ARCHIVES AND DATA PROTECTION

EDPS-DPO MEETING, FLORENCE, 07-11-2019
LUISA PALLA - EDPS
Présent : 

Président : 
Vice-Président : 
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Vice-Président :

Le secrétariat était assuré par : assisté de

Chef de division.
Definitions and context
Data protection and archiving
Towards compliance
DEFINITIONS

Archiving in the public interest
Historical archives
Public access (30 years)
Integrity, authenticity
Appraisal
Records Lifecycle
CONTEXT - ACTORS

Institutions, bodies, agencies
Historical Archives of EUIs
Historical Archives of the EU
DPOs
EDPS
Context - Legal framework

Regulation (EEC, Euratom) 354/83
Council Regulation (EC, Euratom) 1700/2003
Council Regulation (EU) 2015/496
Regulation (EU) 2018/1725
Regulation (EU) 2016/679
**CONTEXT - OBLIGATIONS ON ARCHIVES**

- Establish historical archives
- Open them to the public after thirty years

- Transfer paper archives to HAEU
- Preserve electronic archives

- Adopt internal rules on the opening of archives to public
Definitions and context
Data protection and archiving
Towards compliance
Archiving in Regulation (EU) 2018/1725

Art. 13
- Processing subject to appropriate safeguards
- Technical & organizational measures
- Data minimisation

Rec. 33
- Assessment on on keeping personal data
- Safeguards ... internal rules
SPECIFICITIES

- Further processing not incompatible with initial purposes
- Longer storage permitted, with conditions
- Individuals’ rights: law may provide for derogations (conditions & safeguards)
DEROGATIONS AND CONDITIONS

Restrictions to data subjects rights – Art. 25 (4) list
Right to erasure (“to be forgotten”) – Art. 19
Right to information – Art. 16
DATA PROTECTION IN COUNCIL REGULATION 2015/496

- DP Regulation applies to deposited archives
- Institutions = controllers
- HAEUI = processor

- EDPS is the supervisory authority for institutions over deposited archives
- Internal rules: preservation, opening to the public, protection of personal data kept in the historical archives
Definitions and context
Data protection and archiving
Towards compliance
Towards compliance: A balancing act

Access – further use
Integrity - Authenticity
Long term preservation

Rights and freedoms
Data minimisation
Storage limitation
Towards compliance
Putting pieces together

- Appraisal
- Elimination
- Preservation
- Access
Towards compliance highlights

- Implementing rules, policies, procedures
- Cooperation with relevant actors
- Risk assessment and safeguards in specific context of archiving
- Access to archives and responsibilities
To wrap up

- Archiving in the public interest: new concept and explicit reference in the law
- Specific context and challenges
- Specific safeguards and exemptions
- Shared roles and responsibilities
- Need for a coordinated inter-institutional approach
thank you!

For more information:
www.edps.europa.eu
edps@edps.europa.eu

@EU_EDPS
EDPS
European Data Protection Supervisor