



Final

## Key Provisions subgroup meeting

07 September 2018, EDPB premises, 30 Rue Montoyer, 1000 Brussels

### Introduction & organisation of work

#### Welcome & introduction

The coordinators welcomed the participants and a tour de table has been done.

#### Approval of the Agenda

The draft agenda was approved.

#### Dates for the next meetings

The date for the next Key Provisions subgroup is the **8th of November**. The meeting dates for January and February still need to be defined.

#### Information from the Secretariat

The secretariat informed the participants that [REDACTED] are together in charge of this subgroup for the EDPB Secretariat.

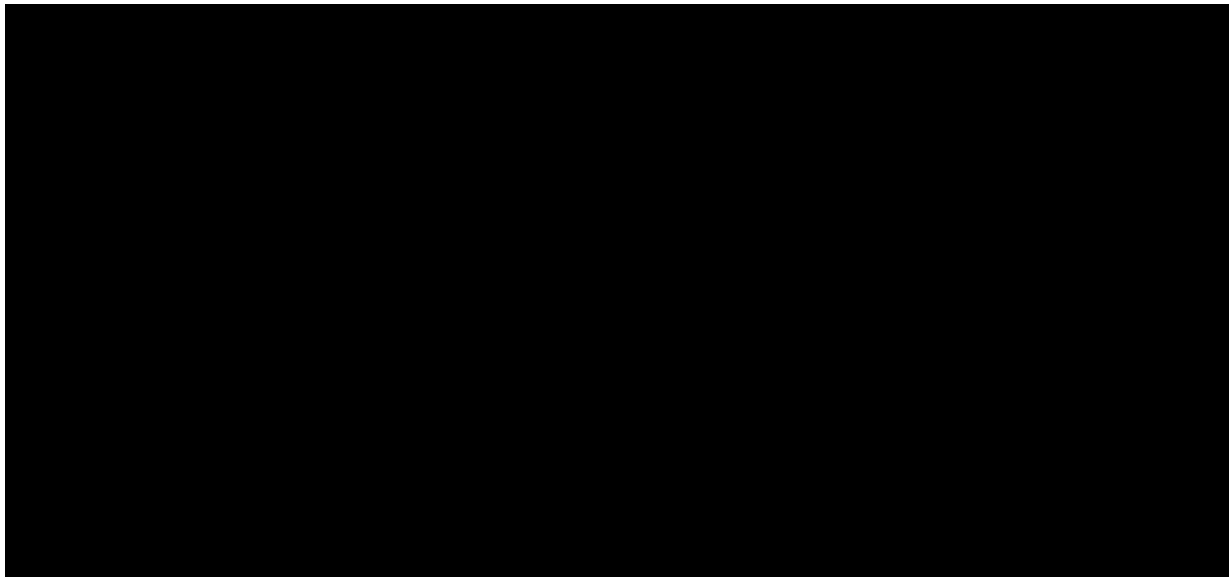
### Guidelines on the application of the territorial scope of the GDPR (Article 3)

#### Discussion on the updated version of the draft paper

The Lead Rapporteur presented the changes introduced to each section of the draft guidelines. [REDACTED]

[REDACTED]

[REDACTED]



Members were requested to submit comments to the rapporteur in light of the discussions. Said comments will then be transmitted to the FOP subgroup.

## Reorganisation of the EDPB subgroups

### Short exchange of views

Following a short exchange of view on the reorganisation of the EDPB subgroups, the members agreed that:

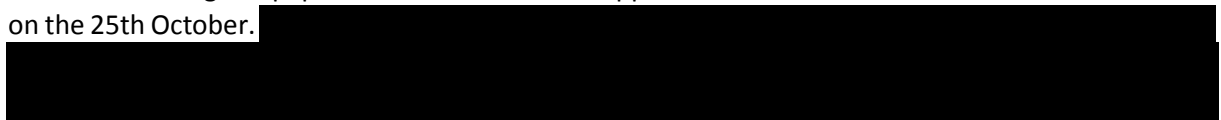
- the name of the subgroup should be kept;
- the subgroup should have exclusive competence on matters relating to chapters I and II and it will cooperate with other subgroups on core notions of the GDPR on matters relating to chapters III, IV and IX;
- the subgroup should focus on legislative proposals related only to its competences;
- the subgroup should ensure the follow-up of guidelines related only to the subgroup competences;

The members discussed the Coordinator's proposal to request a new mandate for the update of the guidelines on controller / processor, focusing in particular on the issue of joint controllership. The members agreed to reopen the discussion on a new mandate during the November meeting.

## Position Paper on the lawful basis for processing under Article 6(1)(b) in the context of the provision of online services to consumers

### Discussion on the draft of the position paper

The subgroup members discussed the draft, in particular specific examples of processing in online services. It was agreed that written comments should be submitted until the 24th September, with the aim of having the paper circulated to the co-rapporteurs on the 8th October and to all members on the 25th October.



## Next steps / To-do

1. Members may send comments on: - the guidelines on territorial scope of the GDPR **by 10 September** in view of its submission to the FOP and to the Plenary (**on 17 September**); and  
- the position paper on reliance on Article 6(1) (b) in the context of ‘free’ online services (**by 24 September**).
2. The guidelines on territorial scope will be submitted to the FOP subgroup and to the Plenary.

## Annex: List of Attendance

### Members

EDPS (coordinator), AT, BE, CZ, DE (Anspach), DE (Federal), DE (Nordrhein-Westfalen SA), DE (ULD Schleswig-Holstein), DK, EL, ES, FR, HR, HU, IE, LU, LV, NL, PL, RO, SE, SI, UK, IT, PT

NO SA

### Further attendees

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EDPB Secretariat

### Observers