The EDPB and the cooperation mechanisms between data protection authorities

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VUB – Privacy Hub
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How is the EDPB organised?
The European Data Protection Board

The EDPB Secretariat

Members are 28 SAs + 3 EEA EFTA SAs + EDPS

Chair + 2 Deputy Chairs
<table>
<thead>
<tr>
<th></th>
<th>WP29</th>
<th>EDPB</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Status</strong></td>
<td>COM expert group</td>
<td>Independent EU body with legal personality</td>
</tr>
<tr>
<td></td>
<td>Act independently</td>
<td></td>
</tr>
<tr>
<td><strong>Members</strong></td>
<td>EU DPAs + EDPS + COM</td>
<td>EU DPAs + EDPS + EEA EFTA DPAs</td>
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<tr>
<td><strong>COM status</strong></td>
<td>Member</td>
<td>Right to participate without voting right</td>
</tr>
<tr>
<td><strong>Secretariat</strong></td>
<td>COM</td>
<td>EDPS</td>
</tr>
<tr>
<td><strong>Tasks</strong></td>
<td>Advisory role</td>
<td>Advisory role</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Binding decision</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Consistency Opinion</td>
</tr>
<tr>
<td><strong>Chair</strong></td>
<td>2 years/ renewable</td>
<td>5 years/ renewable once</td>
</tr>
<tr>
<td><strong>Majority for decision</strong></td>
<td>Simple majority</td>
<td>Simple majority, except: RoP and Art. 65 binding decision</td>
</tr>
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# EDPB Organisation

<table>
<thead>
<tr>
<th>EDPB Expert Subgroups</th>
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<tbody>
<tr>
<td>Borders, Travel &amp; Law Enforcement (BTLE)</td>
<td>Compliance, e-Government and Health</td>
</tr>
<tr>
<td>Cooperation</td>
<td>Enforcement</td>
</tr>
<tr>
<td>Taskforce on Administrative Fines</td>
<td>International Transfers</td>
</tr>
<tr>
<td>Key Provisions</td>
<td>Social Media</td>
</tr>
<tr>
<td>Technology</td>
<td>IT Users</td>
</tr>
<tr>
<td>Financial Matters</td>
<td>Coordinators</td>
</tr>
</tbody>
</table>

![EDPB Plenary](edpb.png)
What is the mission of the EDPB?
EDPB Mission

=> Contribute to the consistent application of the data protection rules in EU

- **General guidance**: to inform the business and individuals

- **Consistency application of the GDPR**: consistency for Supervisory Authorities

- **Advise the EU Commission**: i.e. Adequacy level of protection of third countries
## Examples of guidelines on GDPR

<table>
<thead>
<tr>
<th>WP29 endorsed by EDPB</th>
<th>EDPB adopted</th>
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</thead>
<tbody>
<tr>
<td>Consent</td>
<td>Accreditation</td>
</tr>
<tr>
<td>Profiling</td>
<td>Derogations for transfers</td>
</tr>
<tr>
<td>Data portability</td>
<td>Codes of conduct</td>
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<tr>
<td>DP Officers</td>
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<td>Records of processing</td>
<td></td>
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<tr>
<td>Fines</td>
<td></td>
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<td></td>
<td>Adequacy</td>
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</tbody>
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Consistency at the EDPB level

Binding decisions (Dispute resolution)
Dispute between the Lead SA and the Concerned SA

Opinions: cross border issue
Consistency Opinions

- 31 opinions: processing subject to DPIA
- 3 opinions: processing exempt to DPIA
- 28.8 DK Standard Contract (C-P)
- Competence SA in case of change relating to main/single establishment
- Interplay ePrivacy/GDPR
- ESMA admin. arrangement for international transfers
- EC FAQs Clinical trials
Enforcement of the GDPR is for Supervisory Authorities
Enforcement of the GDPR is for Supervisory Authorities

National cases

Cross-border cases
Lead Supervisory Authority in cross-border cases

• Lead SA coordinates
  • Reinforced cooperation with concerned SAs
  • Mutual assistance
  • Joint operations

• Lead SA try to reach consensus

• Lead SA takes enforcement action

• Exception: locally handled cases
Exchange of information – IMI system
Overview of GDPR Procedures in IMI

Preliminary Procedures

- Identification of LSA and CSA Article 56
- Creation of entry in Case register for the Case

GDPR CASE

Cooperation Procedures

- One-Stop-Shop Article 60
- Mutual Assistance Article 61
- Voluntary Mutual Assistance Article 61
- Joint Operations Article 62
- Local Case Requests Article 56

Consistency Procedure

- Opinion/Decision by the EDPB Article 64
- Dispute Resolution by the EDPB Article 65
- Urgent Opinion/Decision by the EDPB Article 66

edpb European Data Protection Board
Cooperation among Members – Ongoing OSS Cases

Identification of the LSA + cross-border component

• 1145 procedures initiated to identify the Lead SA + the Concerned SAs. 966 are closed. Up to now, no dispute arose.

=> 616 cooperation cross-border cases (435 out of a complaint and 181 from other sources)
Cooperation among Members

Ongoing OSS cases

- 363 OSS procedures initiated: 46 final decisions
Cooperation among Members

- **Mutual assistance**
  - 1716 mutual assistance requests triggered by SAs.

- **Joint Operations**
  - No joint operations have been initiated.
Questions?

https://edpb.europa.eu/