



EUROPEAN DATA PROTECTION SUPERVISOR

The EU's independent data protection authority

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“Presentation of the EDPS Annual Report 2021”

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Thank you for having me today. Reporting to the European Parliament on the work of the EDPS is for me not only a legal obligation, but also an opportunity to receive your feedback, comments and questions, as part of my accountability before this institution. While the EDPS is an independent supervisory authority, it exercises its functions in close relation with the Parliament, both in respect of legislative advice, as well as scrutiny over the functioning of EU institutions, bodies and agencies.

2021 marks the third year of application of the data protection legislation applicable to EU institutions, agencies and bodies. With the EU DPR, with specific regimes for Europol, and more recently for Eurojust and EPPO, the EDPS is tasked with ensuring that the intention of the EU lawmaker (to whom I am speaking now) is implemented; that EUIs lead by example in respect of the highest standards of data protection.

Our belief that the implementation period for EUIs of new legislation has finished and that a high level of compliance is now expected has resulted in a record number of use of corrective powers by the EDPS in 2021. Amongst the enforcement actions taken by the EDPS this year, I would like to mention in particular the Decision to order Europol to delete datasets with no established links to criminal activity.

We are aware of the fact that enforcement actions are not always welcomed by EU institutions. However, in a way, every use of corrective powers by the EDPS is a result of a failure to address the infringements of the applicable law in the spirit of cooperation. The EDPS' decisions should be seen in the context of our respect for the rule of law and our belief in a mature checks and balances system.

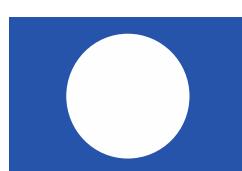
The EDPS wants strong EU institutions. This strength can, however, only be based on full compliance with the mandate given to them by the EU legislator. No other foundation can bring results in the long term. I am grateful for the support I have been receiving in this committee in the past year regarding the EDPS' efforts to ensure respect for the letter of law amongst EUIs.

I would also like to share with satisfaction that data protection considerations are growingly becoming an intrinsic element of EU legislation across many fields. This is illustrated by a radical increase in the number of EDPS Opinions on draft legislations. Our opinions are based on the conviction that data generated in Europe is converted into value for European companies and individuals, and processed according to European values, to shape a safer digital future.

In 2021 we issued a record high number of 88 opinions (or so called formal comments), compared to 27 in 2020, which shows an increasing recognition of the importance of data protection within EU law.

At the same time, this puts a serious constraint on the EDPS resources, and required an extra effort to deliver our Opinions on time and to remain available to the EU lawmaker to advise them in the process.

Amongst the many Opinions the EDPS was involved in, such as on the DSA/DMA or AI Act (where we called for a ban on the use of facial recognition in public spaces), we were particularly active in the opinion on the legislation on data protection aspects of Covid measures and the work on the Digital Green Certificate. We are satisfied that a solution of such sensitivity in respect of multiple fundamental rights at stake was so swiftly developed and efficiently applied while minimising risks related to privacy and to data protection.



Speaking on Covid measures, and hoping that this is the last time I report on them, I would like to note with satisfaction the overall high level of compliance of EUIs in 2021 with data protection principles regarding measures undertaken to combat the pandemic, as proven by the EDPS' remote inspections, guidelines and trainings.

Let me here express my gratitude to the Parliament, in particular to this committee, for the close cooperation on many files. The EDPS has taken part in multiple meetings e.g. hearings, shadows rapporteurs meetings, which were an opportunity for a fruitful dialogue (from which we also learn a lot).

The EDPS has always been an institution that looks beyond the landscape of the EU institutions. We actively engage with civil society (Privacy Camp), academia (DP talks) and various stakeholders, including industry (IPEN).

In the spirit of such collaboration, we launched a Tech Sonar initiative, focusing on anticipating emerging technology trends. This illustrates the EDPS' wider focus on bridging the gap between emerging technologies and their legal implications, and highlights our intradepartmental commitment to advising on technology trends.

To promote the EU as a global standard, we engage in discussions at international level, such as with the Council of Europe or at the Global Privacy Assembly, also to monitor developments that might lead to a circumvention or weakening of EU law.

Looking to the future, and believing that the success of the GDPR is also our responsibility, we continued our active participation in the European Data Protection Board's work, as reflected by the number of initiatives we proposed or took part in.

Let me stress here that we see the need for the community of data protection authorities, which we are a member of, to step up the enforcement efforts. However, we also want to make it clear that structural deficiencies and limitations are, to a large extent, beyond the remit of powers of data protection authorities. To discuss these matters, I would like to invite you all to participate in the conference on the challenges to enforcement that the EDPS is organising on 16&17 of June this year.

As the political climate grows more unstable, it becomes even more important to make sure that our technologies operate in a way that first and foremost respect fundamental rights. Given also the increase of cyberattacks worldwide, the EDPS experts also continued their strong work on raising awareness of personal data breaches, as we are determined to assist EUIs in preventing and handling such breaches. In turbulent times like these, it is crucial that we work to support one another in order to safeguard the freedoms all citizens should be afforded.

Let me conclude by saying that, above everything else, we see the European Union as a community defined by values, not borders, be it artificial or physical. For the EDPS, this belief is a motivation to further our efforts. We hope it will be shared more broadly amongst EU institutions.

Thank you very much and I remain at your disposal for any questions and comments related to the Annual Report and the EDPS' work.

