG

3.3.1 Confluence: collaboration & knowledge based IT tool – discussion and decision

The Secretariat of the EDPB made a presentation of the tool. Members of the EDPB unanimously expressed their support for the use of this tool.

3.3.2 Use of IMI for written procedures – discussion and decision

The Secretariat of the EDPB presented the tool. Members of the EDPB unanimously expressed their support for the use of IMI for the written procedures. The EDPB members decided that a possibility for abstention should be introduced.

At the beginning of the use of IMI for written procedure, the Secretariat of the EDPB will send an e-mail to warn members of the EDPB that a written procedure is launched, including the link to IMI.

3.3.3 New voting system - testing

The Secretariat of the EDPB presented the new electronic voting system to the Members of the EDPB. The Members of the EDPB had the opportunity to test this new system.

The Members of the EDPB asked to add the possibility to abstain in the voting system and agreed to make another test of this new system at the next plenary meeting (April 2019).

3.4 Secretariat

3.4.1 Communications network meeting on 17 May 2019 in Vienna – state of play

The Chair encouraged the Members of the EDPB to participate in this network meeting.

3.4.2 Preparation of Budget 2020 – discussion

The Secretariat of the EDPB and the HRBA unit of the EDPS explained the draft budget for 2020. The Members of the EDPB raised some questions and took note of the explanations given. The Members of the EDPB did not make any suggestion of modification. The draft budget will be submitted to the budgetary authorities.

3.4.3 Annual report and stakeholders' survey

The Secretariat of the EDPB explained the steps and timeline for consulting the stakeholders as per Art. 71.2 GDPR.

The Members of the EDPB asked some modifications in the survey to be sent to stakeholders: to delete the last question and to reformulate some questions.

The Secretariat of the EDPB will draft a new version of the survey based on the modifications asked by the members of the EDPB and will send the updated version to the Members of the EDPB and to stakeholders.

4 Miscellaneous

4.1 World Anti-doping code review – discussion

The Secretariat of the EDPB explained the request received from the Council on this matter. The Members of the EDPB agreed to draft an answer, although the envisaged form was not yet determined. The Compliance, eGovernment and Health ESG was named the most appropriate ESG to work on this matter. This ESG will work in close cooperation with the International transfer ESG. Rapporteurs and co-rapporteurs are not yet designated.

4.2 Other points under miscellaneous

████████ mentioned a request received by the Board from the LIBE Committee regarding the US Cloud Act. Members gave a mandate to the BTLE ESG to prepare an answer on this topic. EDPS mentioned that it has received the same request. BTLE ESG and EDPS agreed to coordinate on this.

- COM encouraged the Members of the EDPB to designate experts from the national SAs to participate in the monitoring of the Schengen acquis.
- The EDPB decided to publish the report it delivered to the LIBE Committee on its website.

5 Annex: Attendance list

AT SA, BE SA, BG SA, CZ SA, DE SA, DK SA, EDPS, EE SA, EL SA, ES SA, FI SA, FR SA, HR SA, HU SA, IE SA, IT SA, IS SA, LI SA, LT SA, LU SA, LV SA, MT SA, NL SA, NO SA, PL SA, PT SA, RO SA, SE SA, SI SA, SK SA, UK SA

European Commission

EDPB Secretariat

Observers:

AL, MD, ME, MK