



Final

78th Plenary meeting

13 April 2023, Remote

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

1.1 Draft agenda of the 78th EDPB meeting – adoption

The draft agenda was adopted without modifications.

The discussions relating to agenda points 2.1 and 3.1 were declared confidential according to Art. 33 EDPB RoP.

2 Consistency mechanism and Guidelines

2.1 Binding Decision on the dispute arisen on the draft decision of the Irish SA on transfers of personal data carried out by Meta Platforms Ireland Limited in the context of their Facebook service (Art. 65(1)(a) GDPR) – discussion and adoption

The lead rapporteur presented the draft binding decision which was discussed in the course of several ENF ESG meetings. The EDPB Secretariat recalled the conclusions agreed at the SAESG meeting and the concrete instructions included in the draft Binding Decision to the IE SA.

The EDPB members decided that the order to bring processing operations into compliance should take effect on the date of notification of the IESA's final decision to Meta IE.

The Binding Decision was adopted by EDPB members.

27 EU members of the EDPB voted in favour of adoption. 1 EU member of the EDPB abstained. The 2 present EEA members of the EDPB voted in favour of adoption.

The Chair of the EDPB and the EDPB Secretariat underlined that the content of the Binding Decision cannot be made public until the moment the controller is notified by the IE SA and the Binding Decision is published on the EDPB website.

24/05/2023

3 AOB

3.1 IT SA Update: ChatGPT

The IT SA provided an update on the actions taken regarding ChatGPT.

The EDPB members discussed the importance of exchanging information and cooperating regarding this type of actions in order to ensure consistency in the enforcement of the GDPR and streamline the enforcement actions.

The EDPB members decided to launch a dedicated task force to exchange information and to foster cooperation on possible enforcement actions about Open AI's Chat GPT.

The EDPB Secretariat will further liaise with the EDPB members in order to gather participants from SAs interested in joining the task force.

The EDPB members also agreed to prepare a mandate on generative AI, in order to entrust one of the EDPB expert subgroups to work on this topic.

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, IS SA, IT 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

- EDPB Secretariat