



Final

102nd Plenary meeting

11 February 2025, In person

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

The EDPB Chair highlighted that a number of activities were organised to mark Data Protection day on 28 January 2025. At the event organised by the EDPS, together with the Council of Europe and CPDP, Deputy Chair Irene Loizidou-Nicolaidou delivered a keynote speech and had a bilateral meeting with the Chair of the Committee of Convention 108 (T-PD) of the Council of Europe. A further update will be given at a later date.

I.1. Minutes of the 100th and 101st Plenary meetings – adoption

The minutes of the 100th and 101st EDPB plenary meetings were adopted unanimously.

The EDPB members also agreed on the public version of the minutes.

I.2. Draft agenda of the 102nd EDPB meeting – adoption

The draft agenda was adopted, with item B.1.3 being postponed to the next EDPB plenary meeting.

The discussions relating to agenda point C.1 and D.3.3 were declared confidential in accordance with Art. 33 EDPB Rules of Procedure (RoP).

Adopted: 13/03/2025

I.3. DeepSeek – information

The EDPB Chair invited the members to share information about any ongoing activity at national level regarding DeepSeek. The IT SA issued a provisional measure ordering the limitation of processing of Italian users's data on 30 January 2025 against the Chinese companies that provide the DeepSeek chatbot service. Other SAs are also looking into the matter. One SA underlined that, in principle the development of AI is not at odds with GDPR compliance, as illustrated by the EDPB's recent opinion on AI models. One SA noted that where the interplay between the AI act and the GDPR raises questions, these need to be clarified. One SA noted that transfers of personal data to controllers established in China is the subject of a number of complaints submitted by NOYB.

The EDPB members took note of the information provided and turned to a discussion on enhanced cooperation. The EDPB members considered that the scope of the ChatGPT task force should be extended to cover AI enforcement and should be the forum for coordination on DeepSeek.

In addition, the EDPB members decided to create a quick response team to coordinate among the supervisory authorities when urgent and sensitive matters occur. The aim of the quick response team is to coordinate closely, without entailing any limitation on the powers of the SAs to take action. It was agreed that the EDPB Chair would coordinate with the EDPB Secretariat and another member, and make a proposal to the Plenary.

B. Agenda items for discussion

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

B.1.1. Draft Statement on Age Assurance (Key Provisions ESG)

The EDPB Chair introduced the item and passed the floor to the lead rapporteur. The lead rapporteur presented the work done and the main focus of the statement.

Several SAs welcomed the statement, with one SA also recalling the ongoing work of the EDPB on the guidelines on the protection of children and the EDPB's reply to the technical documentation on age verification developed by the European Commission.

The EDPB members adopted the statement unanimously.

B.1.2. Article 70(1)(e) EDPB feedback on World Anti-Doping Code of WADA (Compliance, E-Government and Health ESG)

The EDPB Chair introduced the item and recalled that, on 3 October 2024, the European Commission (Directorate-General for Education, Youth, Sport and Culture) requested the EDPB to examine the current update of the World Anti-Doping Code ("the Code") and its complementing International Standards ("the Standards") in order to assess their compliance with the GDPR.

The lead rapporteur presented the work done and the main focus of the work.

The EDPB members adopted the recommendations unanimously.

C. External relations & Organisational matters

C.1. Meeting with NATO/SHAPE

Before starting the meeting with the representatives of NATO/SHAPE, the EDPB Chair recalled that on 29 April 2024, NATO's Supreme Allied Headquarters ("SHAPE") sent a letter to the EDPB. The EDPB replied on 4 November 2024 and invited NATO/SHAPE for a meeting.

The EDPB Chair welcomed the representatives of NATO's Supreme Allied Headquarters (NATO/SHAPE), [REDACTED]

NATO/SHAPE presented their structure and mission, as well as their data protection rules, their experience implementing them, and their concerns regarding the application of the GDPR's rules relating to transfers of personal data to international organisations. Further, NATO/SHAPE provided some concrete examples on how interactions between them and competent authorities in other domains are handled (e.g. in the area of environmental protection). NATO/SHAPE referred to Art. 8 of the Washington Treaty of 4 April 1949 in which the parties undertake to refrain from entering into any international engagement in conflict with this Treaty, as well as other related legal references. While NATO/SHAPE is not bound by the GDPR as such, questions have arisen in certain circumstances relating to transfers of data, such as when partners established in the EEA transfer personal data to NATO/SHAPE.

A question-and-answer session with the EDPB members took place following the presentation. The EDPB Chair concluded by referring to Chapter V of the GDPR, which provides for a number of solutions for transfers to international organisations and suggested a meeting at technical level within the ITS ESG to further reflect on the matter.

C.2. Adopted 2025 budget and execution of 2024 budget (EDPB Secretariat and EDPS HRBA)

The Head of HR, Budget and Administration Unit of the EDPS presented the 2024 budget execution and explained that 96.1% of the budget was executed, which is higher than in 2023.

The 2025 budget was also discussed. A request for reinforcement of the EDPB Secretariat's staff was not granted by the budget authorities. The costs related in particular to the increase of litigation cases, consistency work and support for the CSC was highlighted.

In January 2025, the EDPS and the EDPB Chair agreed to ask the budgetary authorities to transfer a permanent post from the EDPS to the EDPB establishment plan, to align the internal compliance practices of the EDPS and EDPB in relation to cybersecurity roles and the associated additional responsibilities and to reflect the evolving size and needs of the organisation. A decision by the budget authorities is pending.

The EDPB Chair thanked the EDPS for the support provided for the preparation of the EDPB budget proposal, its defence before the budgetary authorities as well as the cooperation on the budget's execution. The EDPB Chair underlined that the EDPB will continue to request additional staff for the EDPB Secretariat in the future.

The EDPB members took note of the information provided.

C.3. EDPB Plenary dates for 2026 (EDPB Secretariat)

The EDPB Secretariat presented the indicative meeting dates for plenaries in 2026, with the suggestion to hold 5 in person meetings and 6 remote meetings in alternating order. Due to a public holiday on 13 April 2026, one SA asked if the April plenary could be moved by one day to 15 and 16 April 2026.

The EDPB members unanimously adopted the timetable of indicative dates for plenary meetings in 2026, including the modification proposed for April 2026.

C.4. Appointment of European Data Innovation Board Representative (Compliance, E-Government and Health ESG)

The EDPB Chair explained that the EDPB's previous representative to the European Data Innovation Board recently left the ES SA. The CEH ESG members were invited to nominate both a main and alternate representative.

The EDPB members appointed [REDACTED] (LU SA) as main representative and [REDACTED] (DE SA) as alternate representative. The appointed representatives will be called to represent the EDPB, and, consequently, will align their positions with the CEH ESG and liaise with it, when necessary.

C.5 Request to have an EDPB representative (observer) at the European Digital Identity Cooperation Group (Speaker: FR SA)

The CEH ESG discussed the possibility for the EDPB to become an observer at the European Digital Identity Cooperation Group (EDICG) and in any of its relevant subgroups.

The EDPS is an observer in the EDICG and supports the proposal to also request such status for the EDPB.

The EDPB members decided to submit a request for the EDPB to become an observer at the EDICG. Subject to acceptance by the European Commission, the EDPB Secretariat will launch the process for the appointment of EDPB representatives.

C.6. Appointment of Second ENISA Representative for the TECH ESG (Technology ESG)

The EDPB Chair explained that the EDPB's previous main representative to the ENISA Advisory Group recently left the NO SA. The TECH ESG members were invited to nominate both a main and alternate representative.

The EDPB members appointed [REDACTED] (DE SA) as main representative and [REDACTED] (EL SA) as alternate representative. The appointed representatives will be called to represent the EDPB, and, consequently, will align their positions with the TECH ESG.

D. Agenda items for information

D.2. Updates from EDPB participants

D.2.1. Update to the EDPB from the Coordinated Supervision Committee

The EDPB Chair recalled the legal duties entrusted to the Coordinated Supervision Committee (CSC) to supervise a growing number of European large scale IT systems and the resources this requires from both SAs and the EDPB Secretariat.

The CSC coordinator provided an update on the Coordinated Supervision Committee's activities. The CSC coordinator highlighted the fact that the activities are complex; subject to legal duties; expanding to cover more systems and legislations; and are subject to scrutiny from the public, the press and politics. In particular, the complexity stems from the multitude of specific legal instruments involved, the multitude of controllers both at national and European level and the complexity of the personal data flows. The level of complexity will further increase as the Justice and Home Affairs (JHA) Interoperability framework becomes operational, as three new EU large-scale databases will be created (ETIAS, EES, ECRIS-TCN) and connected to the existing ones (SIS, VIS, EURODAC). There is a clear need for specific and expert knowledge, as the CSC exists to ensure coordinated supervision and a consistent interpretation of the legal framework throughout the systems and by the member states and EU agencies.

The challenges related to the limited resources at national and EDPB level to support the work of the CSC was also underlined. The CSC coordinator called for SAs to allocate sufficient resources to this area of supervision and highlighted that the EDPB should continue to request more resources from the budget authorities to enable us to organise the meetings and to contribute to the drafting of documents.

The CSC has included an activity in its Work Programme for 2025–2026 aimed to streamline cooperation between SAs when handling complaints.

Finally the CSC report of activities covering 2022–2024 will be published on the EDPB website.

The EDPB members took note of the information given.

D.2.2. Update on litigation

The EDPB Secretariat summarised the recent judgement of the General Court in joined cases T-70/23, T-84/23 and T-111/23.

The EDPB Chair asked the Members if the EDPB should send a letter to the co-legislators, recalling the position the EDPB had already expressed in its previous statement and in the EDPB-EDPS joint opinion 01/2023 on the Proposal for a Regulation laying down additional procedural rules relating to the enforcement of Regulation 2016/679. Following a discussion, the EDPB members decided there was no need to send a letter on this topic.

D.2.3. Presentation of the “Olivia Web Tool”: A virtual assistant for GDPR compliance developed within EU-funded project ARC II

The HR SA presented the Olivia Web Tool. The tool is available to all interested stakeholders, free of charge, and was developed as an interoperable open-source tool. Currently, the tool is tailored to the specific needs of Croatian and Italian SMEs, to help them understand their obligations as well as prepare internal documents to demonstrate compliance with the GDPR.

The tool includes an English language version which does not include references to specifics of national law. The HR SA noted that adding additional languages is possible and encouraged.

The EDPB members took note of the information given and expressed their appreciation for the project. The European Commission welcomed the work done in this project and recalled the funding opportunities available for additional projects.

D.3. Any other business

D.3.1. Recent developments regarding disinformation on social media platforms

Due to time constraints the discussion on this agenda item was postponed to the next plenary meeting.

D.3.2. New Presidency of the GPA Executive Committee

EDPB Chair and members congratulated Ventsislav Karadjov, Commissioner of the BG SA, for his appointment as interim chair of the Global Privacy Assembly (GPA) executive committee. The interim chairmanship will last until September 2025. The BG SA further provided information to the EDPB members regarding the work and tasks of the GPA Executive Committee.

D.3.3. Status quo of the EU-U.S. DPF under the new U.S. administration

The European Commission provided an update to the EDPB on the current state of play of the EU-U.S. DPF, following the change to the composition of the Privacy and Civil Liberties Oversight Board (PCLOB). On 27 January 2025, the PCLOB issued a statement confirming its ability to continue

functioning and fulfil its mission. In this respect, the European Commission recalled that for several months in 2016–2017 the PCLOB did not have a quorum, which did not prevent them from fulfilling most of their tasks. Regarding new appointments to the PCLOB, the European Commission is monitoring any developments with interest.

The EDPB members took note of the information provided.

D.3.4. Preparation of the European Commission's 2026 report on the application of the LED

The European Commission provided information to the EDPB members regarding the first steps in the preparation of the 2026 report on the application of the Law Enforcement Directive (LED). The EDPB will be given the opportunity to provide feedback on the draft questionnaire via the BTLE ESG. The aim would be to then circulate the questionnaire before the summer of 2025.

Further, the Fundamental Rights Agency will conduct five interviews in all Member States with several actors. The Member States will be invited to provide their input in the context of the Council.

The report should be ready for adoption by the European Commission in May 2026.

The EDPB members took note of the information given and invited the European Commission to exchange with the BTLE ESG to provide feedback on the questionnaire.

E. State of play

E.1. Participation in ENISA's Advisory Group: Written report

The EDPB members took note of the written report concerning the participation in ENISA's Advisory Group.

Annex: Attendance List

AT SA, BE SA, BG 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

The CY SA delegated voting rights to the EL SA pursuant to Art. 22.5 RoP.

European Commission

Observers:

- AL SA, MD SA, GE SA, XK SA. In line with Art. 8 EDPB RoP, the observers were present during the plenary meeting except for points D.3.3 of the agenda.

EDPB Secretariat