



Launch of coordinated enforcement on role of data protection officers

BayLDA participates in the second coordinated enforcement of the European Data Protection Authorities

Almost five years after the General Data Protection Regulation (GDPR) entered into force, the European coordinated enforcement action of the European Data Protection Authorities (DPA) is launched today. Coordinated by the [European Data Protection Board \(EDPB\)](#), the position and tasks of the data protection officers is under supervision of DPAs. Data protection officers are one of the cornerstones of data protection in companies and public authorities. They have been established as a central innovation with the GDPR in the rest of the Member States.

Michael Will, President of the BayLDA, explains the objective of the coordinated action: "For us, the data protection officers have always been more than just the first contact points for the supervisory authority. They are the guarantors of data protection in everyday life, especially for small and medium-sized enterprises. They contribute to the success of digitization that respects data protection every day. The GDPR further strengthened their position in the company as advisory and supervisory body. The coordinated enforcement action provides the framework for a detailed analysis of today's operational conditions and the exchange of data protection authorities on possible improvements or corrective measures. We will evaluate the results of our investigations as soon as possible and make our conclusions usable for all of the more than 36,000 data protection officers communicated to us."

Background:

At its inaugural meeting on 25 May 2018, the EDPB had already adopted [Guidelines on Data Protection Officers](#), which, together with several recent decisions of the European Court of Justice, e.g. of [22 June 2022](#) and [27 October 2022](#), provide benchmarks for the joint action of the DPAs. In addition to skills and questions on resource allocation, the audit focuses on possible impairments to the independent and effective performance of tasks. Also, the exercise of additional functions can lead to conflicts of interest, in particular the additional function as compliance officer, IT manager or HR manager. Particular attention is also paid to the requirement that data protection officers report directly to the highest management level of the controller or processor. President Will says: "Based on our enforcement powers, we will focus on the conditions of action of the company's data protection officers and will study organizational charts and annual reports submitted by the data protection officers. We will question how the requirement of immediate reporting rights at all times is met when data protection officers can only approach the management via a so-called dotted line across different hierarchical levels. We want to obtain a clear picture of the situation of the data protection organization and counter wrong developments."