

Letters



Andrzej Halicki
Member of the European Parliament
Brussels

Brussels, 15 March 2021
Ref: OUT2021-0048

Dear Mr. Halicki,

Thank you for your letter of 14 October 2020 and for bringing this issue to the attention of the European Data Protection Board (EDPB).

As already underlined in my letter of 8 May 2020, the EDPB dedicates special attention to the issue of processing of personal data for election purposes.¹ As stated in my previous letter, personal data must be processed lawfully, fairly and in a transparent manner, for specified purposes only. In the context of elections conducted by the collection of postal votes, the EDPB stressed the responsibility of the state to ensure that specific safeguards are in place to maintain the secrecy and integrity of the personal data concerning political opinions.

The EDPB takes note of the national court rulings you mentioned in your letter. The Board reiterates that personal data about individuals included in electoral lists must be processed in compliance with the data protection principles. Applying such principles is also key to the role of the member state's independent judiciary.

In addition, I would like to stress again that the EDPB does not have the same competences, tasks and powers as national supervisory authorities and, therefore, it is up to the national supervisory authorities to monitor and enforce, if necessary, the protection of personal data of data subjects within their jurisdiction. In that respect, I would like to underline that, in accordance with article 52 of the GDPR, national supervisory authorities shall act independently in performing their tasks and exercising their powers, and shall remain free from external influence.

¹ Please see the EDPB Statement 2/2019 on the use of personal data in the course of political campaigns https://edpb.europa.eu/sites/edpb/files/files/file1/edpb-2019-03-13-statement-on-elections_en.pdf

The EDPB is fully aware of the importance of ensuring that elections are conducted in full compliance with the rights and freedoms of citizens, including the right to data protection, and will continue to pay attention to the developments on this matter.

Yours sincerely,



Andrea Jelinek