

Roberta Metsola
Member of the European Parliament

Andrzej Halicki
Member of the European Parliament

By email only

Ref: OUT2020-0041

Dear Ms. Metsola, Dear Mr. Halicki,

Thank you for your letters and for bringing this issue to the attention of the European Data Protection Board (EDPB). The fact that data of Polish citizens was sent from the national PESEL (personal identification) database to the Polish Post by one of the ministries appears to require special attention. Due to the upcoming elections, the EDPB decided to handle this matter urgently.

Taking into consideration that elections constitute the cornerstone of every democratic society, I would like to reassure you that the EDPB dedicates special attention to the issue of processing of personal data for election purposes, as we already demonstrated during the preparation for the 2019 European Parliament elections.¹

With respect to supervision over personal data processing, I would like to stress that the EDPB does not have the same competences, tasks and powers as national supervisory authorities. The assessment of alleged infringements of the GDPR, in the first instance, falls within the competence of the responsible and independent national supervisory authority.

Data protection supervisory authorities are responsible for monitoring and, if necessary, enforcing the application of data protection principles in the context of elections and political campaigns, such as lawfulness, transparency, purpose limitation, proportionality and security, as well as the exercise of data subject rights. A judicial remedy should also always be available in accordance with articles 78 and 79 GDPR.

The EDPB underlines that according to the GDPR, personal data, such as names and addresses, and national identification numbers (such as the Polish PESEL ID), must be processed lawfully, fairly and in a transparent manner, for specified purposes only. Public authorities may disclose information about individuals included in electoral lists when this is specifically authorised by Member State law. I would like to underline that the disclosure of personal data – from one entity to another – always requires a legal basis in accordance with EU data protection laws. As previously indicated in the EDPB statement 02/2019 on political campaigns, political parties and candidates – but also public authorities, particularly those responsible for public registers – must stand ready to demonstrate how they have

¹ Please see the EDPB Statement 2/2019 on the use of personal data in the course of political campaigns https://edpb.europa.eu/sites/edpb/files/files/file1/edpb-2019-03-13-statement-on-elections_en.pdf

complied with data protection principles, especially the principles of lawfulness, fairness and transparency.

The EDPB would also like to underline that, where elections are conducted by the collection of postal votes, it is the responsibility of the state to ensure that specific safeguards are in place to maintain the secrecy and integrity of the personal data concerning political opinions.

In addition, I would like to stress that in the context of data processing, there is a specific responsibility on public authorities, in particular those responsible for public registers. The EDPB encourages these data controllers to lead by example and process personal data in a manner, which is transparent and leaves no doubt regarding, among others, the legal basis for the processing operations, including disclosure of data.

We wish to reassure you that the EDPB will continue to pay special attention to the developments of personal data processing in connection to democratic elections and remain ready to support all members of the EDPB, including the Polish Supervisory Authority, in such matters.

Yours sincerely,



Andrea Jelinek