



Report on the application of the GDPR under Article 97

Questions to Data Protection Authorities / the European Data Protection Board

Fields marked with * are mandatory.

1 Introduction

According to Article 97 of the GDPR, the Commission should submit a first report on the evaluation and review of the Regulation to the European Parliament and the Council by 25 May 2020, followed by reports every four years thereafter. The Commission's first report was adopted on 24 June 2020 (the '2020 report'). [1] The next report is due by mid 2024 (the '2024 report').

In this context, the Commission should examine, in particular, the application and functioning of:

- Chapter V on the transfer of personal data to third countries or international organisations with particular regard to decisions adopted pursuant to Article 45(3) of this Regulation and decisions adopted on the basis of Article 25(6) of Directive 95/46/EC; and
- Chapter VII on cooperation and consistency.

The GDPR requires that the Commission takes into account the positions and findings of the European Parliament and the Council, and of other relevant bodies and sources. The Commission may also request information from Member States and supervisory authorities.

Against this background, this document seeks to obtain the views of the European Data Protection Board on the abovementioned points. As was also done for the 2020 report, this document also seeks to obtain information from data protection authorities (DPAs) on their enforcement of the GDPR and on activities undertaken to promote awareness of data protection rights and obligations.

We would be grateful to receive replies to the below questions (in English) by **15 December 2023**.

In 2020, the European Data Protection Board provided a consolidated contribution of the individual replies of the DPAs to the questionnaire circulated in preparation of the 2020 report.[2] The Commission would be grateful if the Board would again provide such a contribution, in addition to providing the individual replies of DPAs. When there are several DPAs in a given Member State, please provide a consolidated reply at

national level. In the context of the preparation of the report, and following the input from other stakeholders, it is not excluded that we might have additional questions at a later stage.

Please note that your replies might be made public or may be disclosed in response to access to documents requests in accordance with Regulation (EC) No 1049/2001.

[1] Communication from the Commission to the European Parliament and the Council, Data protection as a pillar of citizens' empowerment and the EU's approach to the digital transition - two years of application of the General Data Protection Regulation, 24.6.2020 COM(2020) 264 final.

[2] https://edpb.europa.eu/sites/default/files/files/file1/edpb_contributiongdprevaluation_20200218.pdf

2 Supervisory Authority

* 2.1 Select your supervisory Authority

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- EDPS
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Iceland
- Ireland
- Italy
- Latvia
- Liechtenstein
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Norway
- Poland
- Portugal
- Romania
- Slovakia
- Slovenia
- Spain

3 Chapter V

*** 3.1 In your view, should the data protection framework of any third country or international organisation be considered by the Commission in view of a possible adequacy decision?**

Yes

No

*** 3.2 If yes, of which third country or international organisation ?**

At this stage, CPDP does not have specific suggestion for a country or international organisation.

*** 3.3 The Commission is interested in the views of the Board on the third countries for which enforcement cooperation agreements under Article 50 GDPR should be prioritised, in particular in light of the volume of data transfers, role and powers of the third country's supervisory authority and the need for enforcement cooperation to address cases of common interest. Please mention the countries that, in your view, should be prioritised and the reasons.**

At this stage, Commission for Personal Data Protection doesn't have preferences towards any particular country.

3.4 Reasons for prioritisation if there should be any:

N/A

3.5 Are there any other suggestions or points you would like to raise as regards tools for international transfers and/or enforcement cooperation with foreign partners?

At this stage, CPDP doesn't have suggestions on the international transfers and enforcement cooperation tools.

4 Chapter VII

In July 2023, the Commission adopted a proposal for a regulation laying down additional procedural rules relating to the enforcement of the GDPR.[1] The DPAs and the EDPB provided extensive input to the Commission during the preparation of the proposal and following adoption, the EDPB and the EDPS adopted a joint opinion on the proposal on 19 September 2023.[2] The questions below focus on DPAs' application and enforcement of the GDPR and do not seek DPAs' views on the proposal.

[1] *Proposal for a Regulation of the European Parliament and of the Council laying down additional procedural rules relating to the enforcement of Regulation (EU) 2016/679, COM/2023/348 final.*

[2] https://edpb.europa.eu/our-work-tools/our-documents/edpb-edps-joint-opinion/edpb-edps-joint-opinion-012023-proposal_en

4.1 Cooperation Mechanism

4.1.1 One-stop-shop (OSS) – Article 60 GDPR

The EDPB Secretariat will extract from IMI the numbers regarding the OSS cases where your DPA has been in the lead and concerned since 25 May 2018

The EDPB Secretariat will extract from IMI the numbers regarding whether your DPA has been in the situation of the application of the derogation provided for in Article 56(2) GDPR (so-called “local cases”, i.e. infringements or complaints relating only to an establishment in your Member State or substantially affecting data subjects only in your Member State).

4.1.1.1 Do you have any comment to make with respect to the identification and handling of local cases under Article 56(2) GDPR?

- Yes
- No

*** 4.1.1.3 Did you raise relevant and reasoned objections?**

- Yes
- No

4.1.2 Mutual assistance – Article 61 GDPR

*** 4.1.2.1 Did you ever use Mutual Assistance - Article 61 procedure in the case of carrying out an investigation?**

- Yes
- No

*** 4.1.2.3 Did you ever use Mutual Assistance - Article 61 procedure in the case of monitoring the implementation of a measure imposed in another Member State?**

- Yes
- No

*** 4.1.2.5 What is your experience when using Mutual Assistance - Article 61 procedure?**

We have a positive experience, mainly with regard to exchanging information and documents.

4.1.3 Joint operations – Article 62 GDPR

*** 4.1.3.1 Did you ever use the Joint Operations - Article 62 procedure (both receiving staff from another DPA or sending staff to another DPA) in the case of carrying out an investigation?**

- Yes
- No

*** 4.1.3.2 Could you explain why you have never used Joint Operations - Article 62 procedure for carrying out an investigation?**

We have insufficient human resources, mainly concerning the CPDP's control activity.

*** 4.1.3.3 Did you ever use Joint Operations in the case of monitoring the implementation/enforcement of a measure imposed in another Member State?**

Yes

No

*** 4.1.3.4 Could you explain why you have never used Joint Operations - Article 62 procedure for implementation/enforcement of a measure imposed in another Member State?**

We have insufficient human resources, mainly concerning the CPDP's control activity.

4.2 Consistency mechanism

4.2.1 Urgency Procedure – Article 66 GDPR

*** 4.2.1.1 Did you ever adopt any measure under the urgency procedure?**

Yes

No

4.3 European Data Protection Board

The EDPB Secretariat will provide an indicative breakdown of the EDPB work according to the tasks listed in Article 70 GDPR and of the EDPB Secretariat resources allocated to complete the tasks listed in Article 75 GDPR, including on Article 64, 65 and 66 GDPR procedures, as well as on litigations.

4.3.1 How much resources (Full-time equivalent) does your DPA allocate to participation in EDPB activities?

	FTE
2020	7
2021	7
2022	7
2023	7
2024 (Forecast)	7

4.4 Human, technical and financial resources for effective cooperation and participation to the consistency mechanism

4.4.1 How many staff (full-time equivalent) has your DPA?

	FTE	Comments
2020	65	insufficient
2021	73	insufficient
2022	75	slight increase, still insufficient
2023	77	slight increase, still insufficient
2024 (Forecast)	102	Even with this increase the human resources are insufficient, because the number of complaints and signals, which require on-site inspections has increased in 80% of the cases. The same can be concluded with regard to the inspections, based on data breach notifications.

4.4.2 What is the budget of your DPA? Please provide the figures (in euro)

	BUDGET (€)
2020	1 506 800
2021	1 598 803
2022	1 908 499
2023	3 571 374
2024 (Forecast)	3 018 977

*** 4.4.3 Is your DPA dealing with tasks beyond those entrusted by the GDPR, including under the new EU legislation adopted under the Data Strategy?**

Yes

No

*** 4.4.4 Please provide an indicative breakdown between those tasks and those entrusted by the GDPR.**

In January 2023 the Bulgarian National Assembly adopted Law on protection of persons, submitting reports or publicly disclosing information on breaches with which are transposed the provisions of Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law, amended with Regulation (EU) 2020/1503. In the law are foreseen obligations for establishing internal and external channels for submitting information about breaches and appoints CPDP to act as central authority for the external reports submission.

Under this act the CPDP has to make structural changes in its administration and establish a new directorate to handle such reports. CPDP has also adopted a report submission forms, an ordinance 1/27 July 2023 on the registers of the reports under Art. 18 of the Law on protection of persons, submitting reports or publicly disclosing information on breaches and for forwarding internal reports to the CPDP, as well as, a methodology for admission, registration and handling of reports, received by the persons concerned under the Law on protection of persons, submitting reports or publicly disclosing information on breaches.

4.4.5 Please explain, if needed:

4.4.6 How would you assess the sufficiency of the resources from your DPA from a human, financial and technical point of view?

	Sufficient	Insufficient
* Human Resources		
* Financial resources		
* Technical Means		

*** 4.4.7 is your DPA properly equipped to contribute to the cooperation and consistency mechanisms?**

Yes

No

*** 4.4.8 How many persons (FTE) work on the issues devoted to the cooperation and consistency mechanisms?**

5 Enforcement

5.1 Complaints

5.1.1 The number of complaints (excluding requests for information) received by your DPA.

	2018	2019	2020	2021	2022	2023
Number of Complaints	784	1600	1279	1327	1164	1140

5.1.2 The number of complaints where your DPA was in the lead

	2018	2019	2020	2021	2022	2023
The number of complaints received directly from complainants	0	0	0	0	0	0
The number of complaints received from another DPA through the OSS.	0	0	2	2	7	7

5.1.3 The number of complaints received by your DPA and forwarded to the lead DPA.

	2018	2019	2020	2021	2022	2023
Number of Complaints	0	1	1	5	4	7

5.1.4 The number of complaints relating to national cases resolved through a decision adopted by your DPA.

	2018	2019	2020	2021	2022	2023
Number of Complaints	552	955	374	629	648	317

5.1.5 The number of complaints relating to cross-border cases, resolved through an Article 60 GDPR decision adopted by your DPA[1]. Please indicate a breakdown of the decisions adopted under Article 60(7), (8) or (9) GDPR.

[1] This does not include amicable settlements.

	2018	2019	2020	2021	2022	2023
Number of complaints resolved through an Article 60(7) GDPR decision	No statistic	No statistic	No statistic	No statistic	No statistic	8
Number of complaints resolved through an Article 60(8) GDPR decision	No statistic	No statistic	No statistic	No statistic	No statistic	0
Number of complaints resolved through an Article 60(9) GDPR decision	No statistic	No statistic	No statistic	No statistic	No statistic	0

5.1.6 The total number of complaints resolved through amicable settlement

	2018	2019	2020	2021	2022	2023
Number of Complaints	0	0	0	0	0	0

*** 5.1.7 What kind of communication or request do you qualify as a complaint?**

Any case, in which the data subject's personal data protection rights have been violated.

5.1.8 For complaints handled by your DPA which you consider to be closed, provide the average and the median time (in months) from receipt of the complaint (either directly from the complainant or from another DPA) to closure (e.g. by decision or amicable settlement).

	In months
Average Time	No statistic
Median Time	No statistic

5.2 Own-initiative investigations

5.2.1 The number of “own-initiative” investigations launched by your DPA since 25 May 2018

	2018	2019	2020	2021	2022	2023
Number of Complaints	0	1	0	10	49	41

5.2.2 The number of these investigations that you consider to be closed. Provide the average and the median time (in months) from launch of the investigation to closure.

	2018	2019	2020	2021	2022	2023
Average Time	No statistic	No statistic	No statistic	No statistic	No statistic	No statistic
Median Time	30	80	62	60	63	91
Total number of closed investigations	358	955	742	714	750	820

5.3 Corrective measures

5.3.1 The number of decisions in which you used your corrective powers [1]

[1] Please reply per number of decisions, not per number of corrective powers used per decision. For instance, if one decision ordered both a ban and a fine, please reply "1".

	2018	2019	2020	2021	2022	2023
Number of Decisions	52	168	208	214	258	165

5.3.2 The number of times you used any other corrective power than fines. Please specify the type of measure by reference to Article 58(2) GDPR

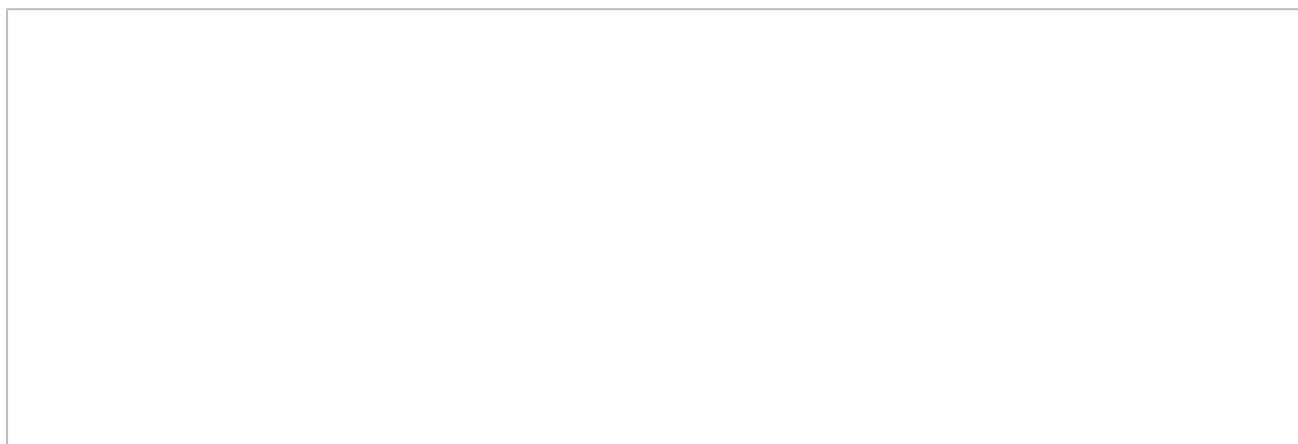
	2018	2019	2020	2021	2022	2023
Issue warnings to a controller or processor that intended processing operations are likely to infringe provisions of this Regulation	0	3	1	19	9	11
Issue reprimands to a controller or a processor where processing operations have infringed provisions of this Regulation	37	27	11	21	41	16
Order the controller or the processor to comply with the data subject's requests to exercise his or her rights pursuant to this Regulation	1	3	6	6	7	1
Order the controller or processor to bring processing operations into compliance with the provisions of this Regulation, where appropriate, in a specified manner and within a specified period	20	60	124	121	157	118
Order the controller to communicate a personal data breach to the data subject	0	0	1	0	0	0
Impose a temporary or definitive limitation including a ban on processing	0	0	1	1	1	1

Order the rectification or erasure of personal data or restriction of processing pursuant to Articles 16, 17 and 18 and the notification of such actions to recipients to whom the personal data have been disclosed pursuant to Article 17 (2) and Article 19	1	0	2	1	1	1
Withdraw a certification or to order the certification body to withdraw a certification issued pursuant to Articles 42 and 43, or to order the certification body not to issue certification if the requirements for the certification are not or are no longer met	0	0	0	0	0	0
Order the suspension of data flows to a recipient in a third country or to an international organisation.	0	0	0	0	0	0

5.3.3 The number of fines you imposed

	2018	2019	2020	2021	2022	2023
Number of Fines	17	78	63	44	47	61

5.3.4 Please provide examples of the type of circumstances and infringements that normally resulted in a fine and include the provisions of the GDPR breached.

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5.3.5 The average and median level of fines and the total amount of fines imposed by your DPA

	2018	2019	2020	2021	2022	2023
Total amount of fines (€)	186 775	3 633 240	530 414	224 023	652 971	70 756
Average level of fine	No statistic	302 344	33 151	18 242	54 414	5 426
Median level of fine	No statistic	No statistic	No statistic	No statistic	No statistic	No statistic

5.4 Challenges to decisions in national courts

5.4.1 How many of your decisions finding an infringement of the GDPR have been challenged in national courts? Please provide the absolute figure and the percentage.

	Absolute figure	%
Decisions finding an infringement of GDPR challenged in national court	225	No statistic
Successful challenges	207	No statistic

* 5.4.2 Where challenges were successful, what were the reasons of the national courts?

The reasons for successful challenges depend on the case. For example, CPDP had a case of published personal data from public register for journalistic purposes, which led to a challenge in the Supreme Administrative Court, which was of opinion that personal data can be published on the ground of public interest to the extent where is necessary and in appropriate amount and disproportional intervention in the individuals' personal life should be avoided especially when re-using information from public registers.

6 Promoting awareness of rights and obligations

* 6.1 Provide details of activities undertaken (publication of guidance, publicity campaigns, etc.) to promote awareness of data protection rights and obligations among the public and data controllers and processors. Where relevant, provide links to materials.

Relevant information about our awareness rising activities and data protection rights promotion can be found on the CPDP's official site on the following link:

<https://www.cdpd.bg/en/index.php> - in English

With regard to the specific activities, we would like to provide the following information per years from 2018-2023

2018- „Awareness campaign” in four cities in Bulgaria – Plovdiv, Veliko Tarnovo, Varna and Burgas, from February till April 2018- https://www.cdpd.bg/en/index.php?p=news_view&aid=1194 (in English)

- T4DATA: Training Data Protection Authorities and Data Protection Officers' under the Rights, Equality and Citizenship Programme of the European Union with partnership from the DPAs of Italy, Spain, Poland and Croatia

- E-OpenSpace – European innovative open platform for electronic exchange of information and sustainable provision of education for adults in the field of personal data protection and privacy- with partnership from Italy, Poland and Croatia

2019- T4DATA: Training Data Protection Authorities and Data Protection Officers' under the Rights, Equality and Citizenship Programme of the European Union with partnership from the DPAs of Italy, Spain, Poland and Croatia- published guide for the DPOs on the Regulation (EU) 2016/679 implementation and specialized training for data protection officers in the public sector in Burgas, Sofia, Plovdiv and Veliko Tarnovo.

- E-OpenSpace – European innovative open platform for electronic exchange of information and sustainable provision of education for adults in the field of personal data protection and privacy- with partnership from Italy, Poland and Croatia- intellectual products- Guide for the electronic realization of informal personal data protection digital trainings, General study plan, Open educational resources for informal data protection digital training, single pilot platform for trainings, coordination and cooperation between the participating DPA.

- Study of the challenges of SME and their associations by the GDPR application- organized 13 trainings in Blagoevgrad, Wratsa, Plovdiv, Sofia, Varna, Burgas, Pleven and Veliko Tarnovo, international conference on the SME challenges by the GDPR application and the free mobile application “GDPR in your pocket”- with interface suitable for both Android and iOS systems and information accessible in three languages- Bulgarian, Italian and English.

- AI-Trans: Increasing AI Transparency Through Digital Alternative Learning of Privacy Training under the Erasmus + program with focus on the privacy and personal data protection when using new technologies, specifically AI and Internet of Things (IoT) with participation of 3 other countries- Italy, Poland and Moldova. 2020- SMEDATA- Ensure the highest level of protection of privacy and personal data under the Rights, Equality and Citizenship Programme- published guides on:

- Personal data processing by SME in accordance with the requirements set as a result of the Covid-19 pandemic;

- Good practices of SME personal data processing

- Pseudonymisation, security and personal data breaches

Also prepared is a SME internet based self-evaluation instrument.

2021- Guidelines of the CEC (Central Election Commission) and CPDP on the processing and protection of personal data in the election process- [https://www.cdpd.bg/userfiles/file/Documents_2021](https://www.cdpd.bg/userfiles/file/Documents_2021/Joint_Instructions_CEC-CPDP_2021_En.pdf)

/Joint_Instructions_CEC-CPDP_2021_En.pdf- in English

- SMEDATA II- Ensure the highest level of protection of privacy and personal data- upgrading the GDPR in your pocket application and the official site of the project "smedata.eu"- for individuals with reduced vision.

- AI-Trans: Increasing AI Transparency Through Digital Alternative Learning of Privacy Training- 8 educational modules on IoT technical concepts, smart appliances, medical and fitness carry on appliances, smart games, dark patterns etc. Also published is a Code for best practices of the private sphere DPOs on confidentiality.

2022- SMEDATA II- 3 trainings in Varna, Plovdiv and Sofia and 6 explanatory training events in Italy and Bulgaria for the SME and international conference Future Opportunities for Privacy Minded Enterprises in Brussels.

- VR-eOpenSpace – Open Space Virtual Reality Learning and Education- preparation of chat bot and virtual reality instrument in order to promote the data protection among young people- with partners from Croatia, Serbia, Greece, Italy, Moldova and Romania