



Final

68th Plenary meeting

28 July 2022, 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 agenda, Information given by the Chair

1.1 Draft agenda of the 68th EDPB meeting – adoption

The draft agenda was adopted with removal of item 1.1 (adoption of the minutes of 67th EDPB meeting), which will be postponed to September 2022 and addition of two AOB items (information from the European Commission and an update from the SA).

The discussions relating to agenda point 2.1 were declared confidential according to Art. 33 EDPB RoP.

1.2 EDPB Budget - Information by the Vice-Chair

Before addressing the budget, the Chair welcomed the newly appointed Chair of the BE SA, Ms. Cédrine Morlière.

The BE SA Chair introduced herself and expressed her willingness to work together with the other SAs at the EDPB and highlighted her commitment to their work at EDPB level.

The Chair recalled the concerns that were raised by the BE SA earlier this year on legislative proposals regarding the organisation and functioning of their authority. Now, the Belgian parliament has terminated the mandate of two commissioners, including the acting President David Stevens. Whether the termination of these mandates was in accordance with the strict conditions set out in GDPR is not clear at this time. The European Commission confirmed they are following the developments closely.

The Chair informed the EDPB members about the latest state of play with regards to the Budget negotiations.

The Chair requested the EDPB members to grant a mandate to the EDPB Secretariat to work together with the EDPS on an open letter concerning the budget negotiations. The EDPS further invited the members to directly contact their national representatives in the Council and express their support

for the budget requested by the EDPB (the first and second proposals were shared and discussed on 6 April and 15 May 2022).

The mandate was granted unanimously by the members of the EDPB.

2 Consistency mechanism

2.1 Decision 02/2022 on the dispute arisen on the draft decision of the Irish Supervisory Authority re Instagram (Meta Platforms Ireland Limited) according to Art. 65(1)(a) GDPR – discussion and possible adoption

The Chair recalled that the deadline for adoption of the binding decision by 2/3 majority is 1 August 2022.

The EDPB Secretariat presented the draft binding decision which was discussed in the course of 4 ENF ESG meetings.

The EDPB members discussed and decided on some modifications to the wording of the binding decision.

The binding decision was adopted by EDPB members, with one EU Member abstaining.

2.2 EDPB-EDPS Joint Opinion on the Proposal for a Regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse - discussion and adoption

The rapporteur presented the draft prepared by the TECH ESG and noted some modifications were introduced by the EDPS after the last TECH ESG meeting into the version circulated for adoption.

The EDPS recalled that the topic at hand is very delicate as it pertains to child protection where it is clear that measures to facilitate enforcement against this heinous crime serve the general interest. At the same time, the proposal has effects on the right to protection of personal data of law-abiding citizens throughout the EEA. The EDPS further recalled that surveillance measures, once in place, could be used for other purposes in the future.

The FR SA expressed their concerns about the proportionality of the measures included in the proposal, as the technological solutions prescribed involve very significant risks.

The European Commission expressed their appreciation for the work made by the EDPB and EDPS on the proposal, taking into consideration the sensitive nature of the matter. It highlighted the importance of the proposal and stressed that the Joint Opinion will help support the co-legislators in the inter-institutional negotiations. Considering the complexity of the matter, the European Commission had granted an extended deadline for this Joint Opinion.

The Joint Opinion was adopted unanimously by the members of the EDPB.

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

3.1 BTLE ESG

3.1.1 Letter to MEP In't Veld on the use of statistics on PNR - discussion and adoption

The rapporteur presented the draft letter in reply to questions from MEP In't Veld on the EDPB's role and actions regarding the PNR Directive.

The letter was unanimously adopted by the members of the EDPB.

3.2 ENF ESG

3.2.1 Letter to Access Now and BEUC on recent developments with regards to TikTok - discussion and adoption

The EDPB Secretariat presented the draft letters which highlight the prompt actions taken by SAs in response to the changes announced by TikTok.

The letters were unanimously adopted by the members of the EDPB.

4 AOB

4.1 Information on awareness raising activities for SMEs within ARC project co-funded under REC programme

The HR SA presented the ARC project which it conducted together with the IE SA and the Vrije Universiteit Brussel, with funding from the European Union's Rights, Equality and Citizenship Programme (REC) 2014-2019.

The HR SA emphasised the positive results and feedback received from stakeholders, adding that the project output includes materials that could be useful for SMEs in all EU countries. The training and workshops organised within the framework of the project were particularly successful, as they allowed SMEs to discuss and address their particular needs.

The current project ends this August and a follow-up project funded by the REC will start in September.

4.2 Information from the European Commission

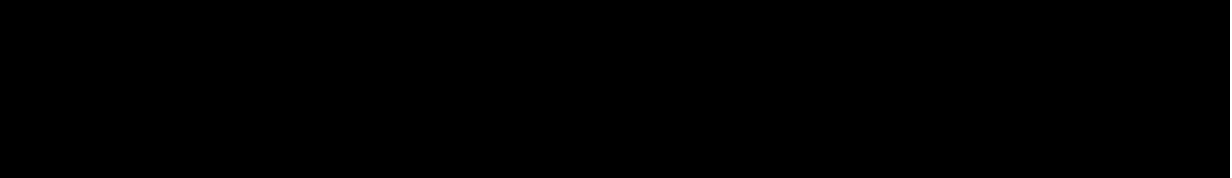
The European Commission provided an overview of the report on the application and functioning of the Law Enforcement Directive (2016/680) issued on 25 July.

The European Commission also provided information on the upcoming report on the application and functioning of Regulation 2018/1725.

4.3 SA Update



The EDPB Secretariat stressed the need for additional resources and support, in light of the intense workload the Article 65 procedures cause, as the files are not only broad and covering many legal questions but also subject to strict deadlines. While the EDPB Secretariat informed the members that a maximum of two such procedures could be dealt by the EDPB Secretariat at the same time, soon there will be 4 procedures in parallel (including one from the ■ SA to be submitted in the coming weeks). For this reason, the support on the need of resources is also very important.



5 For information - Expert subgroups and Secretariat

5.1 Update on the work of the Coordinated Supervision Committee – information

The EDPB members took note of the written state of play concerning the work of the Coordinated Supervision Committee.

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, 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

- Observers: AL, MD, MK, SR

In line with Art. 8 of the EDPB RoP, the observers were present during the plenary meeting except for points 2.1 of the agenda.

- EDPB Secretariat