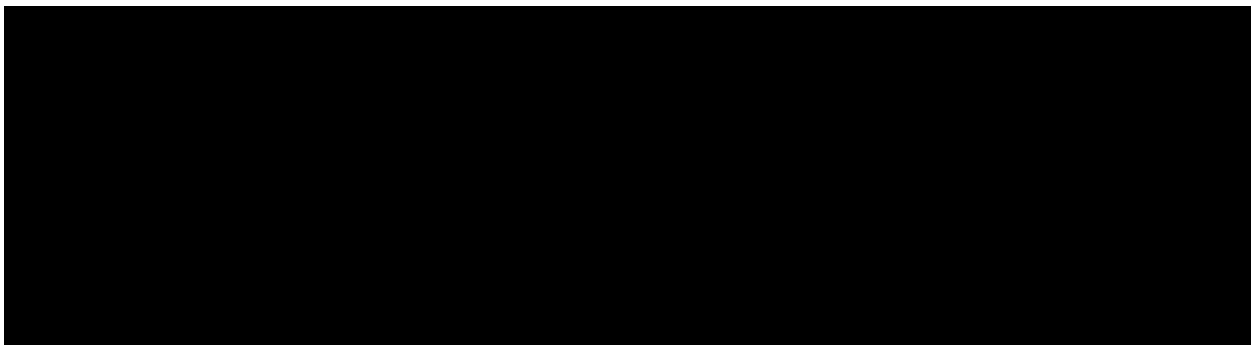




Final

(ITS ESG) meeting

13 - 14 October 2020, Remote meeting



2. Guidelines 2/2020: update following public consultation and in light of Schrems II

The lead rapporteur provided a brief update on the document. One member shared a general comment on one change made in the new version of the guidelines that concerns the applicability of the consistency mechanism to Art 46.3(b) GDPR administrative arrangements (AAs) when they only produce effects in one Member State. Short discussion followed in that matter. Since this matter will be discussed during the next plenary meeting to be held on 20 October 2020, that ITS ESG member agreed to raise these concerns then.

No objections were raised to the addition of two new footnotes to the paragraph 2. Some wording was changed following the suggestion of one ITS ESG member concerning the footnote number 4, so as to only refer to Art 96 GDPR.

Except a correction of a typo, no comments were raised concerning paragraph 5.

No objections were raised concerning paragraph 6.

A short discussion followed concerning an addition made to paragraph 8. [REDACTED]

No objections were raised concerning addition of new paragraph 9.

The ITS ESG members discussed two proposals concerning drafted paragraphs 13. The members of the ITS ESG marked paragraph 13 for deletion while the lead rapporteur will check whether some portion of the first part of deleted proposal is actually already included somewhere in the text of the document.

No comments were shared in relation to paragraph 14.

Concerning a suggested addition of some wording to paragraph 15 by an ITS ESG member, the ITS ESG members preferred to delete it.

Concerning paragraphs 18-20, the members of the ITS ESG chose to restore the previous wording.

No objections were raised concerning paragraph 24.

A short discussion followed concerning paragraph 25. As a result, an example relating to encryption and pseudonymisation was added to the first sentence of this paragraph.

The lead rapporteur informed the members of ITS ESG that the last paragraph under section 2.4 was moved to paragraph 40.

As to paragraphs 31 and 32, no objections were raised.

A discussion followed concerning some proposal of changes to paragraphs 35 and 36. One ITS ESG member suggested some alterations regarding time limits to respond to data subjects exercising their rights, which were accepted by the ITS ESG members.

No objections were raised concerning an addition made to paragraph 37.

No objections were raised concerning the new wording added below paragraph 40 addressing restrictions to data subjects' rights.

Concerning the issue of onward transfers, the members of the ITS ESG were invited to share written comments to paragraph 41, as the matter is left as an open point.

No objections were raised in relation to changes made to paragraphs 43 and 44.

One ITS ESG member will provide a proposal of new wording concerning paragraph 46 and another ITS ESG member will share a proposal of an alternative text to the drafted paragraph 47.

In line with the discussions concerning paragraph 48, part II of that paragraph will be erased.

One ITS ESG member suggested consulting the BTLE ESG in the matter of onward transfers. The lead rapporteur will make some further steps to contact the BTLE ESG Coordinator to check whether they BTLE ESG would be available to discuss this matter.

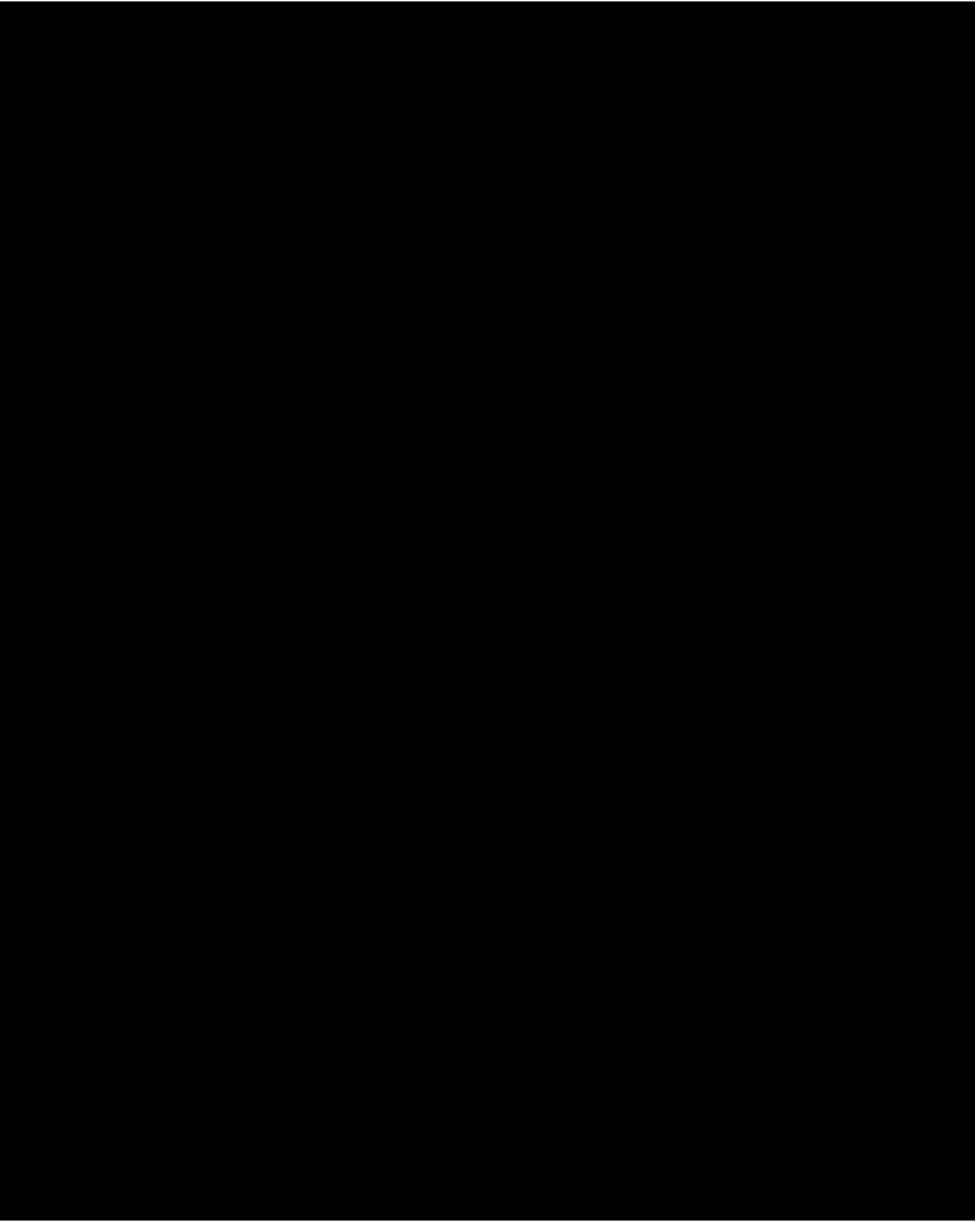
One ITS ESG member shared some suggestions concerning the wording of paragraph 52. [REDACTED]

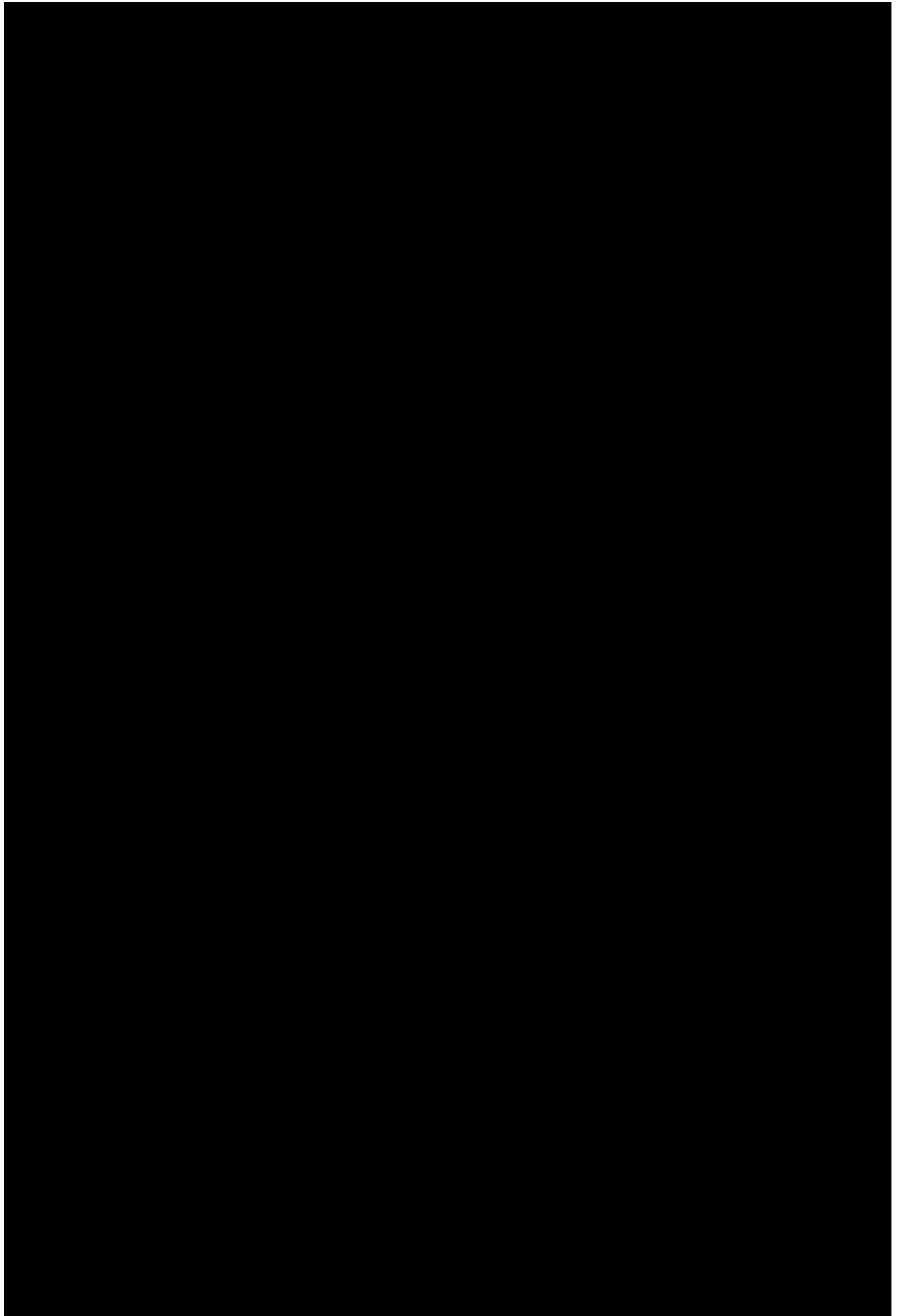
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Concerning the supervision mechanisms, one ITS ESG member suggested revision of the wording, another ITS ESG member suggested deletion of proposed changes to paragraphs 57 and 59. In result, some changes were made to this section of the document.

No comments were raised concerning paragraphs 71-78.

Some of the ITS ESG members will propose new wording to particular paragraphs by 15 October 2020. The lead rapporteur will share a new version including the new proposals by 16 October 2020. **The members of the ITS ESG were invited to comment on the document by 27 October 2020.**







Annex: Attendance List

AT SA, BG SA, CY SA, CZ SA, DE SA, DK SA, EDPS, EL SA, ES SA, FI SA, FR SA, HR SA, HU SA, IE SA, IT SA, LI SA, LT SA, LU SA, NL SA, NO SA, PL SA, SE SA

- European Commission

- EDPB Secretariat