



Final

## 56th Plenary meeting

13 October 2021, Remote

*Some points have been redacted from these minutes as their publication would undermine the protection of one or more of the following legitimate interests, in particular: the public interest as regards international relations; the privacy and integrity of the individual regarding the protection of personal data in accordance with Regulation 2018/1725; the commercial interests of a natural or legal person; ongoing or closed investigations; the decision-making process of the EDPB, in relation to matters upon which a decision has not yet been taken and/or the decision-making process of the EDPB, in relation to matters upon which a decision has been taken.*

### 1 Adoption of the minutes and of the agenda, Information given by the Chair

#### 1.1 Minutes of the 54th Plenary meeting – adoption

The minutes of the previous plenary meeting were adopted unanimously. The members of the EDPB also agreed on the public version of the minutes.

#### 1.2 Minutes of the 55th Plenary meeting – adoption

The minutes of the previous plenary meeting were adopted unanimously. The members of the EDPB also agreed on the public version of the minutes.

#### 1.3 Draft agenda of the 56th EDPB meeting – adoption

The draft agenda was adopted with the inclusion of two new points under AOB.

The discussions relating to agenda points 3.1 and 4.3 were declared confidential according to Art. 33 EDPB RoP.

## 2 Consistency mechanism and Guidelines

### 2.1 [KEYP ESG] Guidelines on Restrictions under Art. 23 GDPR (following public consultation) – discussion and a adoption

The rapporteur presented the background of the Guidelines on Restrictions under Art. 23 GDPR and explained the main changes. Taking into account the contributions of the different stakeholders, the KEYP ESG illustrated the document with more examples and differentiated the message towards the legislator on the one hand and the controller as well as the processor on the other. Furthermore, the Guidelines contain guidance on the application of the requirements set out in Article 23.1 GDPR. Among these, restrictions that were extensive and intrusive to the extent that they voided a fundamental right of its basic content, cannot be justified.

The members of the EDPB adopted the Guidelines on Restrictions under Art. 23 GDPR unanimously.

### 2.2 [KEYP ESG] Guidelines on children's data – request for mandate

The lead rapporteur presented the envisaged content of the Guidelines. The lead rapporteur highlighted that one of the most significant changes brought by the GDPR was the emphasis placed on the importance of protecting children's personal data. On the topic of children's issues, a number of different EDPB Guidelines had been published since 2019, addressing specific but limited aspects of processing of children's data. In addition, the development and publication by SAs of their own guidance highlighted that this may lead to variations in the approach to issues concerning the processing of children's personal data. The Guidelines aim to bring more consistency.

The mandate was unanimously adopted by the members of the EDPB.

## 3 Current Focus of the EDPB Members

### 3.1 [ENF ESG] Proposal on coordinated action of the EDPB – discussion and adoption

The rapporteur presented to the EDPB members the state of play of the proposal of the first annual coordinated action of the EDPB namely the Use of Cloud Based Service by Public Bodies.

The proposal should be considered as a starting point for the action. The document provides flexibility to adapt the plan based on the input of the participants. Thus, the scope of the action takes into account the specific governmental structure of some Member States and the action will be geared towards central governments or equivalents. More generally, the proposal further elaborates on the scope of the action, the objectives to be achieved, the desired methodology, and the approach to progress, reporting and outcomes.

Several members indicated their interest to participate to the CEF without being necessarily involved in the ENF ESG.

The proposal was unanimously adopted by the members of the EDPB.

## 4 AOB

### 4.1 Support Pool of Experts

The EDPB Secretariat gave a brief update on the support of Experts (SPE). The SPE will provide support in the form of expertise for investigations and enforcement activities of common interest to SAs and will enhance cooperation and solidarity by reinforcing and complementing the strengths of individual SAs and addressing operational needs.

The EDPB Secretariat intends to reach out to EDPB members to appoint contact points within the SAs. At this stage, the role of those contact points will be mainly to share information internally on the SPE and to provide input for the work plan and the gap analysis.

### 4.4 Terrorist Finance Tracking Program (TFPT)

The Agreement on the processing and transfer of Financial Messaging Data from the European Union to the United States for the purposes of the Terrorist Finance Tracking Program (TFPT) provides for regular reviews to be conducted by teams, consisting of representatives from both the US and the EU. The sixth joint review will take place from 26 - 28 January 2022.

The EU COM called for two representatives of SAs to participate in this review.

The Chair invited the members to share names of candidates with the EDPB Secretariat.

The remote December plenary meeting will take place on 14 December.

## Annex: Attendance List

### **SAs:**

AT SA, BE SA, BG SA, CY SA, CZ SA, DE SA, DK SA, EDPS, EE SA, EL SA, ES SA, FI SA, FR SA, HR SA, HU SA, IE SA, ISSA, IT SA, LI SA, LT SA, LU SA, LV SA, MT SA, NL SA, NO SA, PL SA, PT SA, RO SA, SE SA, SI SA, SK SA

- European Commission

- EFTA Surveillance Authority

- Observers: AL, MD. In line with Art. 8 of the EDPB RoP, the observers were present during the plenary meeting except for points 3.1 of the agenda.

- EDPB Secretariat