Preliminary remarks	 Following a change in the numbering of the Decision's articles, the Article on data protection is Article 17 (ex-15) and on the EUI Article 18 (ex-16). This table uses the new numbering when referring to the changes made; Following a recommendation from the Commission Legal Service, the EU DPR provisions on exceptions to the rights of data subjects are no longer reproduced in the Decision's Articles, and Article ex-15(2) has been removed. Instead, general motivations/reasoning on the application of the exceptions to the right to information and to the right to erasure are included in new recitals 16 and 17.
EDPS Recommendation 1: mention data protection roles of Commission and EUI in the Decision	Revised Article 18(4): The EUI acts as processor in accordance with Article 3 of Regulation (EU) 2018/1725, under instructions from the Commission which acts as controller of personal data contained in the historical archives deposited at the EUI. The Commission's Historical Archives Service provides, on behalf of the Commission, the necessary instructions for the processing of personal data contained in the deposited archives by the EUI and monitors its performance.
EDPS Recommendation 2: cross-references to definitions of personal data, controller, processor; and provide definition of sensitive personal data which does not exist under EU DPR	New point (23) of Article 3: 'personal data' means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person ¹ ;
	New point (24) of Article 3: 'controller' means the Union institution or body or the directorate-general or any other organisational entity which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by a specific Union act, the controller or the specific criteria for its nomination can be provided for by Union law ² ; New point (25) of Article 3:
	'processor' means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller ³ . Removal of the concept of 'sensitive personal data' and revision of the two relevant subparagraphs (c) and (d) of Article 17(2) as follows: (c) prior to processing for archiving purposes in the public interest, the directorate-general or equivalent department reports the potential presence of records covered by Article 2(1) of Council Regulation (EEC, Euratom) No 354/83 in the files to be transferred to the historical
	archives; (d) before any Commission file is opened to the public, the Historical Archives Service reviews it to verify the possible presence of records

¹ Article 3 point (1) of Regulation (EU) 2018/1725.

Article 3 point (8) of Regulation (EU) 2018/1725.

Article 3 point (12) of Regulation (EU) 2018/1725.

	covered by the exceptions indicated in Article 2(1) of Council Regulation (EEC, Euratom) No 354/83, including on the basis of the signposting referred to in point (c) with the aim of protecting personal data.
EDPS Recommendation 3: correct reference under Article 15(1)	Reference has been corrected/unnecessary repetition of reference avoided in Article 17(1).
EDPS Recommendation 4: right to erasure: correct reference and motivate why the exception is likely to render impossible or seriously impair the objectives of that processing	 Ex-Article 15(2) has been removed (cf. preliminary remarks); Motivation of the exception's application has been included in new recitals 16 and 17.
EDPS Recommendation 5: remove Article 15(2), third bullet point on the right to restriction as the EDPS maintains that 'it is unlikely that any of the grounds for the right to restrict processing under 20(1) would still apply at the archiving phase'	Given the EDPS assessment that the right to restriction would not apply to archiving in the public interest, the exception to that right has been removed from the decision (namely Article ex-15(2), third bullet).
EDPS Recommendation 6: The EDPS recommends to include in the Decision motivations as to why those rights for which derogations are intended to be applied 'are likely to render impossible or seriously impair the achievement of the specific purposes, and such derogations are necessary for the fulfilment of those purposes.'	Motivations have been included in the relevant Article, namely 17(1), and in particular in the new recitals 18 to 21.
EDPS Recommendation 7: The EDPS recommends justifying why exercising the right of access is 'likely to render impossible or seriously impair the achievement of the specific purposes [archiving in public interest]' and that such	Further clarification on the application of this derogation has been provided in Article 17(1), first subparagraph, and the motivation/justification under new recital 19.

a derogation would be necessary 'for the fulfilment of those purposes'.	
EDPS Recommendation 8: removal of derogation from right to portability as this right does anyways not apply to archiving in the public interest	Following these clarifications from the EDPS, the derogation from this right has been removed from the Decision, namely Article ex-15(3), fourth bullet.
EDPS Recommendation 9: make specific reference to the principle of data minimisation (Article 4(1)(c) of the Regulation) in the Decision	Revised first paragraph of Article 17(2): 'The Commission shall implement appropriate safeguards to ensure compliance with Article 13 of Regulation (EU) 2018/1725. Such safeguards shall include technical and organisational measures in particular in order to ensure respect for the principle of data minimisation. The safeguards shall include: []'
EDPS Recommendation 10: recommended entry into force is on the twentieth day after publication in the Official Journal; if urgent entry into force is necessary, insert an explanatory recital	Based on our Legal Service's advice, an internal decision enters into force on the day of its adoption. Hence we have the following provision: Article 24: This Decision shall enter into force on the day of its adoption.
EDPS Recommendation 11: In relation to the 'retention lists for the Commission files and archives schedules' the EDPS would like to remind the Commission the recommendations on the CRL (EDPS reference 2019-0242. Letter of 3 April 2019)	The Commission is aware of the EDPS recommendations on the CRL of April 2019 (2019-0242). We have taken account of the EDPS' comments and consulted the DGs/services before adopting the revised CRL. We will also continue to cooperate with the DPO team as to adequately reflect any data protection requirements in future CRL versions.
recommendation of reflecting a case-by-case application of exceptions and derogations in the Decision	New Article 17(3): 'The Commission shall record the reasons for derogations applied pursuant to this Decision. The record and, where applicable, the documents concerning the factual or legal context shall be registered. They shall be made available to the European Data Protection Supervisor on request.'
recommendation of conducting a case-by-case necessity and proportionality assessment on the application of an exception or derogation, and reflect this in the decision	See previous row.
recommendation of being informed without undue	New Article 17(4): 'The Data Protection Officer of the Commission shall be informed, without any

Modifications following EDPS recommendations of 3 March 2020, and comments of 6 March 2020, on the draft Commission Decision on Records Management and Archiving

delay of the application of an exception or derogation so to allow for and independent review

undue delay, of the application of derogations from data subject rights in accordance with this Decision. Upon request, the Data Protection Officer shall be provided with access to the associated records and any documents concerning the factual or legal context.'