




# International Organisations - EDPS Workshop

Rome, 12 May 2022

## Welcoming words

- [Welcome the possibility to meet again in-person in Rome; last in-person meeting was in Paris in 2019, almost 3 years ago; we had a remote meeting in October 2020 but nothing can replace the meetings in person;]
- [Reiterate the background / history of the workshop and its main objectives; initiative of Peter Hustinx followed by Giovanni;]
- [EU as a sui generis IO ; EDPS as provider of a platform for IOs to discuss and share best practices; etc]
- [Rome - Roman Law - place of the origins of European law - Treaty of Rome - EU]
- [**Thank our co-organisers** from the World Food Programme]: in particular the organisation team for the preparation of the workshop:   
  

- [Describe shortly the program - reiterate the main three main pillars]
  - [Update as to what is happening in our respective jurisdictions]
  - Exchanges of best practices and "hands on" exchanges for data protection practitioners (we tried to innovate this year to make the discussion as practical as possible with a case study)
  - Exchanges on how we can improve the interactions between our jurisdictions (in particular with the transfers panel)]

## Introduction

- I would like to say few words today with one intention: to **recognise the moment in time and history we are at today**, why it matters for International Organisations and why International Organisations matter.

## What has the war changed

- We meet at a very specific moment: **war is back in Europe**. The conflict is of a global concern, and the whole global community had to react, had to make a stance, one way or another on this. I am proud of how EU reacted, how quickly it had to redefine its paradigms. [Disappointed that some are still hesitant, remaining in their nationalist mindset.]
- **Working globally proved critical**. We see how sanctions make sense only when potentially as many states as possible join them. We see how the global outrage of citizens made governments act. We hope the newly found compassion and responsibility for those in need will resonate further and will make us rethink how we think about each other in the globalised world. [other conflicts, refugee crises, humanitarian crises around the world, hunger, diseases]
- Not surprisingly, we observe **massive attacks against multilateralism**. Defense alliances presented as provocateurs. Conflict define on the level of cultures and civilisations. Propaganda and brainwashing reaches global dimension. Disinformation. [Twitter change of ownership and DSA/DMA debate.]
- In these dangerous and uncertain times, **the work of International Organisations is more essential and important than ever**;
- World Food Program awarded Peace Nobel Prize; many humanitarian organisations do an incredible job in Ukraine and beyond. Crucial to **continue supporting them**.

## EU on the global scene - DSA/DMA and their extra-EU impact

- Globalisation and multilateralism have always been creating an interesting **interplay with legal concepts, often defined by jurisdictions and borders**. Nobody knows its better than International Organisations, being on one hand extra-territorial entities, while facing often the reality of acting with and in states.
- Data transfers are a good example where the notions of **sovereignty and borders** (both, traditionally, very political terms) come into the **forefront of debate**.
- International data transfers are an inherent feature of how the Internet and online services work. Let me here make a remark that the **EDPS does not support the creation of artificial geographical borders and we are in general not in favour of data localisation**.
- At the same time, I am proud of the **leadership the EU is showing in tackling the global challenges to protect a human-centric digital environment**. This is well illustrated by several new legislative proposals that are currently under discussion. The main ones would be the Digital Services Act, the Digital Markets Act, the Artificial Intelligence Act, the Data Governance Act and the Data Act.
- From different angles, all of them aim at contributing to a **more vibrant digital economy**, promoting fairness in the digital environment, stimulating a competitive data market and opening up opportunities for data-driven innovation. This **without losing sight of fundamental values** that are the basis of our society, especially with regard to the protection and promotion of fundamental rights.
- *Processing of personal data already is or will be a core activity of the entities, business models and technologies that would be regulated by the proposals. The combined effect of the adoption and implementation of the proposals will therefore inevitably impact the protection of the fundamental rights to privacy and to the protection of personal data.*
- *Let me give you a practical example: the Digital Services Act requires very large online platforms to manage the “systemic risks” brought about by or relating to the functioning and use of their services. Given the already endemic monitoring of individuals’ behaviour, in particular on online*

*platforms, there is a risk that this requirement would lead to increased profiling of individuals' online behaviour.*

- Therefore, it is **essential that that these legislative initiatives are consistent with existing personal data protection legislation**. Although the proposals indicate that their application would be “without prejudice” to the GDPR and data protection legislation in general, the conjunction of these rules, **in practice, can be difficult**. To be clear: new legislation should not simply “repeat” GDPR provisions. Instead, new legislation should be very clear about how it will relate to - and be interpreted in line with - the GDPR.
- I am making this points having in mind the global impact of the GDPR. More than 145 countries has adopted laws based on the GDPR and it is therefore crucial to ensure that their principles are not diminished, nor bypassed. **We cannot let data protection and privacy become outdated concepts**.
- [Bring the EDPS Conference 2022 as an initiative to bring us forward, instead of losing the race]

## Where now?

- Let me conclude by coming back to my initial reflection. People in Ukraine fight to save their lives and, equally, our freedoms. Times of crisis bring additional responsibility on our shoulders to ensure that data is not weaponised and exploited against individuals;
- In that sense, we can only support initiatives such as for instance the ICRC and VUB Handbook on Data protection in humanitarian action. When Russia's invasion started, my first reaction was to circulate again the link to the Handbook and the link to some work of the Global Privacy assembly to all EDPB members. Personal data should not be less protected in times of war or crisis. [explain the risks - e.g. addresses of abandoned household]
- The political context also demonstrates the relevance of today's initiative; it is important for us to meet and to provide a platform for learning from each other and collectively deciding on the way forward, on further improvements, new initiatives. But this platform is certainly not the only one and we should have other (and more!) opportunities to meet.
- In that sense, let me also recall that International Organisations can join as observers the work of the Global Privacy Assembly. Next edition of the Assembly will take place in Istanbul from 25<sup>th</sup> to 28<sup>th</sup> October and it is still time for IOs to apply to become observers;
- Another well-known forum is the Spring conference, the European Conference of data protection authorities – gathering not only EU authorities but also authorities from all over the countries of the Council of Europe. Next conference will take place next week in Croatia - IOs could join this network in next years to increase their interactions with the Data Protection community.

## Conclusions

- Being able to meet again in person, let's not just appreciate it, but take it as an **encouragement to an ever-stronger cooperation to overcome the challenges we all face as a global community**. International organisations were created to serve the humankind. To take lessons from the painful moments and to make the world a better place. Fundamental rights, among which privacy takes a very important place, are at the backbone of IOs objectives.
- Glad that **this meeting makes us all improve so that we better serve society**.