

EDPS



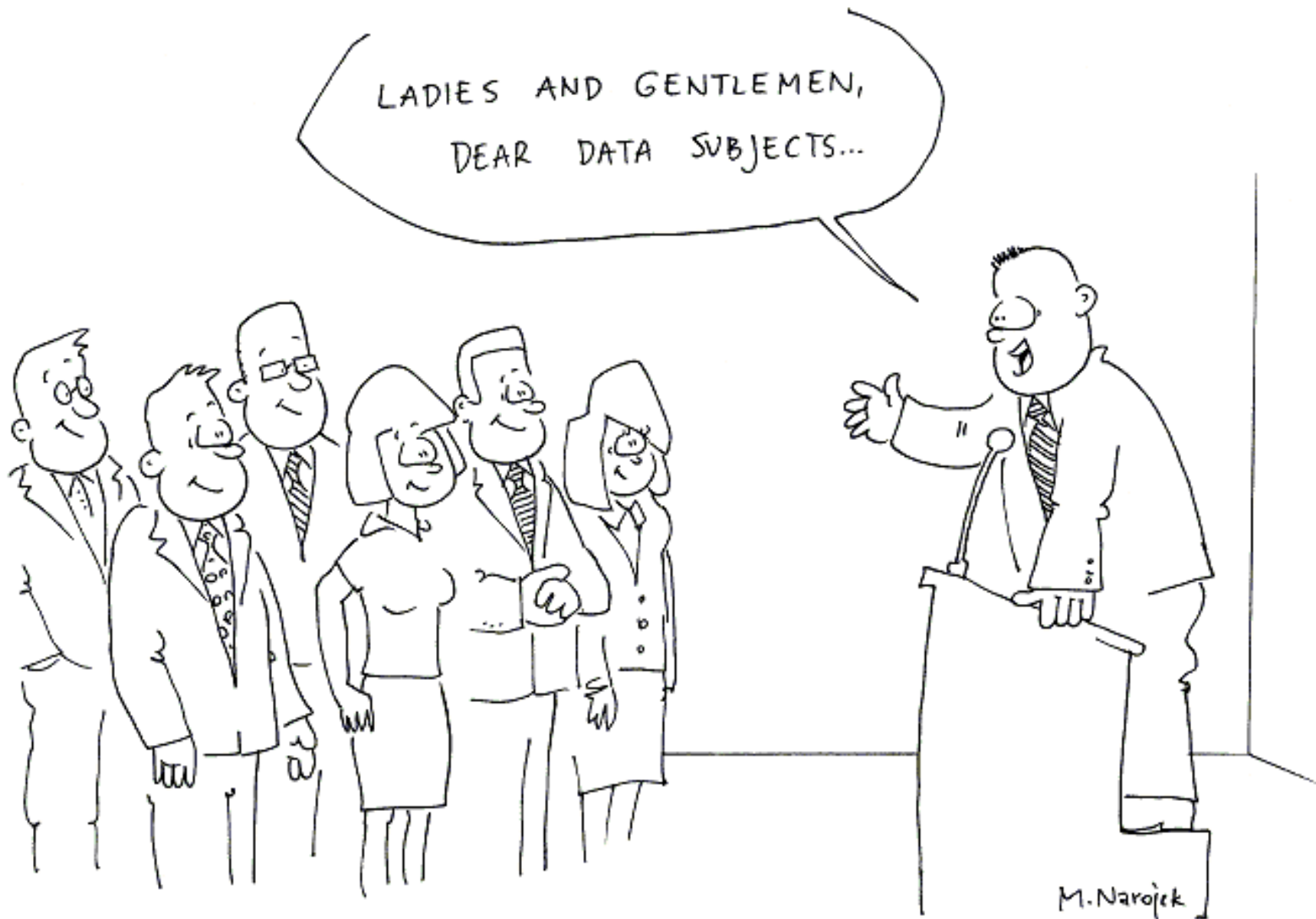
EUROPEAN DATA PROTECTION SUPERVISOR

Recent developments at EU and international level

28/4/2016, Dublin

Wojciech Wiewiórowski

**39th Meeting of the Data Protection
Officers and the European Data
Protection Supervisor**



EDPS



The EDPS is an independent supervisory authority devoted to protecting personal data and privacy and promoting good practice in the EU institutions and bodies. A number of specific duties of the EDPS are laid down in Regulation 45/2001. The three main fields of work are

- **Supervisory tasks**
- **Consultative tasks:** to advise EU legislator on proposals for new legislation as well as on implementing measures. Technical advances, notably in the IT sector, with an impact on data protection are monitored.
- **Cooperative tasks:** involving work in close collaboration with national data protection authorities (Article 29 Working Party)

The role of European Data Protection Supervisor

- The **European Data Protection Supervisor (EDPS)** is the independent supervisory authority for the processing of personal data by the EU administration;
- **Privacy and data protection are fundamental rights** – see Articles 7 and 8 of the Charter of Fundamental Rights;
- **Independent supervision** is an integral part of the right to data protection – see Article 16(2) TFEU and 8(3) Charter;
- What we do:
 - monitoring and verifying compliance with Regulation (EC) 45/2001,
 - giving advice to controllers,
 - advising the co-legislators on new legislation,
 - cooperating with Member States' DPAs,
 - handling complaints, conducting inspections
 - Monitoring technological developments
 - Promoting data protection aware design and development



Our objectives

- I. Data protection goes digital
- II. Forging global partnerships
- III. Opening a new chapter for EU data protection



Convention 108 – Council of Europe

Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data

Recognising that it is necessary to reconcile the fundamental values of the respect for privacy and the free flow of information between peoples

Article 1 – Object and purpose

The purpose of this convention is to secure in the territory of each Party for every individual, whatever his nationality or residence, respect for his rights and fundamental freedoms, and in particular his right to privacy, with regard to automatic processing of personal data relating to him ("data protection").

Convention 108 – Council of Europe



Council of Europe

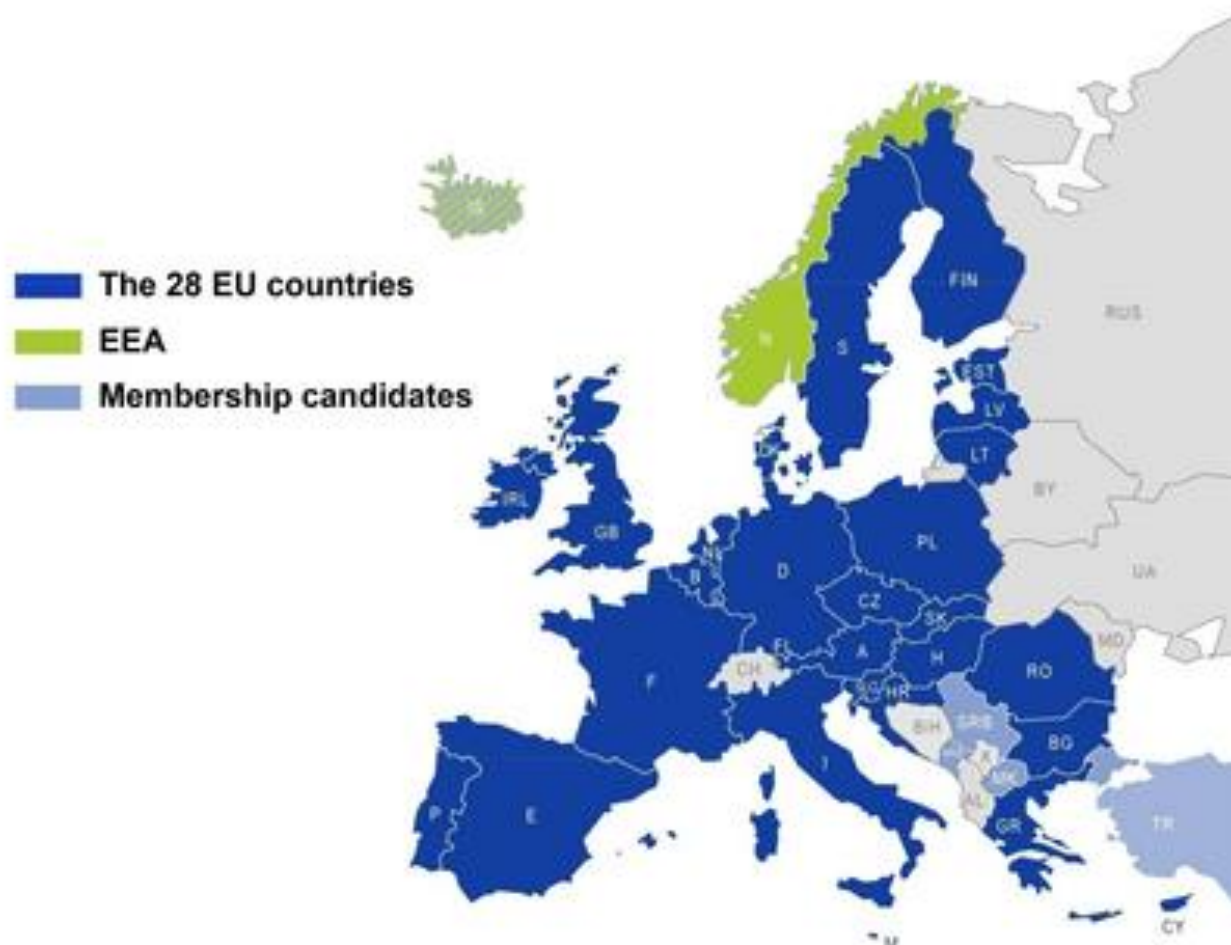
47 Member States



www.coe.int



European Union





Reform of Data Protection Law in the European Union





Reform of Data Protection Law in the European Union

COM(2012) 11/4 draft

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**on the protection of individuals with regard to the processing of
personal data and on the free movement of such data**

(General Data Protection Regulation)



Reform of Data Protection Law in the European Union

COM(2012) 10 final

2012/0010 (COD)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**on the protection of individuals with regard to the processing of
personal data by competent authorities for the purposes of
prevention, investigation, detection or prosecution of criminal
offences or the execution of criminal penalties,
and the free movement of such data**





Passenger Name Record

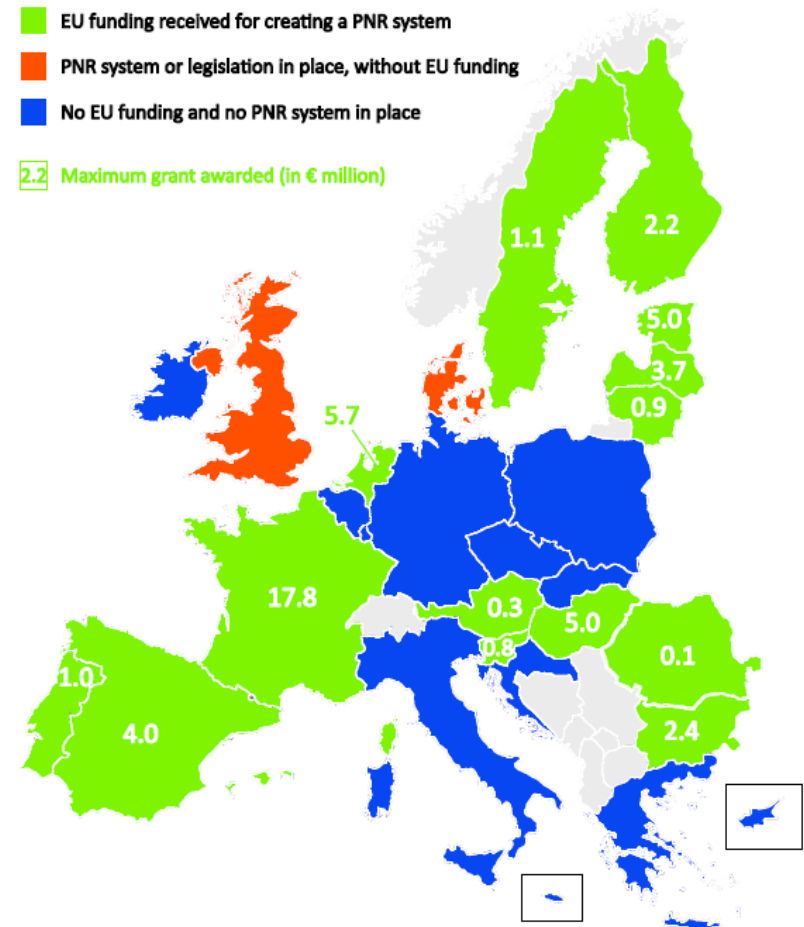
EU PNR voted by Parliament on 14 April 2016

EDPS Opinion on EU PNR

EDPS Opinion on draft EU-Canada PNR agreement (**Opinion 1/15**)

EDPS Pleading at the CJEU Hearing of 5 April 2016

Figure 1 – PNR systems in Member States and EU funding



Source: European Commission, [List of awarded projects](#).

Umbrella Agreement

12 February 2016 * EDPS welcomes EU-US "Umbrella Agreement" and stresses need for effective safeguards

EDPS expressed his support for the EU-US Umbrella Agreement initiative. He recommended three essential improvements in the arrangement designed to set a global precedent for the sustainable sharing and transfer of personal data for law enforcement purposes, and to increase trust between the two strategic partners. He also encouraged other clarifications before the initialled Agreement is signed.

EDPS provides constructive and objective advice on the clarifications and improvements necessary to ensure that the proposed Agreement adequately upholds the rights of individuals. Particular concerns include the effectiveness of judicial redress, the prevention of bulk transfer of sensitive data and ensuring that all the envisaged safeguards will apply to everyone protected by the Charter, not only EU nationals.

By providing a framework for transatlantic data transfers, the EU-US Umbrella Agreement should show how the EU can lead by example in reinforcing the rights to privacy and to the protection of personal data.

Privacy Shield

On 2 and 3 February 2016, the Article 29 Working Party (WP29) met to discuss the consequences of the CJEU judgment in the Schrems case for international transfers.

Giovanni Buttarelli spoke on the EU-US Privacy Shield given at the Civil Liberties, Justice and Home Affairs Committee (LIBE).



Finally the Opinion of the Article 29 Working Party on the EU-U.S. Privacy Shield was issued on 13 April 2016.

As a conclusion, the Working Party noted the improvements the Privacy Shield offers compared to the invalidated Safe Harbour decision. But, given the concerns expressed and the clarifications asked, **it urges the Commission to resolve these concerns and provide the requested clarifications in order to improve the draft adequacy decision and ensure the protection offered by the Privacy Shield is indeed essentially equivalent to that of the EU.**



Privacy Shield





ePrivacy Directive

On 12 April 2016, the European Commission launched a public consultation on the ePrivacy Directive (2002/58/EC).

Consultations (33 questions) are open by until 5 July 2016



Reference library


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THE EDPS

SUPERVISION

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COOPERATION

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- [COMPLAINTS](#)
- [ADMINISTRATIVE MEASURES](#)
- [INQUIRIES](#)
- [NETWORK OF DPOS](#)
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HIGHLIGHTS

- [BLOG](#)
- [EU DATA PROTECTION REFORM](#)
- [STRATEGY 2015-2019](#)
- [BIG DATA](#)
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REFERENCE LIBRARY

Welcome to the EDPS Reference Library! This virtual library is a gateway to a wealth of information on a selection of subjects covered in the course of our [supervision](#) of the [EU institutions and bodies](#).

Clicking on one of the topics below will take you to a summary of key points about that subject. For those of you interested in more detailed information, the summary also includes links to other relevant documents.

We hope you find this library a useful source of information on our supervision work. We will endeavour to update each topic regularly.

This initiative is part of the [EDPS Strategy 2015-2019](#) to:

- develop a web-based repository for information on data protection as a resource for our stakeholders;
- train EU bodies on how best to respect data protection rules in practice;
- support EU institutions in moving from a purely compliance-based approach to one that is accountability-based.

You can read more about the various ways that we carry out our supervision work [here](#). To help the EU institutions to fulfil their data protection obligations under the law, we regularly issue guidance papers (thematic guidelines, papers, opinions, consultations and decisions). While these are in principle aimed at the EU institutions, anyone interested in data protection might find them useful; the Data Protection Regulation applicable to the EU institutions ([Regulation \(EC\) No 45/2001](#)) is similar in many respects to the data protection [Directive \(EC\) 95/46](#), which is implemented into the national laws of EU Member States, as well as in Iceland, Liechtenstein and Norway.

Anti-fraud procedures



Asset freezing



Blacklisting and early warning systems



Evaluation of staff



Anti-harassment procedures



Leave management



NEWS

21 April 2016

Counterterrorism and Data Privacy: A European Perspective. Read the speech by Giovanni Buttarelli given at to the symposium on Governing Intelligence: Transnational Approaches to Oversight and Security, hosted by the Center on Law and Security and the Woodrow Wilson International Center for Scholars.

20 April 2016

Ethics at the Root of Privacy and as the Future of Data Protection. Read the address by Giovanni Buttarelli given at event hosted by Berkman Center for Internet and Society at Harvard University and the MIT Internet Policy Initiative and the MIT Media Lab.

19 April 2016

On 16 June 2016 the EDPS will meet the civil society organisations to discuss the state of data protection and privacy in the EU. Read more and sign up [here](#)

15 April 2016

One *giant leap for digital rights*. Read the [latest post](#) of the EDPS blog.

14 April 2016

Article 29 Working Party on the EU – U.S. Privacy Shield draft adequacy decision. Read the [opinion](#) and the [statement](#).

AGENDA

29 April 2016

Privacy: The Competitive Advantage, Speech by Wojciech Wiewiórowski,

EDPS



New Guidelines

EUROPEAN DATA PROTECTION SUPERVISOR

Guidelines on personal data and electronic communications in the EU institutions

EDPS



December 2015

EUROPEAN DATA PROTECTION SUPERVISOR

Guidelines on the protection of personal data in mobile devices used by European institutions

EDPS



December 2015



New Guidelines

EUROPEAN DATA PROTECTION SUPERVISOR

Guidance

**Security Measures for Personal
Data Processing**

Article 22 of Regulation 45/2001

EDPS

21 March 2016

EDPS Ethics Advisory Group

The European Data Protection Supervisor has set up an **Ethics Advisory Group** (*Advisory Group*).

The overall objective of the Advisory Group is to explore the relationships between human rights, technology, markets and business models in the 21st century from an ethical perspective, with particular attention to the implications for the rights to privacy and data protection in the digital environment.

The Group will be active between February 2016 and January 2018.

J. Peter Burgess,
Luciano Floridi,
Jaron Lanier,
Aurélie Pols,
Antoinette Rouvroy
Jeroen Van den Hoven.





European Data Protection Day

SMART SHARING

Are you oversharing?

How to protect your privacy in a digital world - a lunchtime conference by EDPS trainees

Join us at 12:00 on 28 January for an insight into the world of data protection. Whether you're using your phone or tablet, searching online or communicating through social media, we'll give you the tools to make sure you stay in control of your personal information.

- 12:00 - Registration and refreshments
- 12:30 - Why does data protection matter? Opening address by the European Data Protection Supervisor, Giovanni Buttarelli
- 12:45 - Passive sharing - what personal information are your devices leaking? by Dr Hoepman, Associate Professor of privacy-enhancing protocols and director of the privacy and identity lab at the University of Nijmegen
- 13:30 - Active sharing - the importance of e-reputation and your right to be forgotten by Gabriela Zanfir PhD, EDPS legal officer

Food and drinks will be provided • The conference will be webstreamed

Room A1G-2
European Parliament
Rue Wiertz 60, B-1047 Brussels

*The event has a limited capacity.
Register at edps-events@edps.europa.eu. If you don't have an access badge to the European Parliament, please provide your name, surname, ID, date of birth, nationality and passport number.*



EUROPEAN DATA PROTECTION SUPERVISOR

www.edps.europa.eu

[@EU_EDPS](https://twitter.com/EU_EDPS)

European Data Protection Day



Celebrating 10 years of EU DATA PROTECTION DAY



CONFERENCE

**GDPR: A new chapter for EU data protection
how the new Regulation will empower you to take
control of your personal information**

Thursday 28 January 10am - 12noon
ASP Building - ASP3-E2

Introduction by **Freddy Drexler**, Jurisconsult, Director-General Legal Service
European Parliament

Speakers: **Giovanni Buttarelli**, EDPS – **Wojciech Wiewiórowski**, Assistant EDPS
– **Giancarlo Vilella**, Director-General DG ITEC European Parliament

Moderator: **Secondo Sabbioni**, Data Protection Officer European Parliament



Fifth workshop on Data Protection in International Organisations

International Committee of the Red Cross Headquarters, Geneva

On 5 February 2016, the European Data Protection Supervisor (EDPS) and the ICRC hosted the fifth workshop on data protection as part of good governance in international organisations.

This workshop is the fifth of a series of workshops initiated by the EDPS over ten years ago, which aims at bringing together international organisations to:

We shared experience and best practice in the field of data protection and analysed its impact as part of good governance within international organisations.

Analysed the most recent regulatory developments at international level in the area of privacy and data protection and the potential implications of such developments for international organisations as well as the state of play of data protection within international organisations.

Previous editions of this workshop took place in Geneva (2005), Munich (2007), Florence (2010) and Brussels (2012).

European Border and Coast Guard Regulation

Opinion EDPS/2016/07 Securing Europe's Rights and Borders 18 March 2016

The European Data Protection Supervisor (EDPS) says he supports the EU's efforts to manage migration and reinforce internal security and offers his advice on the data protection implications of the EU's recent proposal regarding the management of its external borders. In his Opinion on the proposed European Border and Coast Guard Regulation, he outlines his recommendations to make the proposal clearer and more workable.

The EDPS recommends that the proposal's two aims need to be approached separately since different areas of data protection law apply; a distinct assessment of the necessity and proportionality of proposed actions is essential. Clear compliance with data protection principles will make the proposed Regulation more robust and efficient.

The EDPS also recommends that the division of responsibilities between the new Agency and the EU Member States is made clearer so that there is no diffusion of accountability in the data protection obligations of each.

EDPS-Civil Society Summit - 16 June 2016

For the second year the EDPS will meet with civil society organisations to discuss the state of data protection and privacy in the EU. On the agenda this year will be the implementation of the GDPR and the directive on data protection rules for the police and criminal justice, the review of the ePrivacy Directive, and developments in case law in the last 12 months, notably Schrems v. Data Protection Commissioner and the proposed Privacy Shield agreement.

The meeting will take place in the European Parliament in Brussels from 9.30am-12.30pm and will be live webstreamed. If you would like to attend in person on behalf of your organisation, or if you have any questions, please write to us at edps@edps.europa.eu with '2016 EDPS- Civil Society Summit' in the subject line, and we will send you further details.



Apple – FBI “fight” over access to a terrorist’s iPhone





Massive data leaks in Turkey and Mexico

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Visiting DPOs at their premises



Big Data = Big Responsibility

Thank you for your attention!

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