







## EDPB Work Programme 2021/2022

### The European Data Protection Board

The European Data Protection Board (EDPB) is an independent European body established by the General Data Protection Regulation (GDPR). The EDPB has the following main tasks:

-  To issue opinions, guidelines, recommendations and best practices to promote a common understanding of the GDPR and the Law Enforcement Directive (LED);
-  To advise the European Commission on any issue related to the protection of personal data in the Union;
-  To contribute to the consistent application of the GDPR, in particular in cross-border data protection cases; and
-  To promote cooperation and the effective exchange of information and best practices between national supervisory authorities.

In line with the Article 29 of the EDPB Rules of procedure, the EDPB has developed its two-year work programme for 2021 and 2022, based on the EDPB Strategy 2021-2023 and the needs identified by the members as priority for stakeholders.



## Pillar I - Advancing harmonisation and facilitating compliance

As mentioned in the EDPB Strategy, in addition to providing practical and accessible guidance, the EDPB will develop and promote tools that help to implement data protection in practice, taking into account practical experiences of different stakeholders on the ground. Efforts will also go to make proactive use of the consistency mechanism, as well as of other tools in order to address potential divergences in the application of the GDPR.

- **Further guidance on key notions of EU data protection law, developed also taking into account practical experience of stakeholders, gathered through stakeholder events and consultations**



- ✓ [Guidelines on controller and processor\\*<sup>1</sup>](#)
- ✓ [Guidelines on Article 23 GDPR\\*](#)
- ✓ [Guidelines on the targeting of social media users\\*](#)
- ✓ Guidelines on data subject rights
- ✓ Guidelines on legitimate interest
- ✓ Guidelines on processing of personal data for medical and scientific research purposes
- ✓ Guidelines on children's data
- ✓ Guidance on remuneration against personal data

- **Consistency activities:** The EDPB will continue to take actions directly addressed to national supervisory authorities and which aim to ensure consistency of their decisions in a number of areas (e.g. evaluation of codes of conduct, certification schemes and criteria, binding corporate rules, creation of standard contractual clauses, lists of risky processing activities to be subject to a data protection impact assessment,...) in accordance with Article 64(1) and (2) GDPR. In addition, the EDPB will continue to act as a dispute resolution body in case of dispute between EEA supervisory authorities (Article 65(1) GDPR binding decisions; decisions/opinions in the context of an urgency procedure under Article 66 GDPR).
- **Development and implementation of compliance mechanisms for controllers and processors** (e.g. Guidelines on assessment of certification criteria)
- **Advising the EU legislator on any important issue related to the protection of personal data in the Union (e.g. Data Governance Act, ePrivacy, Anti-Money Laundering legislation, etc.)<sup>2</sup>, and intensifying engagement and cooperation with other regulators and policymakers**
- **Development of awareness-raising common tools on the GDPR for a wider audience** (e.g., tools specifically tailored for non-expert professionals, such as SMEs and data subjects)

<sup>1</sup> The items accompanied by an asterisk (\*) have already been adopted in their first version, but are to be finalised after public consultation.

<sup>2</sup> Either on the EDPB's own initiative or upon request, for instance from the European Commission. For EDPB opinions on adequacy decisions, see Pillar IV below.

## Pillar II - Supporting effective enforcement and efficient cooperation between national supervisory authorities



The EDPB will facilitate a more efficient functioning of the cooperation and consistency mechanism linking all national supervisory authorities, which work together to enforce European data protection law, by streamlining internal processes, combining expertise and promoting enhanced coordination. The EDPB will also strive to develop a genuine EU-wide enforcement culture among supervisory authorities. Therefore, it will actively endeavour to fulfil its role as a forum for the regular exchange of information on ongoing cases.

- **Encouraging and facilitating the use of the full range of cooperation tools enshrined in Chapter VII of the GDPR and Chapter VII of the LED and continuously evaluating and improving the efficiency and effectiveness of these tools, as well as further promoting a common application of key concepts in the cooperation procedure**



- ✓ Guidance on Art. 60 GDPR – One-stop-shop
- ✓ Guidance on Art. 61 GDPR – Mutual assistance
- ✓ Guidelines on Article 65 GDPR
- ✓ Guidelines on the calculation of administrative fines
- ✓ Assessment of the practical implementation of the amicable settlement

- **Implementation of the Coordinated Enforcement Framework (CEF)<sup>3</sup>** to carry out annual coordinated actions on pre-defined topics to allow SAs to pursue joint actions in a flexible but coordinated manner, ranging from joint awareness raising and information gathering to enforcement sweeps and joint investigations.
- **Implementation of the Support Pool of Experts (SPE)<sup>4</sup>**: the EDPB will launch the SPE pilot project to provide material support to EDPB Members in the form of expertise that is useful for investigations and enforcement activities, and to enhance cooperation and solidarity between EDPB Members by sharing, reinforcing and complementing strengths and addressing operational needs.

<sup>3</sup> EDPB Document on Coordinated Enforcement Framework under Regulation 2016/679 ([https://edpb.europa.eu/our-work-tools/our-documents/ovrigt/edpb-document-coordinated-enforcement-framework-under-regulation\\_en](https://edpb.europa.eu/our-work-tools/our-documents/ovrigt/edpb-document-coordinated-enforcement-framework-under-regulation_en)).

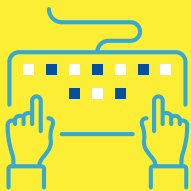
<sup>4</sup> EDPB Document on Terms of Reference of the EDPB Support Pool of Experts ([https://edpb.europa.eu/our-work-tools/our-documents/other/edpb-document-terms-reference-edpb-support-pool-experts\\_en](https://edpb.europa.eu/our-work-tools/our-documents/other/edpb-document-terms-reference-edpb-support-pool-experts_en)).



## Pillar III - A fundamental rights approach to new technologies

As mentioned in the EDPB Strategy, the EDPB will monitor new and emerging technologies and their potential impact on the fundamental rights and daily lives of individuals, and will help to shape Europe's digital future in line with our common values and rules, while continuing to work with other regulators and policymakers to promote regulatory coherence and enhanced protection for individuals.

- **Reinforcing the application of fundamental data protection principles and individual rights and establishing common positions and guidance, especially in the context of new technologies**



- ✓ [Guidelines on examples regarding Data breach notifications\\*](#)
- ✓ Guidelines on Blockchain
- ✓ Guidelines on Anonymisation and Pseudonymisation
- ✓ Guidelines on the use of facial recognition technology in the area of law enforcement
- ✓ [Guidelines on virtual voice assistants\\*](#)
- ✓ Guidelines on data protection in social media platform interfaces: practical recommendations
- ✓ Any additional guidance on legal implications relating to technological issues, such as Cloud computing, Artificial intelligence/Machine Learning, Digital Identity & Identity Federation, Data Brokers, Internet of Things, and payment methods

- **Strengthening cooperation with external stakeholders** (ENISA advisory group, ISO liaison, Contact point of the Stakeholder Cybersecurity Certification Group, etc.)



## Pillar IV - The global dimension

As mentioned in the EDPB Strategy, the EDPB is determined to set and promote high EU and global standards for international data transfers to third countries and will reinforce its engagement with the international community to promote EU data protection as a global model and to ensure effective protection of personal data beyond the EU borders.

- **Providing guidance on the use of transfer tools ensuring an essentially equivalent level of protection and increasing awareness on their practical implementation and issues relating to government access to personal data**



- ✓ Recommendations on supplementary measures (on measures that supplement transfer tools to ensure compliance with the EU level of protection of personal data)\*
- ✓ Opinions on and review of adequacy decisions (UK, Republic of Korea, review of Japan decision, any revision of 95/46 adequacy decisions...) PNR agreements (UK, Canada, Japan...)
- ✓ Guidelines on codes of conduct as a tool for international transfers  
Guidelines on certification as a tool for international transfers
- ✓ Guidelines on Article 37 LED (transfers subject to appropriate safeguards)
- ✓ Guidance on Article 48 GDPR (transfers or disclosures not authorised by Union law)
- ✓ Territorial scope (Article 3) of the GDPR and its interplay with Chapter V
- ✓ Statement on the proposed second additional protocol to the Council of Europe Convention on Cybercrime
- ✓ International agreements involving transfers, including FATCA and OECD CRS
- ✓ Approval procedure for Article 46.3(a) ad-hoc contractual clauses and Article 46.2(d) GDPR standard data protection clauses

- **Engaging with the international community to promote EU data protection as a global model and to ensure effective protection of personal data beyond EU borders**

- **Facilitating the engagement between EDPB members and the supervisory authorities of third countries with a focus on cooperation in enforcement cases involving controllers/processors located outside the EEA**

## **Annex - Documents already adopted in early 2021**

- ✓ Statement on new draft provisions of the second additional protocol to the Council of Europe Convention on Cybercrime (Budapest Convention)
- ✓ Recommendations on the adequacy referential under the Law Enforcement Directive
- ✓ EDPB Document on the response to the request from the European Commission for clarifications on the consistent application of the GDPR, focusing on health research
- ✓ EDPB-EDPS Joint Opinion on Standard contractual clauses between controllers and processors
- ✓ EDPB-EDPS Joint Opinion on Standard contractual clauses for the transfer of personal data to third countries
- ✓ Guidelines on relevant and reasoned objection under Regulation 2016/679
- ✓ Guidelines on processing personal data in the context of connected vehicles and mobility related applications
- ✓ EDPB-EDPS Joint Opinion on Standard contractual clauses for the transfer of personal data to third countries
- ✓ Guidelines on relevant and reasoned objection under Regulation 2016/679
- ✓ Guidelines on processing personal data in the context of connected vehicles and mobility related applications