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EUROPEAN DATA PROTECTION SUPERVISOR

The EU's independent data
protection authority

“Presentation of the Annual Report 2023”

LIBE Committee

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Introduction

Good morning,

Today, I present to you the EDPS Annual Report for our activities of 2023. As always, while the report provides for a comprehensive summary of our work, my presentation aims to highlight a few issues of particular importance.

4th year of the mandate - towards more efficiency

As I approach the final year of the current EDPS mandate, it was crucial for me that the EDPS works more and more efficiently. I am proud to share some information highlighting our achievements:

- We delivered 116 legislative consultations, including Opinions, Formal Comments, Joint Opinions with the EDPB, on top of multiple Informal Comments we provided the Commission at the drafting stage of legislation.
- We revamped our complaints and investigations procedures, resulting, amongst others, in closing 58 complaint cases (highest number in several years), or in enhancing the right to be heard through a newly established hearing procedure (already used once).
- We opened an EDPS office in the European Parliament building in Strasbourg, to better advise and support the lawmakers (members of the parliament) in their works. We are at your disposal with our expertise, committed to embedding the fundamental right perspective in the EU law-making process.
- We were active on international forum, with up to 36 initiatives and cases we worked on globally, including through the Council of Europe, OECD, G7; through engagement with international organisations or with our partners in the US, for instance on the exchange of health data for scientific purposes following fruitful exchanges in Washington D.C. with experts from the White House.

2023 - a year of adaptability

Let me continue by stressing the main characteristic of the previous year: adaptability.

In the ever growing processing of data, including by EU institutions, agencies and bodies I supervise, on one hand; and in the exponentially growing regulatory framework, the EDPS needs to continuously redefine its focus and its priorities, in order to make a genuine impact in the



necessary areas. Those include internal reorganisation, such as replacement of the previous Director's position to Secretary-General, given also the vacuum left after the position of Assistant EDPS was abolished in the legislation in 2019. As we move to 2024, coinciding with the EDPS' 20th Anniversary, my institution's role is to anticipate and prepare for the data protection challenges of the next two decades".

There are 3 topics I would like to highlight in particular.

AI

First, AI.

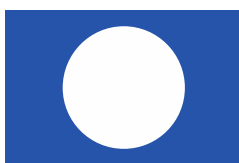
In response to the accelerated development and mainstream use of AI, the EDPS contributed to the regulatory process, in particular as regards AI Act, by providing the co-legislators - in particular this committee - with appropriate and prompt advice to ensure that AI follows a human-centric approach, complying with the fundamental rights to privacy and data protection.

Last October, the EDPS issued its Final Recommendation on the AI Act aimed at ensuring that the tasks and duties of the EDPS, as the future AI Supervisor of the EU institutions, offices, agencies and bodies are clearly spelled out to guarantee that the AI systems used and developed by them are safe and sound. I also reiterated my call for the prohibition of AI systems posing unacceptable risks to individuals. In the same vein, we issued an Opinion on draft AI liability rules.

Our work did not stop there. Aiming for global data protection standards that mirror the EU's data protection values and principles, the EDPS also championed a number of initiatives in the field of AI globally, such as leading the 45th Global Privacy Assembly Resolution on Generative Artificial Intelligence Systems. We were also active with our fellow data protection and privacy authorities of G7.

CSAM

Next, a topic of particular importance - protection against child sexual abuse online. Advocating for the safety and privacy of digital communications, the EDPS has been warning the public and the EU's co-legislators of the risks and significant shortcomings of the proposed Regulation on Child Sexual Abuse Material, which plans for the scanning of communication on a large scale that may lead to the surveillance of society in an irrevocable way.



Building on our previous contributions, on 23 October 2023, the EDPS organised a seminar, attended by a number of MEPs, dedicated to the ongoing legislative work on the Commission's Regulation Proposal. The seminar gathered stakeholders who, over the last years, have been warning about the risks associated with the proposal and misconceptions around its potential effectiveness. I expressed my strong conviction that the CSAM proposal would fundamentally change the internet and digital communications as we know them, and mark a point of no return. I am grateful to all the participants, many of whom stressed the need to preserve the integrity of Europe's rights-based system and called for due diligence and respect for the scientific evidence displayed during the legislative process.

Migration and borders

It is also in the spirit of addressing matters of societal impact that the EDPS used its role and power to act in the area of migration and border management. We firmly believe that the privacy of the most vulnerable is at a higher risk of being profoundly impacted. As a supervisory authority, we reached the borders - literally - by inspecting operations of Frontex at the Greek island of Lesbos in an unprecedented collaborative effort with a national data protection authority to scrutinise, on the ground, the processing of personal data of people entering the territory of the European Union.

Conclusion

Let me conclude with two messages: one of concern, and one of joy. The newly adopted legislation, in particular the AI Act, imposes on the EDPS significant obligations. We welcome them, as we believe, like the EU lawmaker, that the EU institutions, agencies and bodies should develop and use AI tools in accordance with the law, under its designated supervisory authority - the EDPS. For this to happen, the EDPS needs to be equipped with resources, which so far are not being given. This puts into question our ability to exercise functions imposed on us.

And now a more pleasant news: in 2024 EDPS is turning 20 years old. On this occasion, we prepared a number of initiatives with one common feature: using the richness of the past to better tackle the challenges of the future. I would like you to invite you to follow our activities which you can find on a dedicated website 20years.edps.europa.eu, in particular our European Data Protection Summit: Rethinking Data in a Democratic Society, planned for 20 June.

