

## European Data Protection Board (EDPB) Specific Privacy Statement (SPS)

### **Processing of personal data for the purpose of providing a public register containing final decisions taken by national supervisory authorities following the One-Stop-Shop cooperation procedure (Art. 60 GDPR)**

Last updated: May 2022

#### **Index**

1. Introduction
2. What personal data do we collect, for what purpose, and through which technical means?
3. Who has access to your personal data and to whom is it disclosed?
4. How do we protect and safeguard your personal data?
5. How can you verify, modify or delete your personal data?
6. For how long do we keep your personal data?
7. What is the time limit for addressing your data subject rights' request?
8. Who can you contact to ask questions or exercise your rights?
9. Complaints

#### **1. Introduction**

The number of national enforcement proceedings concerning cross-border data processing activities is constantly increasing, with many being resolved by application of the so-called One-Stop-Shop mechanism under Articles 56 and 60 GDPR.

As a result, the EDPB members agreed to publish a register on the EDPB website containing final decisions adopted by the national supervisory authorities in the European Economic Area (SAs) following the One-Stop-Shop procedure and communicated to the EDPB via the IMI system (in accordance with Article 60(7) GDPR). The public register contains final decisions as adopted by the SAs, together with summaries of these decisions. The summaries are prepared by the EDPB Secretariat and validated by the responsible SAs. The inclusion of personal data in both summaries and final decisions is subject to a decision taken by each SA, in accordance with their national law. Thus, the register provides the maximum information possible taking into consideration any limitations imposed by national law. The purpose of this register is to provide an additional layer of transparency towards final decisions issued by SAs in the context of the cooperation mechanism, through their publication on a centralised register, together with - where relevant - summaries of the final decisions. This allows the general public to have a better understanding and overview of the decisions taken by SAs.

The EDPB acts as sole controller for the processing operations required for the One-Stop-Shop final decisions register, which take place during the preparation and publication of such register. The European Commission, as service provider of the EDPB website, and the European Parliament, as technical service provider, both act as processors.

The lawfulness of processing is ensured by compliance with Article 5(1)(a) (“processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body”) of Regulation 2018/1725. As required by Article 5(2) of such Regulation, the basis for the processing shall be laid down in Union law. In this case, the basis for the publication in the register is Article 15 of the Treaty on the Functioning of the European Union, in particular paras. (1) and (3), and Article 12 of Regulation 1049/2001, which mandates, where possible, an active/direct publication of documents.

Where the EDPB is required to process data in relation to the Article 60 Final Decisions register for the purposes of audits and investigations by relevant EU bodies (e.g., European Court of Auditors), requests for access to documents under Regulation 1049/2001, and/or requests for data subject rights under Regulation 2018/1725, the lawfulness of said processing rests on Article 5(1)(b) and (2) of Regulation 2018/1725.

## **2. What personal data do we collect, for what purpose and through which technical means?**

### ***2.1 Processed personal data***

In order to publish the final decisions and summaries, the EDPB processes the following personal data:

- )] Name, surname, email, postal address, professional work title, name of organisation and any other personal data of controllers and/or complainants, as well as any other natural persons mentioned in the final decisions of the SAs.
- )] Name, surname, email, postal address, professional work title and any other personal data of the SAs’ staff members, directors and/or representatives contained in the final decisions of the SAs or communicated to the EDPB by the SAs.

### ***2.2 Purpose of the processing***

The purpose of the processing is to:

- )] Provide legal certainty and maximum transparency with regard to the functioning of the One-Stop-Shop procedure introduced by the GDPR through the publication on a centralised register, together with - where relevant - summaries of final decisions issued by SAs in this context. This allows the general public to have a better understanding and overview of the decisions taken by SAs.

### 2.3 Technical means

The EDPB is informed of final decisions issued by SAs through the IMI system<sup>1</sup>. The EDPB uses technical means to redact the final decisions and draft the summaries, which, once validated, are published on the EDPB website.

### 3. Who has access to your personal data and to whom is it disclosed?

The following entities have access to your information:

- ) The EDPB Secretariat's staff members, on a need-to-do and need-to-know basis. This includes, but it is not limited to, the EDPB DPO, Legal, IT and Access to documents teams, in order to redact the final decisions in accordance with national law (where relevant) and to prepare the summaries of the final decisions;
- ) The European Commission (DG DIGIT), acting as processor, where necessary for the management of the EDPB website;
- ) The European Parliament, acting as processor for the provision of technical services, where necessary;
- ) EU bodies charged with monitoring or inspection tasks in application of EU law, where necessary in the context of official investigations or for audit purposes;
- ) Members of the public in the context of requests for access to documents, where the relevant exceptions do not apply, in accordance with Regulation 1049/2001;
- ) The general public.

### 4. How do we protect and safeguard your personal data?

All final decisions are subject to a very careful assessment regarding the publication, in the register, of any personal data, either in full or pseudonymised format, concerning the controller, the complainant or any natural person involved in the process. Disclosure of the personal data of data subjects is subject to national legal provisions applicable by SAs. As a result, where such disclosure is not possible, final decisions and the respective summaries (where produced) are pseudonymised (through redaction of the final decisions). All decisions, redacted or not, as well as any summaries, are subject to the lead SA's approval before publication.

All personal data handled by the EDPB is kept on restricted, password-protected servers, available only to EDPB staff and EDPB members, on a need-to-know and need-to-do basis. Physical access to the premises of the EDPB is protected, and restricted to authorised personnel.

---

<sup>1</sup> Established by REGULATION (EU) No 1024/2012 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation').

In case of request, personal data can only be disclosed to recipients other than EU institutions and bodies in compliance with Article 9 of Regulation 2018/1725, and provided that the data subjects have been informed about the processing and about their right to object (Articles 15-16 and 23 of such Regulation).

## **5. How can you verify, modify or delete your personal data?**

You have the right to request from the controller (the EDPB) access to, rectification or erasure of your personal data, restriction of the processing concerning yourself or, where applicable, the right to data portability. Please note that the rights provided to data subjects are not absolute rights and may be subject to exceptions, which are applied on a case-by-case basis.

You can object to the processing of your personal data on grounds relating to your particular situation, by stating said grounds in an email sent to the controller (see sections 8 and 9 below for more details). If the controller (the EDPB) is not able to demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, it will remove the personal data categories indicated in section 2.1 above.

To exercise your rights as a data subject, see sections 8 and 9 of this SPS below.

## **6. For how long do we keep your personal data?**

Published final decisions and summaries containing personal data are kept on the EDPB website for periods of three years, counting from the date of publication. Before the end of each period, the EDPB will determine the need to continue ensuring the publication of the decisions and summaries for an additional three-year period.

The EDPB can decide, at any time, to remove documents from its website and keep them in its files, which are subject to the approved retention schedules and can be considered of historical value and kept for an undetermined period. Where of specific historical value and relevant for the public, the EDPB may leave the final decisions online, but with an archived status (and subject to specific archiving retention periods).

## **7. What is the time limit for addressing your data subject rights' request?**

The time limit for treating your request and modifying the database fields is one month. This period may be extended by two further months where necessary, taking into account the complexity and the number of the requests. In those cases, the EDPB will inform you of the extension within one month of receipt of your request and will provide reasons for the delay.

## 8. Who can you contact to ask questions or exercise your rights?

In case you have questions, or wish to exercise your rights as a data subject, please contact the European Data Protection Board, using the following contact information:  
[edpb@edpb.europa.eu](mailto:edpb@edpb.europa.eu).

You can also directly contact the EDPB Data Protection Officer at the EDPB contact page, on our [website](#) (selecting the option “Requests for the EDPB DPO”).

For the contact details of EEA SAs, please check the EDPB website (“[About EDPB / Our Members](#)”).

## 9. Complaints

Whilst we encourage you to always contact us first, you have the right to address a complaint, to the European Data Protection Supervisor (EDPS), using the following contact information:

European Data Protection Supervisor (EDPS)  
Rue Wiertz 60  
B-1047 Brussels, Belgium  
[edps@edps.europa.eu](mailto:edps@edps.europa.eu)  
<https://edps.europa.eu/>

DRAFT