



Final

Key Provisions Expert Subgroup meeting

15 January 2019, European Data Protection Board, Brussels

1. Introduction & organisation of work

The draft agenda was approved. The Coordinator provided information on the dates of the next meetings, as well as an update on the last Plenary and the last SAESG.

The members of the subgroup discussed the work plan for 2019/2020 and it was concluded that, in addition to the topics already identified for 2019, children's rights and legitimate interest would be added as proposals for the work plan for 2020.

2. Position paper on the lawful basis for processing under Article 6(1)(b) in the context of the provision of online services to consumers ([REDACTED])

The rapporteur presented the revised draft and a discussion ensued. The following main issues were discussed:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

The members of the ESG agreed that the reference to "Position paper" should be replaced by "Guidelines". The rapporteur asked for comments until the 29th January 2019 (for circulation of a new draft on the 8th February and discussion in the forthcoming meeting). The coordinators indicated that the aim for adoption of the guidelines were the Plenaries of March / April 2019.

3. Consultation from the European Commission under Article 70 GDPR on the Clinical Trials Regulation Q&A ([REDACTED])

The lead-rapporteur presented the draft opinion that will be submitted to the January Plenary for adoption.

4. Recast of WP29's Opinion on the concepts of controller and processor ([REDACTED])

The lead rapporteur presented a note [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

The SEC presented the preliminary planning for the stakeholders' event due to take place in 2019. The Coordinators asked for comments on outline and questions for stakeholders to be submitted until the 29th January.

5. Request for an Article 64 Opinion by the [REDACTED] on contractual clauses for processors under 28(8) GDPR ([REDACTED])

The Coordinators started by calling for rapporteurs and in particular a lead rapporteur and indicated their intention to request for the available extension of the deadline, as per Article 64(2), at the January Plenary and to create a drafting team together with the Compliance ESG.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

- I [REDACTED]
[REDACTED]
- I [REDACTED]
- I [REDACTED]
- I [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

6. AOB

The EDPS gave a presentation on restrictions under Article 25 of Regulation 2018/1725.

To-do/Next steps

- Comments on the guidelines on Article 6(1)(b) to be provided until the 29th of January 2019;
- Comments on the outline of the recast opinion on controller and processor and questions for stakeholders to be provided until the 29th January 2019;
- Comments on the Article 64 Opinion by the [REDACTED] on contractual clauses for processors under 28(8) GDPR to be provided until the 29th January 2019.

Annex: Attendance List

DPA:

DE (Schleswig-Holstein), DE (North Rhine-Westphalia), DE (Federal), RO, HU, SE, CZ, SL, HR, PL, NL, IT, FR, IE, EL, AT, ES, SK, BE, UK, EDPS

NO

Further attendees:

- European Commission
- EDPB Secretariat