ENFORCEMENT Expert Subgroup meeting
22 February 2019, EDPB premises, Brussels

1. Welcome + adoption of the agenda

Agenda was adopted.

2. Enforcement practice

a) Round-table discussion about experiences with cooperation and enforcement. Place for asking substantive questions to the group, exchanging best practices and discussing issues with (national) procedures. All members are requested to collect input from their relevant departments (ALL) (discussion).

The members of the expert subgroup discussed the different questions raised by some SAs. The presented first their question regarding the methods that the controller can use to ascertain the identity of the data subject under Article 12 GDPR.

The second question was raised by the and concerned the enforcement of the GDPR in the public sector,
The presented their questions. The first one also concerned the imposition of sanctions to public authorities. As this question had already been discussed, it was not further developed.

Finally, the presented their questions. The members of the subgroup discussed good routines for the exchange of information between SAs regarding local cases that might be of interest for other Member States. There seems to be an agreement to work on deciding what kind of information should be shared under Articles 60 and 61 GDPR. The members of the expert subgroup will think of mechanisms to incorporate the idea of exchange of information on local cases. In this context, the members of the expert subgroup asked the to share their recent cases about cookies and consent. A translation of the decisions will be provided by the.

b) Round-table to discuss the opportunity to launch contact groups on specific cases - in order to implement the mandate to monitor ongoing cases for both national and OSS cases
The members of the expert subgroup discussed the need to have contact groups and if so, the configuration thereof. There seems to be a general agreement on the usefulness of such contact groups, albeit they should not jeopardize the cooperation mechanism envisaged in the GDPR.

3. Presentation of Confluence (EDPB SEC)

Secretariat presented the new IT-system for non-OSS collaboration. Members’ feedback was quite positive and discussed the way in which access to the EG page would be subject to restrictions.

4. RTBF Guidance ( )

Rapporteurs presented an update on the work carried out and the main issues encountered. The first consolidated draft will be circulated among the members of the expert subgroup in the following weeks for written feedback and a call will be organised with the rapporteurs.

5. Closing of the UBER-Taskforce ( )

The members of the UBER Taskforce presented the results achieved on a national level and the lessons learned. The taskforce and the cooperation led to significant results and UBER paid the fine and did not appeal. It is suggested to ask the plenary to close the task force. will prepare the final report about the closure of the taskforce to be sent to the Plenary.

6. Updates

   a) EDPB Coordinated Enforcement Framework (update)

Meeting 24 January 2019. The strategy was renamed as “Coordinated Enforcement Framework”. The issue of transparency is also of the essence, e.g. on the reasons to start an investigation ex officio.

   b) Infonote LSA Guidelines

Rapporteurs are still in the process of identifying the relevant questions met in practice and will circulate a first draft of the infonote for discussion at the next meeting.

   c) Questionnaire Enforcement Communication (Secretariat)
Members are asked to provide their answers to the Secretariat by 12 March 2019.

7. Miscellaneous

No additional topic raised

8. To-do/Next steps

- The members of the expert subgroup will further discuss possible mechanisms to incorporate the idea of exchange of information on local cases.
- will circulate a translation of their recent decisions on cookies and consent.
- The members of the expert subgroup will send written feedback to the Secretariat on confluence.
- The rapporteurs will circulate the RTBF draft and organise a call with rapporteurs.
- The rapporteur will prepare a final report about the closure of the UBER-Taskforce to be sent to the Plenary.
- The rapporteurs will update the infonote and the LSA Guidelines before the next meeting.

Annex: Attendance List

- SAs: AT, BE, CZ, DE (Federal, Mecklenburg-Vorpommern), EE, ES, FI, FR, HR, HU, IE, IT, LU, LV, NL, NO, PL, RO, SE, SK, UK
- European Commission
- EDPB Secretariat