Prior checking – other procedural issues

Tereza Struncova
Deadline

Art. 27(4)1 DPR

two months after receipt of the notification,
i.e. 61 calendar days

unless suspension or extension…
Suspensions

- for additional information when elaborating the draft opinion
- for comments on the draft opinion
- pending adoption of thematic guidelines
- August suspension
- possible suspension for other lengthy public holidays applicable on a case-by-case basis
Extension

- for up to two months

- due to complexity of the matter

- by decision of the EDPS

- notified to the controller before the expiry of the initial two-months period

Art. 27(4)3-4 DPR

8 June 2011
Follow up

Art. 27(4)6 DPR

- full compliance with the Data Protection Regulation needs to be ensured

- measures implementing the EDPS recommendations to be adopted by the controller within three months after adoption of the respective opinion

- EDPS needs to be notified about it (so that the case can be closed)
Modification of already submitted notifications

- before adoption of the EDPS opinion

TO BE AVOIDED

- already existing EDPS opinion
  → DPO has to determine
  whether the modification of the particular procedure significantly affects the data protection aspects as already examined by the EDPS
Any questions??