



Final

53rd Plenary meeting

28 July 2021, Remote

1 Adoption of the agenda, Information given by the Chair

1.1 Draft agenda of the 53d EDPB meeting – adoption

The draft agenda was adopted with the inclusion of two new points under AOB, the Opinion on the South Korea adequacy decision and the nomination of experts for the Schengen Evaluation.

The discussions relating to agenda point 2.1 was declared confidential according to Art. 33 EDPB RoP.

2 Current Focus of the EDPB Members

2.1 Decision 01/2021 on the dispute arisen on the draft decision of the Irish Supervisory Authority re WhatsApp Ireland Limited according to Art. 65(1)(a) GDPR – discussion and adoption

The Chair thanked the drafting team and the members of the EDPB for the work done on the draft decision.

The lead rapporteur (EDPB Secretariat) outlined the main content of the info note and of the draft binding decision, providing an overview of the work carried out and recalling that the Guidelines on relevant and reasoned objection and the Guidelines on Art. 65.1.a GDPR served as point of reference for the work. It was clarified that no pending issues were being presented for arbitration by the plenary.

The lead rapporteur drew attention to sections 8.4.2 and 9.4 of the draft binding decision, as last updated by the drafting team on the basis of the discussions at the ENF ESG meeting of 16 July 2021.

The members of the EDPB agreed to the entire text, including the aforementioned sections, and the outlined next steps.

The Commission explained its understanding of Art 68.6 GDPR in Art. 65 GDPR decisions. After a brief discussion, it was agreed that for this draft binding decision the conditions of Art. 68.6 GDPR, granting the EDPS voting rights for the adoption, are met. The Commission expressed its views on the elements of the reasoning of the draft decisions in particular concerning the interpretation of Art. 83.3 GDPR.

The EDPB members adopted the binding decision with 25 EU SAs and 2 EEA EFTA SAs in favour. 1 EU SA voted against the document.

3 AOB

3.1 Draft adequacy decision on South Korea

The EDPB Chair and the EDPB Secretariat invited all EDPB members to participate as rapporteurs in the preparation of the opinion on the draft adequacy decision for South Korea, underlining the need for a common effort in this regard.

3.2 Schengen Evaluation - Nomination of experts

The European Commission recalled the need to jointly carry out evaluations of the data protection requirements from the Schengen acquis, including an obligation for Member States and the European Commission to conduct peer review inspections, and strongly encouraged the EDPB members to nominate national experts to participate in the process.

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, IS SA, IT SA, LI SA, LT SA, LU SA, LV SA, MT SA, NL SA, PL SA, PT SA, SE SA, SI SA, SK SA

- European Commission

- EDPB Secretariat