



WOJCIECH RAFAŁ WIEWIÓROWSKI
ASSISTANT SUPERVISOR

Director
Authority for European Political
Parties and European Political
Foundations
PHS 6 C 97
European Parliament
Rue Wiertz 60
1047 Brussels

Brussels, 16 December 2016

C 2016-1117

Please use edps@edps.europa.eu for all
correspondence

Dear,

Thank you for your letter of 2 December 2016 consulting the EDPS on the possibility to appoint the Data Protection Officer (DPO) of the European Parliament, as DPO for the newly established Authority for European Political Parties and European Political Foundations (the Authority). We highly appreciate your proactive approach and your readiness to ensure compliance with the applicable data protection rules.

As you correctly point out, Article 24(1) of Regulation (EC) No 45/2001 (the Regulation) requires each Community institution and body to appoint at least one person as DPO. The Regulation leaves some room for variation as to the full-time/part-time aspect of the function, and even though a full-time DPO is preferred, the EDPS acknowledges that smaller bodies will not find it practical or even possible to appoint a full-time DPO.

A common/shared DPO could thus be a solution, especially for a particularly small body such as the Authority. However, the appointment of a “shared” DPO between institutions must be made conditional upon the fact that the institutions are closely connected in both their functioning and their geographical location or organisation.¹ This criterion seems to be satisfied in your case.

In addition, the EDPS underlines that all provisions of the Regulation apply to the Authority although the DPO function is to be shared with the Parliament. In this respect, we would like

¹ For further information, see the [EDPS Position Paper on DPOs](#). C.f. Article 37(2) of the [General Data Protection Regulation](#), according to which a single DPO may be appointed for several authorities and bodies, taking account of their organisational structure and size.

to draw your attention particularly to the requirements of Article 24(4) and 24(6) of the Regulation.

According to the first provision, the DPO shall be appointed for a term of between two and five years with possible reappointment for a total period of ten years. If Mr S's mandate as DPO of the Parliament is a prerequisite for his appointment as DPO for the Authority, it is important to ensure that the two mandates are compatible with one another and with the time requirement of Article 24(4).

Furthermore, according to Article 24(6), the Authority must provide Mr S with the staff and resources necessary to carry out his duties.

Finally, the EDPS would like to draw your attention to the conflict of interests that may arise for the common DPO, notably in the context of transfers of personal data between the Authority and the Parliament, given that the DPO may be called upon to advise the controller as regards the necessity of such data transfers.² In such cases, an alternative solution should be found (for example, the Assistant DPO of the Parliament or a staff member of the Authority would be in charge of the assessment of the transfer).

The EDPS trusts that the above considerations will be duly addressed in the agreement concluded with the Parliament on the appointment of a common DPO and look forward to receiving a copy of the agreement together with the notification of the DPO appointment.

We look forward to a fruitful cooperation with you and your staff.

Yours sincerely,

(signed)

Wojciech Rafał WIEWIÓROWSKI

Cc: Mr S, DPO of the European Parliament

² Article 7 of the Regulation.