

## Anu Talus

Chair of the European Data Protection Board

Mr. Andres Munoz Mosquera  
ACO Office of Legal Affairs, Director  
SHAPE  
7010 Mons, Belgium

Brussels, 4 November 2024

Dear Mr. Andres Munoz Mosquera,

Thank you for the kind words on my election as Chair of the European Data Protection Board that you shared in your letter of 29 April 2024, in which you also detail SHAPE's legal position and request a meeting with the EDPB to discuss data protection related matters.

As part of the international community, both NATO and the European Union are grounded in the rule of law and a commitment to uphold human rights and values, as enshrined in the EU foundational treaties and NATO's guiding principles. Further, entities that are subject to EU law must respect and adhere to the fundamental right of protection of personal data, including as reflected in secondary legislation. Therefore, entities that transfer personal data to entities in third countries or international organisations ('IOs') need to comply with Regulation 2016/679 and Regulation (EU) 2018/1725, including their rules on international transfers.

In that respect, the EDPB's Guidelines 2/2020 on Articles 46 (2) (a) and 46 (3) (b) of Regulation 2016/679 for transfers of personal data between EEA and non-EEA public authorities and bodies<sup>1</sup>, as well as additional EDPB guidance<sup>2</sup>, provide clarifications on transfers to IOs, which are also relevant for SHAPE and NATO. This for instance includes clarifications on privileges and immunities under international law as well as developing safeguards that take into account the status and features of IOs.

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<sup>1</sup> [https://www.edpb.europa.eu/our-work-tools/our-documents/guidelines/guidelines-22020-articles-46-2-and-46-3-b-regulation\\_en](https://www.edpb.europa.eu/our-work-tools/our-documents/guidelines/guidelines-22020-articles-46-2-and-46-3-b-regulation_en)

<sup>2</sup> See in particular Guidelines 2/2018 on derogations of Article 49 under Regulation 2016/679, as adopted by the European Data Protection Board on 25 May 2018 ; or the Guidelines 3/2018 on the territorial scope of the GDPR (Article 3)



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This being said, the EDPB is committed to continue engaging with NATO and SHAPE on the shared mission to protect human rights, including the right to privacy. In this spirit, I believe that both the EDPB and SHAPE will benefit from an open dialogue on data protection related matters. Therefore, it is my pleasure to invite you to meet the EDPB during an EDPB in-person Plenary meeting on 2–3 December 2024, 11-12 February or 8-9 April.

I would appreciate if you inform the EDPB Secretariat as soon as is practical whether either of the proposed dates is feasible for you. In that case, the EDPB Secretariat will provide further details.

Yours sincerely

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