

**To:**

**Subject:**

[REDACTED]  
FW: FLASH: Data Protection Conference in Berlin, 7 May 2015

**From:**

**Sent:** Monday, May 11, 2015 1:09 PM

**To:**

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[REDACTED]  
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The Data Protection Conference (16. Datenschutz-Kongress 2015) was organized by the EUROFORUM, a DE business event organiser, on 6-7 May 2015 in Berlin and addressed in particular to DE data protection officers. I participated in parts of the conference on 7 May, giving a presentation on the state of play of the reform from the perspective of the Commission and taking part in a panel discussion with a representative from the DE Ministry of the Interior [REDACTED] who presented the perspective of the DE delegation.

DE supports the objective to reach a general approach on the Regulation in the June Council. However, DE will keep its positions for the trilogue, in particular as regards pseudonymisation, mandatory data protection officers and reducing administrative burden for controller and processors, notably aiming for less information requirements for small and micro enterprises. An important issue for DE is also its proposal for the possibility for Member States to provide for legal remedies for any association against any infringement of the Regulation, which should mirror DE national law which is currently in the making. This approach was questioned both in terms of fragmentation and the scope of such national remedies if the controller is established in another Member State. Further questions concerned the setting-up of such remedies in the DE judicial system. Another point of criticism was the vague framing of data processing for scientific purposes in relation to the purpose-limitation principle.

Other main points of the discussions:

- Uncertainties on the consequences of facultative data protection officers for controllers which operate in several Member States, when DPOs is required by national law only of some of those Member States. Also uncertainty on the scope of responsibility for the DPO as regards the establishments in other Member States;
- Concerns, whether the opening clauses for national law in particular in the employment sector could lead to even more fragmentation under the Regulation than under the current Directive;
- Concerns that the Regulation could bring more administrative burden for SMEs;
- The application of existing adequacy decisions under the Regulation;

- Application of the data protection rules on profiling when profiling does not lead to automated decision making (e.g. for scoring);
- Given the technological development, whether the rules of the Regulation will not be already outdated, when the Regulation becomes applicable.

