



Final

100th Plenary meeting

17 December 2024, 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.

I. Adoption of the minutes and of the agenda, Information given by the Chair

I.1. Draft agenda of the 100th EDPB meeting

The draft agenda was adopted with the inclusion of a new point under AOB from the European Commission.

The discussions relating to agenda point B.1.1 were declared confidential in accordance with Art. 33 EDPB RoP.

A. Agenda items for adoption

The Chair introduced the following A item for adoption:

A.1 Reply to the open letter to the EDPB on the United Nations Convention against Cybercrime (Borders, Travel & Law Enforcement ESG).

There was no request to discuss the proposed A item and it was adopted unanimously.

B. Agenda items for discussion

B.1. Agenda items for discussion in view of adoption

B.1.1 Article 64(2) opinion on certain data protection aspects related to the processing of personal data in the context of AI models (Technology and Key Provisions ESGs)

Adopted: 11/02/2025

The EDPB Chair recalled the background of the request by the IE SA focusing on certain data protection aspects of the development and deployment of AI models. The Chair underlined that, by adopting this opinion, the EDPB will send a positive and constructive message on AI matters. The Chair noted that the opinion also aims at providing consistency and common ground at EU level, which is important for the enforcement activities of the DPAs.

The Chair reminded the Board that the EDPB Secretariat received letters from stakeholders and a stakeholder event was organised. The Chair also recalled that the drafting team also set up a meeting with the AI office to discuss the matter and that EU Commissioner for Justice McGrath had mentioned the importance of this opinion.

The Chair informed the EDPB members that, if adopted, the EDPB would provide shortly a press release on the matter together with the opinion. The Chair recalled the importance of coordinated communications work. Finally, the EDPB Chair thanked the drafting team and the expert subgroups involved for the work done.

The EDPB Secretariat presented the structure of the draft opinion and the remaining discussion points to the EDPB members.

The EDPB members welcomed the idea of an opening statement in the executive summary of the Opinion noting the benefits of AI and the constructive role of GDPR.

In relation to the purpose limitation and data minimisation principles, the EDPB members agreed to add some text discussing the possible need to process data to avoid the risk of bias and errors and some conditions for doing so. A reference to the AI act was also introduced. In relation to assessing the data subjects' reasonable expectations, the EDPB secretariat presented two paragraphs for consideration, which would set out a non-exhaustive list of elements to be considered. Some ESG members were of the view that this list did not need further developments, while others suggested the addition of further practical considerations and examples related to the development and deployment phases of the AI model. The proposed text was approved with amendments by the EDPB members.

The EDPB members then considered the possible effect that unlawful processing during the development phase of an AI model might have on the deployment phase of that same model, where the controller is the same for both phases. The proposed text was approved with amendments by the EDPB members.

Finally, the Chair opened the floor for discussions on the draft opinion to be sure that all the observations from the EDPB members were taken into account. The EDPB members discussed these observations and made modifications as agreed.

The EDPB members adopted the opinion with 26 EU members voting in favour, 1 EU member voting against and 1 EU member abstaining. The 2 EEA SAs present expressed their position as being in favour.

The EDPB members entrusted the EDPB Secretariat with incorporating the changes agreed into the final version of the opinion, including in its executive summary.

C. Organisational matters

C.1 Appointment of a second co-coordinator for the TECH ESG (Technology ESG)

Following the departure of the co-coordinator from the TECH ESG, the EDPB members unanimously designated [REDACTED] (DE Federal SA) as second coordinator of the TECH ESG.

C.2 Appointment of EDPB representatives to the team reviewing the adequacy decision regarding the Republic of Korea

The Chair explained that the Korean adequacy decision provides for a periodic evaluation. The first review shall take place after three years of the decision's notification to the Member States. The Chair then explained that it is time to appoint EDPB representatives to take part in the review of the decision.

The EDPB members agreed to appoint the following candidates for the team reviewing the adequacy decision regarding the Republic of Korea: [REDACTED] (DE Federal), [REDACTED] (FR SA), [REDACTED] (DE-NRW SA), [REDACTED] (FI SA), [REDACTED] (IT SA) and [REDACTED] (NL SA).

The appointed representatives will be called to represent the EDPB and, consequently, will align their positions with the ITS & BTLE ESGs.

D. Agenda items for information

D.3. Any other business

D.3.1 The role of the DPAs during elections

The European Commission described the DPAs' crucial role in the context of the electoral process. The European Commission recalled the previous work done on this topic and stressed the importance for DPAs to reinforce their competence and to proactively engage with the electoral authorities. The European Commission further highlighted that the Defence of Democracy package was also put forward by the European Commission on 12 December 2023 and conveyed its reliance on fostering cooperation. The European Commission finally expressed its willingness to assist to the work of the EDPB in the context of political advertisement.

Annex: Attendance List

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, MT SA, NL SA, NO SA, PL SA, PT SA, RO SA, SE SA, SI SA, SK SA

European Commission

EDPB Secretariat