



10.1.2020

## **EGDF response on the EDPB consultation on the data protection by design and default**

### **About EGDF**

The European Games Developer Federation e.f. (EGDF) unites national trade associations representing game developer studios based in Austria (PGDA), Belgium (FLEGA), Czechia (GDACZ), Denmark (Producentforeningen), Finland (Suomen pelinkehittäjät), France (SNJV), Germany (GAME), Malta (MVGSA), Netherlands (DGA), Norway (Produsentforeningen), Poland (PGA), Romania (RGDA), Spain (DEV), Sweden (Spelplan-ASGD), Slovakia (SGDA), Turkey (TOGED) and the United Kingdom (TIGA). All together, through its members, EGDF represents more than 2000 game developer studios, most of them SMEs, employing more than 25 000 people.

### **In general**

EGDF welcomes additional clarity the guidance document provides for the implementation of DPdDD principles.

### **Third party services**

Currently, the guidance document focuses on the data controllers' role in the implementation of privacy by design and default. Unfortunately, the cooperation with third parties is not discussed in the document widely enough, as it is at the moment only addressed under the recommendations part of the document.

Usually, a data controller has a number of third-party data processors or co-controllers they cooperate with. Controllers are heavily dependant on these third-party services that very often are of "black box" type, meaning that a controller has no visibility to specific features and functionalities of third party services. It is essential that the processors and co-controllers implement DPbDD and give sufficient information to the controller on how they have implemented these principles. Otherwise, it is not possible for the controller to assess risks or demand necessary assistance from the processor or co-controller to ensure the controllers' own compliance.

It is particularly important that technology providers implement DPbDD in their services correctly, as the controllers often rely heavily on their tools provided by them to manage personal data.

Consequently, it would be important that the guidance document addresses how principles of data protection by design and default should be taken in the account while drafting data processing agreements, how to analyze risks of using third-party service providers etc.

#### **DPbDD-seals**

EDPB should be careful not to encourage data controllers to trust too much on DPbDD-seals. It is always under the responsibility of the data controller to secure that the principles of DPbDD are sufficiently implemented and not blindly trust on the DPbDD seals as a way to fulfill the requirements. Furthermore, DPbDD seals can be easily misunderstood to mean a seal for GDPR compliance, although DPbDD is only a small part of all requirements.

For more information, please contact

Jari-Pekka Kaleva  
COO, EGDF  
[jari-pekka.kaleva@egdf.eu](mailto:jari-pekka.kaleva@egdf.eu)