

Letters



Henrik Hololei
Director-General
Directorate-General for Mobility and Transport
European Commission

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Dear Director-General Hololei,

I refer to your letter of 18 March 2019 in which you invite the European Data Protection Board members to issue a formal opinion on the Commission Delegated Regulation with regard to the provision of EU-wide Cooperative Intelligent Transport Systems, adopted on 13 March 2019.

As you noted, the Commission invited the Board members to express their views on the Draft Commission Delegated Regulation with regard to the provision of EU-wide Cooperative Intelligent Transport Systems in parallel with the inter-service consultation phase. An opportunity the Board appreciated, bearing in mind connected vehicles is part of the ongoing work program of the Board.

The Board refers to the comments previously provided, in accordance with article 70(1)(b) GDPR, on the draft delegated regulation's provisions and the revised wording of the now adopted delegated regulation, in particular with regard to data protection. The Board further takes note of the position expressed by the European Data Protection Supervisor regarding article 42(1) of Regulation 2018/1725 in this context. In light of the above, the Board will not be issuing a further opinion at this stage.

The Board points out that a number of essential issues remain unresolved in this context, in particular the clear identification of the data controllers involved in the C-ITS services, the necessity of conducting the Data Protection Impact Assessment and the application of the data protection by design and by default to the C-ITS services.

For the sake of clarity, the legal basis of processing, re-use of data for other purposes, privacy by default and by design, data minimization as well as security are among the topics the Board is looking into in its ongoing work on the topic of connected vehicles, taking into consideration the wider legal

framework and in particular to Directive 2010/40/EU. The Board will inform the Commission of any guidelines or recommendations it may issue on the subject of connected vehicles in future.

Finally, should the Commission wish to consult the European Data Protection Board in the future, potentially with regard to a future revision of Directive 2010/40/EU, do not hesitate to do so at an early stage of the process.

Yours sincerely,



Andrea Jelinek