



Final

51st Plenary meeting

07 July 2021, Remote

1 Adoption of the minutes and of the agenda, Information given by the Chair

The members of the EDPB welcomed the new deputy joint representative for Germany (Bavarian Data Protection Commissioner).

1.1 Minutes of the 50th Plenary meeting – adoption

The minutes of the previous plenary meeting were adopted unanimously. The members of the EDPB also agreed on the public version of the minutes.

1.2 Draft agenda of the 51st EDPB meeting – adoption

The draft agenda was adopted with the inclusion of a new point under AOB. The discussions relating to agenda points 3.1, 4.1 and 4.2.1 were declared confidential according to Art. 33 EDPB RoP.

2 Consistency mechanism and Guidelines

2.1 Cooperation ESG

Internal guidelines on Handling complaints against public authorities or private bodies acting on the basis of Article 6(1), point (c) or (e) GDPR - **discussion and adoption**

The rapporteur presented the Internal Guidelines on handling complaints against public authorities or private bodies acting on the basis of Article 6.1, point (c) or (e) GDPR. In particular, the rapporteur explained that all of the comments made by the ESG were taken into consideration and provided a presentation of the content of the internal document.

The EDPB Secretariat informed the members that even if the document will not be actively published, no grounds to refuse access to the document were identified, with some limited exceptions, and suggested the deletion of a specific paragraph.

The EDPB members unanimously adopted the Internal Guidelines with the changes agreed during the meeting.

2.2 International transfers ESG

Guidelines on Codes of Conduct as a tool for transfers - **discussion and adoption**

The rapporteur presented the Guidelines on Codes of Conduct as a tool for transfers. The main purpose of the document was to clarify the application of Article 40.3 and 46.2, e) GDPR and provide guidance on the practical modalities for the use of the Code as a tool for transfer.

Two options were presented for discussion regarding the way in which controllers/processors should meet the requirement to make binding and enforceable commitments to apply the appropriate safeguards provided by the code, taking into account the contribution provided by the CEH ESG to this discussion. The majority of the EDPB members voted in favour of only including the example on commitments with the data exporter in the text.

The EDPB members unanimously adopted the Guidelines with the aforementioned changes.

The Guidelines will be subject to a public consultation from the date of publication until the 1st October 2021.

2.3 Social Media ESG

Guidelines on the Use of social media by public bodies – **request for mandate**

The rapporteur presented the request for a mandate to work on Guidelines concerning the use of social media by public bodies.

The EDPB members agreed to include that the Social Media ESG should work on these Guidelines with the support of the DPO Network and the Communications Network, where appropriate.

The DK and SE SAs joined the co-rapporteurs team in addition to the DE, FI, and IS SAs.

The EDPB members unanimously agreed to give a mandate to the SOCM ESG to prepare the Guidelines on the use of social media by public bodies in accordance with the request and with the additions agreed during the meeting.

2.4 Technology ESG

Guidelines on Virtual voice assistants (after public consultation) - **discussion and adoption**

The lead rapporteur presented the updates and changes made to the Guidelines compared to the first adopted version and explained, in particular, the main aspects that were addressed based on the comments received during the public consultation.

The EDPB members adopted unanimously the final version of the Guidelines.

2.5 Key provisions ESG

Guidelines on the concepts of controller and processor (after public consultation) - **discussion and adoption**

The lead rapporteur presented the updates and changes made to the Guidelines compared to the first adopted version and explained, in particular, the main aspects that were addressed based on the comments received during the public consultation.

The EDPB members adopted unanimously the final version of the Guidelines.

3 Current Focus of the EDPB Members

3.1 Enforcement ESG

EDPB Coordinated Enforcement Framework – Topic Selection – discussion and adoption

The coordinator presented to the EDPB members the topics for the EDPB coordinated action which obtained most votes after discussion in the subgroup.

The majority of the EDPB members agreed to opt for use of cloud-based services by public sector bodies as topic for the annual coordinated action.

The EDPB members decided by majority vote that the chosen topic will not be amended to include elements of other preferred topics.

The lead rapporteurs and the SAs who proposed the topic will work in the upcoming months to finalise the details and the scope of the action.

3.2 International transfers ESG/ Financial matters ESG

Response to MEP on FATCA – discussion and adoption

Following the adoption of the EDPB statement 04/2021 on international agreements including transfers (FATCA), a MEP sent a letter to the EDPB with a number of questions on the actions of the EDPB and national SAs regarding data transfer agreements, in particular concerning FATCA.

The rapporteur presented to the EDPB members the draft response to MEP with some proposed amendments.

After discussions, the majority of the EDPB members agreed to delete the two proposed amendments and adopted the response letter.

Potential further actions on this topic will be discussed by the members of the subgroup.

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

4.1 IT Users ESG/ Cooperation ESG

IMI Statistics - discussion and adoption

The rapporteur presented to the EDPB members the result of the work carried out by IT Users ESG in cooperation with the COOP ESG according to their mandate, aimed to agree on a wording to reflect in the statistics complaints that were handled outside of the Article 60 GDPR procedure and to further explore technical means on how these complaints could be reflected in a more visible manner.

The EDPB members unanimously approved the proposed approach.

4.2 Secretariat

4.2.1 Closure of the EDPB TikTok Task force - discussion and adoption

The Secretariat provided an update to the EDPB members on the current state of play concerning the TikTok Task force and the proposal to disband it, and presented the draft press release.

The EDPB members unanimously agreed on the press release with some amendments discussed during the meeting, and approved the disbandment of the TikTok Task force.

4.2.2 September plenary meeting (date and format) - discussion and adoption

Due to the Covid rules applicable to EU Institutions and the limited available space, the EDPB members agreed to hold the plenary meeting on the 14 September 2021 in a remote format.

5 National Updates of the EDPB Members

5.1 German preliminary ruling C-252/2021 – state of play

The German Federal SA shared with the EDPB members information about a recent request for preliminary ruling to the CJEU (C-252/2021).

The Secretariat will circulate an info note prepared by the DE SA providing further details.

6 FOR INFORMATION

6.1 [CSC] Update on the work of the Coordinated Supervision Committee pursuant Article 4(2) of the CSC Rules of Procedure – information

The coordinator of the Coordinated Supervision Committee (CSC) shared with the EDPB members an update about the work carried out by the CSC since the first semester of 2021. In particular, the CSC coordinator provided information as to the work carried out in the context of ensuring the coordinated supervision of three European information systems (the IMI, the information systems of the Eurojust systems and of the EPPO) as well as to the foreseen expansion of the competence (to four other systems by 2022). Furthermore, the CSC coordinator highlighted the steps taken towards transparency and communication with the public, especially the new dedicated area for the CSC within the EDPB website. Finally, the CSC coordinator expressed concerns about the growing need of resources (human and financial) due to the supervision of new EU large-scale systems.

6.2 [CEH ESG] US order to retain airlines passengers' health data – written state of play

The EDPB members took note of the written state of play by CEH ESG regarding the US order to retain airlines passengers' health data.

7 AOB

7.1 Update from the European Commission on the evaluation of the Law Enforcement Directive

The European Commission provided an update on the upcoming evaluation of the Law Enforcement Directive, for which the input of the EDPB will be sought.

Annex: Attendance List

SAs:

AT SA, BE SA, BG SA, CY SA, CZ SA, DE SA, DK SA, EDPS, EE SA, EL SA, ES SA, FI SA, FR SA, HR SA, HU SA, IE SA, ISSA, IT 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

- European Commission

- EFTA Surveillance Authority

- Observers: AL, MD, ME, RS. In line with Art. 8 of the EDPB RoP, the observers were present during the plenary meeting except for points 3.1, 4.1, 4.2.1 of the agenda.

- EDPB Secretariat.