Adoption of Agenda
The draft agenda was approved with two slight changes: a. the title of the issue relating to ICANN, b. an additional item was added, under AOB regarding the discussion on the adopted guidelines on Article 3 and the interplay with Chapter V.

Dates for the next meetings
The next meetings in 2018 will take place on 12 November 2018 and 10-11 December (1.5 d). Dates for meetings in 2019 will be proposed by the subgroup coordinator to the Secretariat and will be sent to the members of the subgroup for comments.

Introduction
The coordinator reported on the discussions and follow-ups of the September EDPB plenary regarding Japan Adequacy decision

Japan Adequacy decision
Brexit
COM gave a short update on Brexit: In case an EU-UK withdrawal agreement is concluded a transitional period of 2 years after Brexit will be set during which the data flows will be free. After this period UK will be considered as third country. An agreement with UK may regulate the “stock” of data, i.e. the EU protection continues unless there is an adequacy decision.

BCRs and SCCs

BCRs

The BCRs were examined based on the latest versions of relevant WP documents. Reference is made in particular to the data protection principles, the third party beneficiary rights and the accountability tools. A member of the subgroup pointed to the issues of jurisdiction (protection of data subjects not resident in the EU, the breach by the processor - seen the new issue in the referential, the right to object for marketing purposes).

- On the procedural side: points that raise concerns amongst the competent SAs will be discussed at subgroup level. To this, every meeting should provide for a related session on BCRs.
- Secretariat will check whether and where the approved BCR list is still available by COM. It will also check whether to take over from the COM the list of approved BCRs / continue the update.

SCCs
presented an approach how to manage “ad hoc” contractual clauses.

Privacy Shield
COM and rapporteurs informed about the preparation of the 2nd joint review on 17-19 October 2018. The timeline for finalising the EDPB report probably is early December. Developments on US side, i.e. the appointment of the PCLOB members, have been exchanged.

Guidelines on article 46 GDPR
This item was not discussed. It is postponed for the December meeting. Subgroup members are kindly requested to complete the UK questionnaire by 14 November 2018.

ICANN - International Transfers in the context of WHOIS

ITS Work Plan 2019
The ITS work plan will be finalised during the December subgroup meeting so that it can be discussed at the January 2019 plenary.
AOB
- To facilitate the discussion during the next plenary on 16 November 2018, the members of the subgroup were requested to share possible concerns and examples on the current text of the guidelines on territorial scope with the subgroup by 31 October 2018.

- EP letter on FATCA: The coordinator informed the subgroup that the Financial matters subgroup is working on a reply to the EP relating to FATCA.

To-do/Next steps
- Planning for 2019 meetings: will be circulated for comments by 5 November 2018. Done
- Workplan 2019: Will be discussed during the December meeting. An email with proposed items will be circulated in advance for comments by 15 November 2018. Done
- Japan adequacy opinion: An info note and outline will be prepared by the rapporteurs in view of next plenary on 16 November. Done
- Guidelines on territorial scope: Ahead of the discussion during next plenary on 16 November 2018, members of the subgroup should share with the subgroup possible concerns and examples by 31 October 2018. Done
- Guidelines on article 46: Complete the questionnaire by 14 November 2018.
- BCRs and SCCs:
  - Secretariat to check whether the approved BCRs list is still available by COM and whether it is possible to take over from COM the BCRs list / continue the update. Done
  - A dedicated session in the ITS agenda will be reserved for discussion regarding points raising questions/different approaches during the examination of BCRs by the competent SAs.
  - FR will revise the template on lead authority’s draft decision form for BCRs according to the comments made during the meeting.

Annex: Attendance List
Members:
AT, BE, BG, CZ, DE (federal, Bayern, Hessen), DK, EL, ES, EDPS, FI, FR, HR, HU, HR, IE, IT, LU, NL, PL, PT, RO, SI, UK

EFTA EEA: NO

Further attendees:
COM
Observers: none

EDPB Secretariat