



## **EDPS comments on draft internal rules concerning restrictions of certain rights of data subjects in relation to the processing of personal data in the framework of the functioning of the European Union Agency for the Operational Management of the Large-Scale IT Systems in the Area of Freedom, Security and Justice ('eu-LISA')**

### 1. INTRODUCTION

These comments relate to the draft internal rules concerning restrictions of certain rights of data subjects in relation to the processing of personal data by eu-LISA.

The EDPS' comments refer to the document submitted on 12 February 2021 (hereinafter 'the draft internal rules'). We issue these comments pursuant to Article 41(1) of Regulation (EU) 2018/1725 (the 'Regulation').

### 2. GENERAL COMMENTS AND RECOMMENDATIONS

We take note that the draft internal rules are based on the template included in the EDPS's Guidance on Article 25 of the Regulation 2018/1725 and internal rules restricting data subjects rights<sup>1</sup> and that only minor adaptations, required by eu-LISA's particular situation, have been included in the internal rules.

While the above are satisfactory, the EDPS makes nevertheless the following minor **recommendations** to eu-Lisa:

1 - Provide for the reference to the Official Journal of the European Union where the eu-LISA Regulation, as mentioned in the fourth paragraph of page 1, namely "*Having regard to the Regulation (EU) 2018/1726 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), and amending Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011*", is published;

2 - Refer to the "*EDPS Guidance on Article 25 of the new Regulation and internal rules*" mentioned in the fifth paragraph of page 1 by their full title;

3 - Decide on the appropriate way to refer to eu-LISA Regulation throughout the decision. For example, whilst Recital (1) mentions that "*eu-LISA carries out its activities in accordance with Regulation (EU) No 2018/1726*", Recital (25) states "*Pursuant to Article 35 of eu-LISA Regulation*";

4 - Clarify what is meant by "*measures for the application of the Regulation 2018/1725*" in Recital (25);

---

<sup>1</sup> Available here:

[https://edps.europa.eu/sites/default/files/publication/20-06-24\\_edps\\_guidance\\_on\\_article\\_25\\_of\\_the\\_new\\_regulation\\_and\\_internal\\_rules\\_en.pdf](https://edps.europa.eu/sites/default/files/publication/20-06-24_edps_guidance_on_article_25_of_the_new_regulation_and_internal_rules_en.pdf)

5 - Correct the date of the “*eu-LISA Decision No 2014-080 of January 2015*”, which seems to be incomplete, in Article 2(1)(a);

6 - Consider removing the coma in sentence “*as set out in eu-LISA Decision No 2018-122, on internal rules concerning whistleblowing of 26 June 2018*” included in Article 2(1)(b); and

7 - Clarify whether Article 1(2) “*eu-LISA, as the controller, is represented by its Executive Director*” read together with Article 5(4) “*The controller shall inform eu-LISA DPO when the restriction has been lifted*” are to be understood that it is the Executive Director of eu-LISA who has the responsibility to inform the DPO that a restriction had been lifted.

Brussels, 11 March 2021

*(e-signed)*

Delphine HAROU