

Minutes



Final

36th Plenary meeting

23 July 2020, 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

1.1 Minutes of the 35th EDPB meeting – adoption

The minutes were adopted unanimously.

1.2 Draft agenda of the 36th EDPB meeting – adoption

The draft agenda was adopted unanimously without modifications.

2 Current Focus of the EDPB Members

2.1 FAQs regarding clarifications of the consequences on the Schrems II judgement – discussion and adoption

Firstly, the discussion revolved about the format of the document and the level of detail provided. The importance to provide clarity and useful guidance to the public was also underlined by several members of the EDPB. In this regard, after some discussion regarding the possibility to reflect further on the document, the members of the EDPB decided to aim at adopting the document on that day.

Afterwards, the discussions revolved around the content of the document. The members of the EDPB decided to include an introductory paragraph to clarify that the document will be further developed and complemented and to include the hyperlinks to the relevant documents.

The EDPB members agreed that the document will be finalised by the Secretariat in charge if making the last language checks. The document was adopted unanimously with one abstention.

2.3 Update on [REDACTED] investigation – information

The [REDACTED] SA followed up on the presentations given during a previous EDPB Plenary meeting and updated the information given to the EDPB members regarding the ongoing case. The EDPB members took note of the information given.

3 FOR DISCUSSION AND/OR ADOPTION – Expert Subgroups and Secretariat

3.1 Key Provisions ESG - Guidelines on the concept of controller and processor in the GDPR – discussion and adoption

The matter was postponed to the next plenary meeting.

3.2 Social Media ESG - Guidelines on the targeting of social media users – discussion and adoption

The matter was postponed to the next plenary meeting.

3.3 Secretariat

3.3.1 September plenary meeting – discussion (Rapporteur: SEC)

The EDPB members decided that the September Plenary meeting will take place fully remotely, being the date flexible.

With regard to the strategic training, the members of the EDPB decided to also have a remote event.

3.3.2 Legal studies:

On topic 7, the selection of countries to be included in the scope will be discussed within the BTLE ESG at a later stage.

3.4 RoP Drafting Team - Internal guidance on the drafting of plenary minutes – discussion and adoption

The matter was postponed to the next plenary meeting.

3.5 Coordinators ESG - Focus of the ESG until spring 2021 – written state of play

The matter was not discussed, since it was a written state of play.

4 AOB

4.1 Updates on GPA COVID 19 Taskforce

The rapporteur presented the topic and is prepared to provide further details in writing. The EDPB members took note of the information given.

4.2 Confidentiality of documentation

The rapporteur recalled the need to observe confidentiality of documentation exchanged in connection with ongoing investigations, in the interest of continued cooperation.

4.3 Sector inquiry smart-TV – state of play

The rapporteur presented the topic and is prepared to provide further details in writing. The EDPB members took note of the information given.

4.4 NEW - BCR opinions in light of the Schrems II judgement

The members decided to include a caveat in the BCR opinions, based on the text adopted regarding the FAQ on the Schrems II judgement. Two options were presented and the members of the EDPB agreed on adding the second option to the BCR opinions.

The two opinions will be amended with the introduction of the paragraph and the written procedure will be launched on 24 July 2020.

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, 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

- EDPB Secretariat