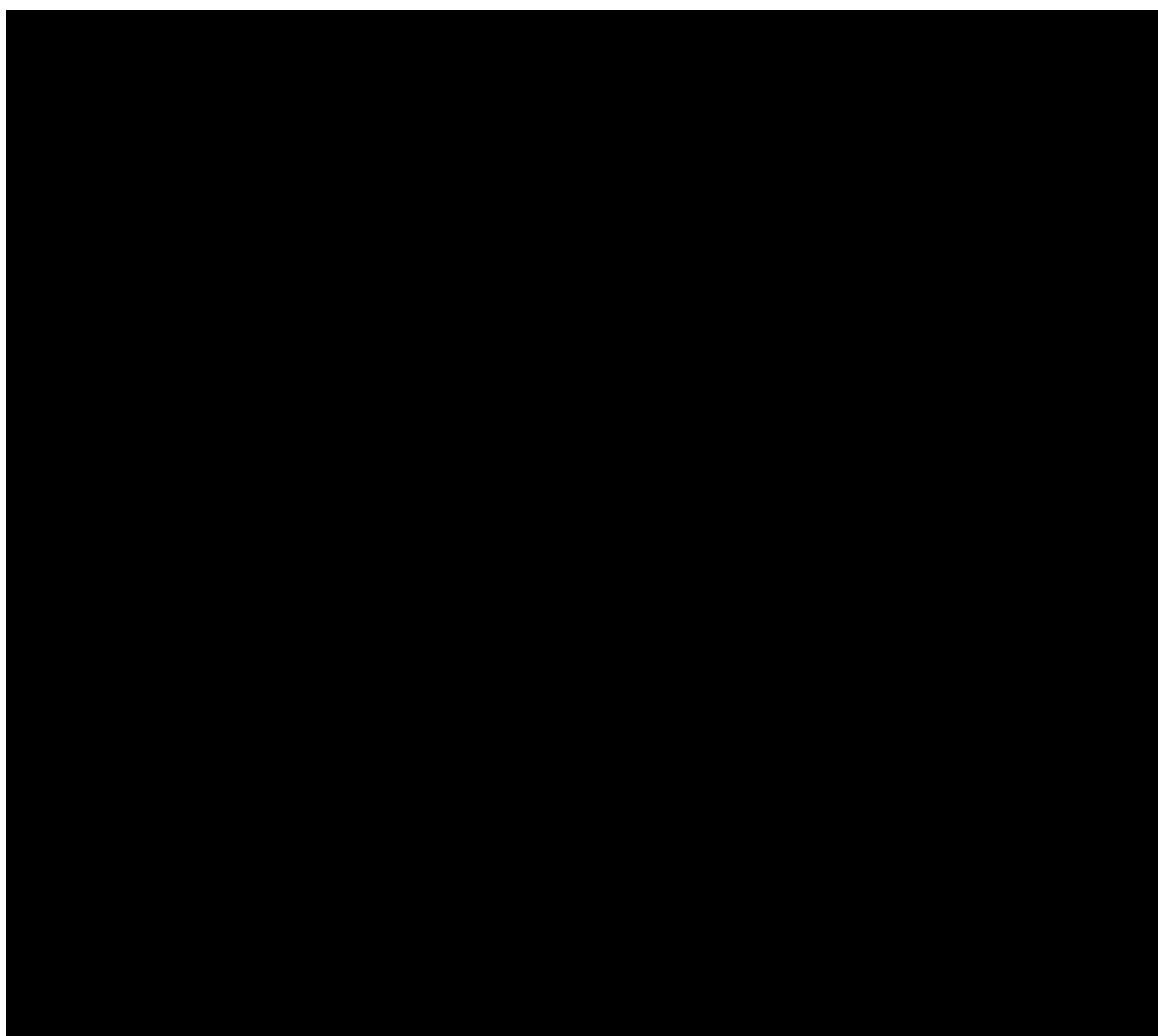


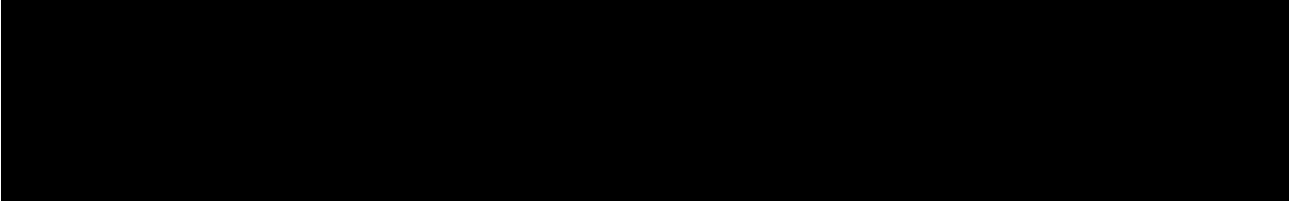


Final

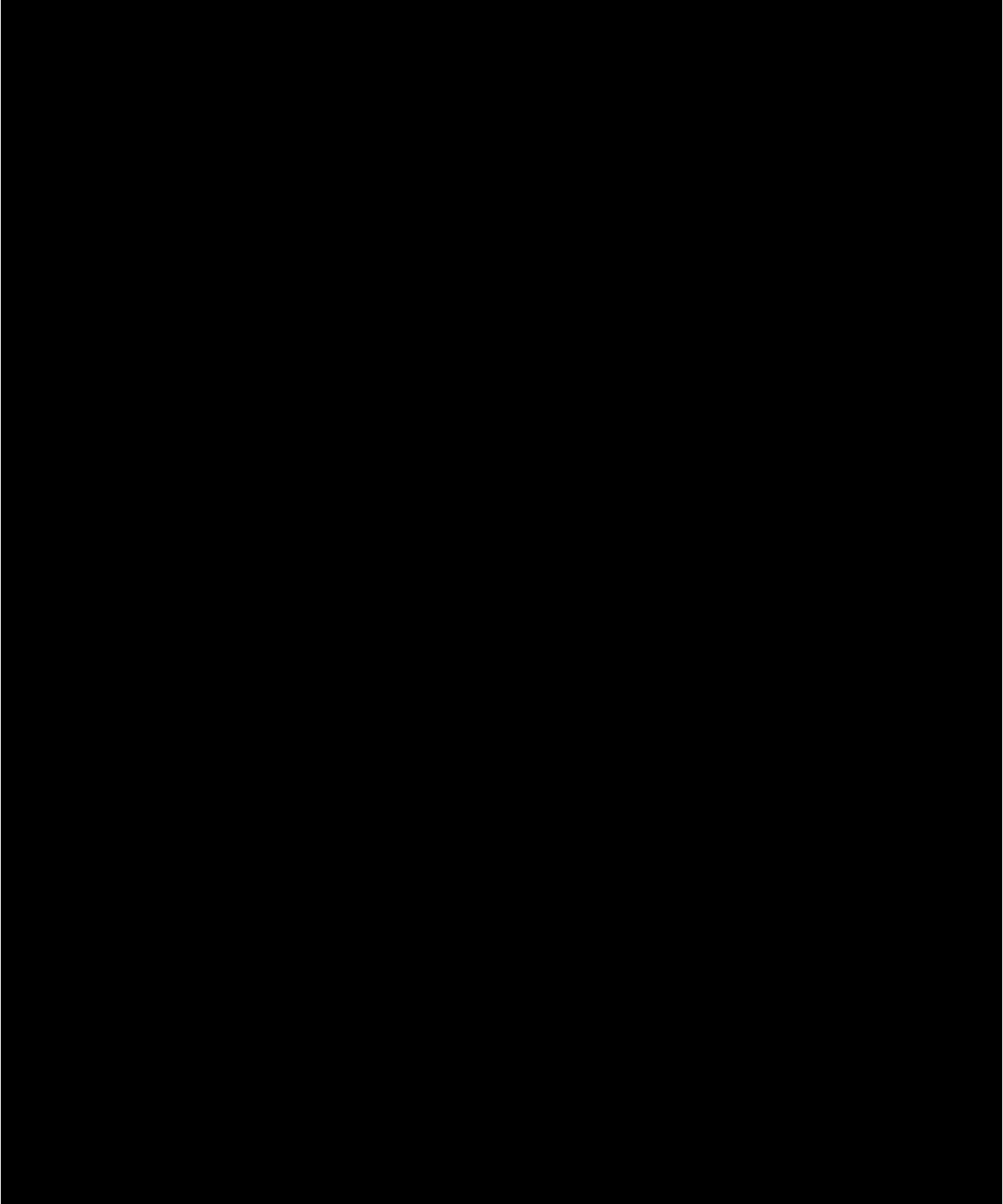
(ITS Expert Subgroup) meeting
8-9-10 September 2020, Remote meeting



05/10/2020



On Guidelines 2/2020 on Art 46.3(a) and (b) GDPR, the ITS ESG members were in favour of updating them in the context of the ongoing ITS ESG discussions that follow the public consultation on these guidelines. The target date to complete this work was set to end of October 2020.





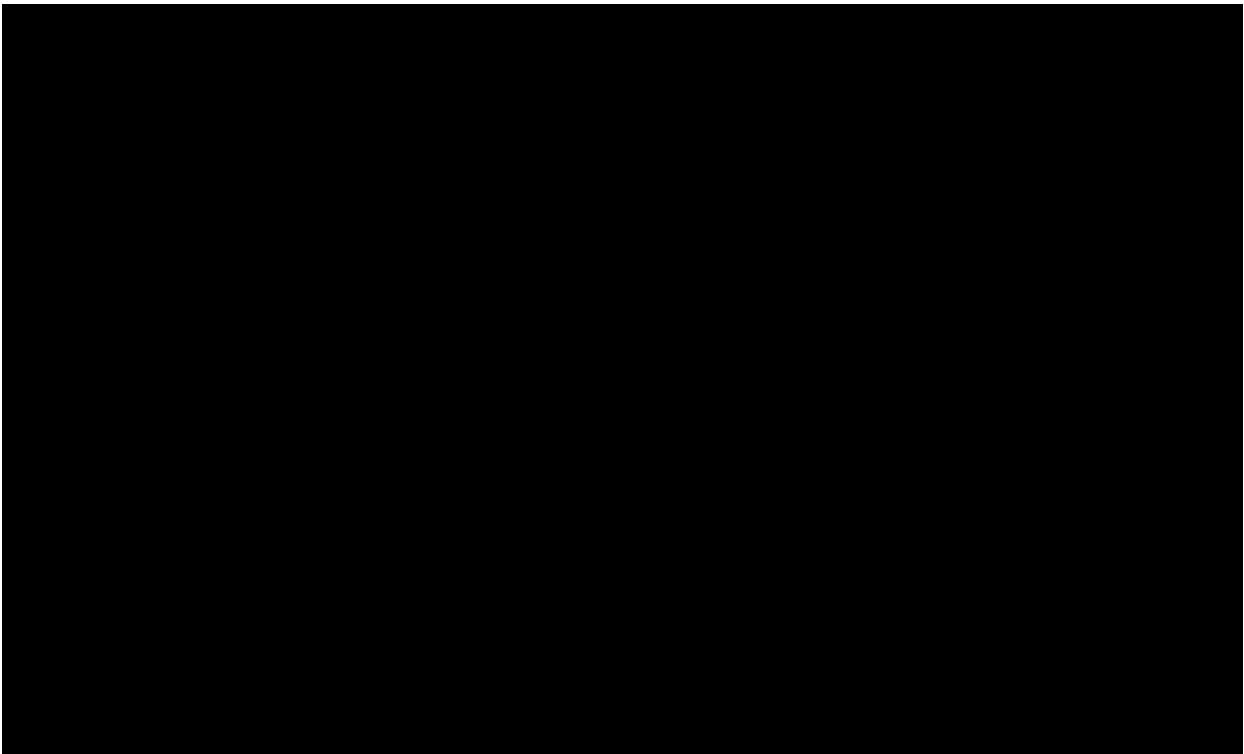
4. Guidelines 2/2020: update following public consultation + in light of Schrems II

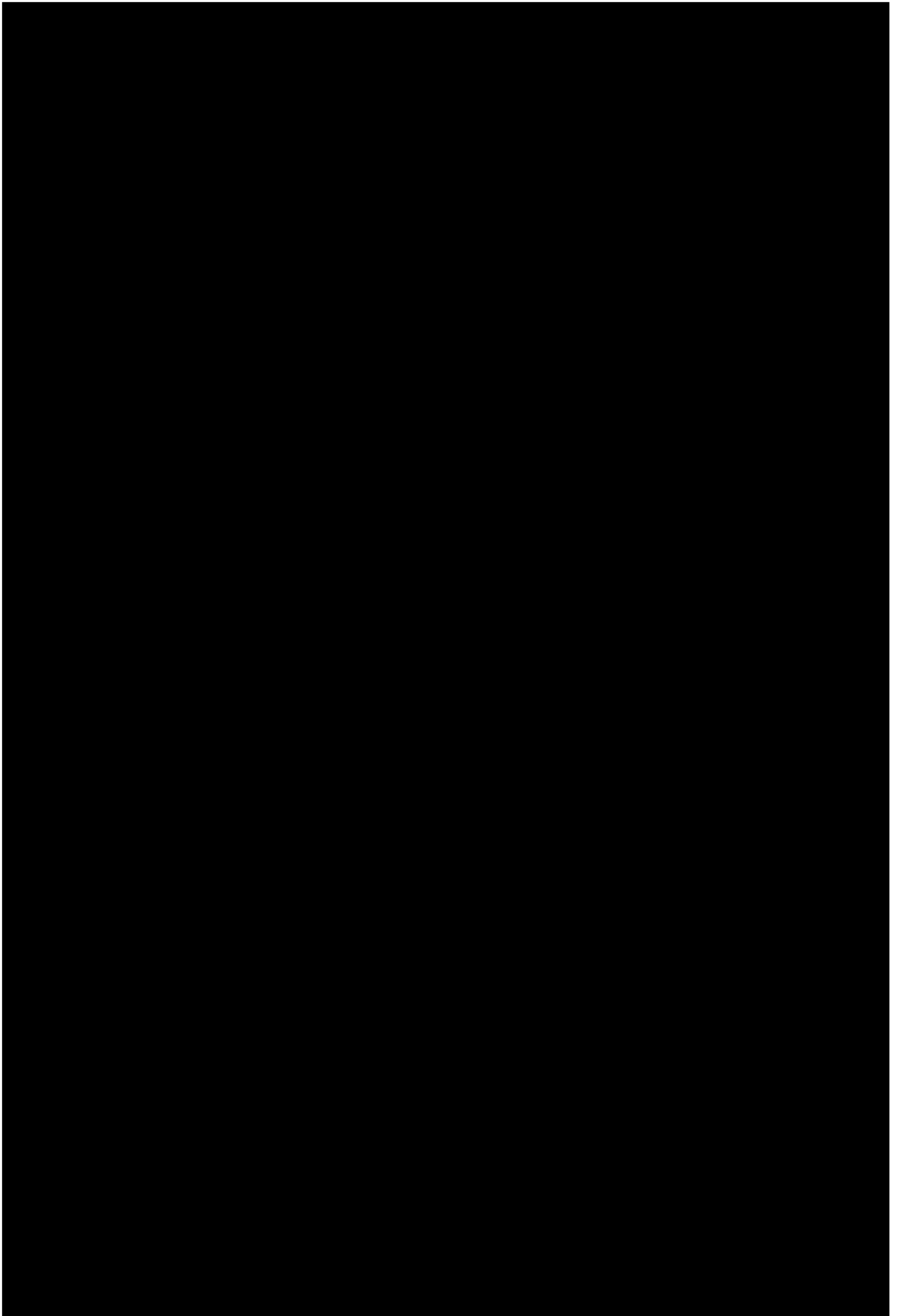


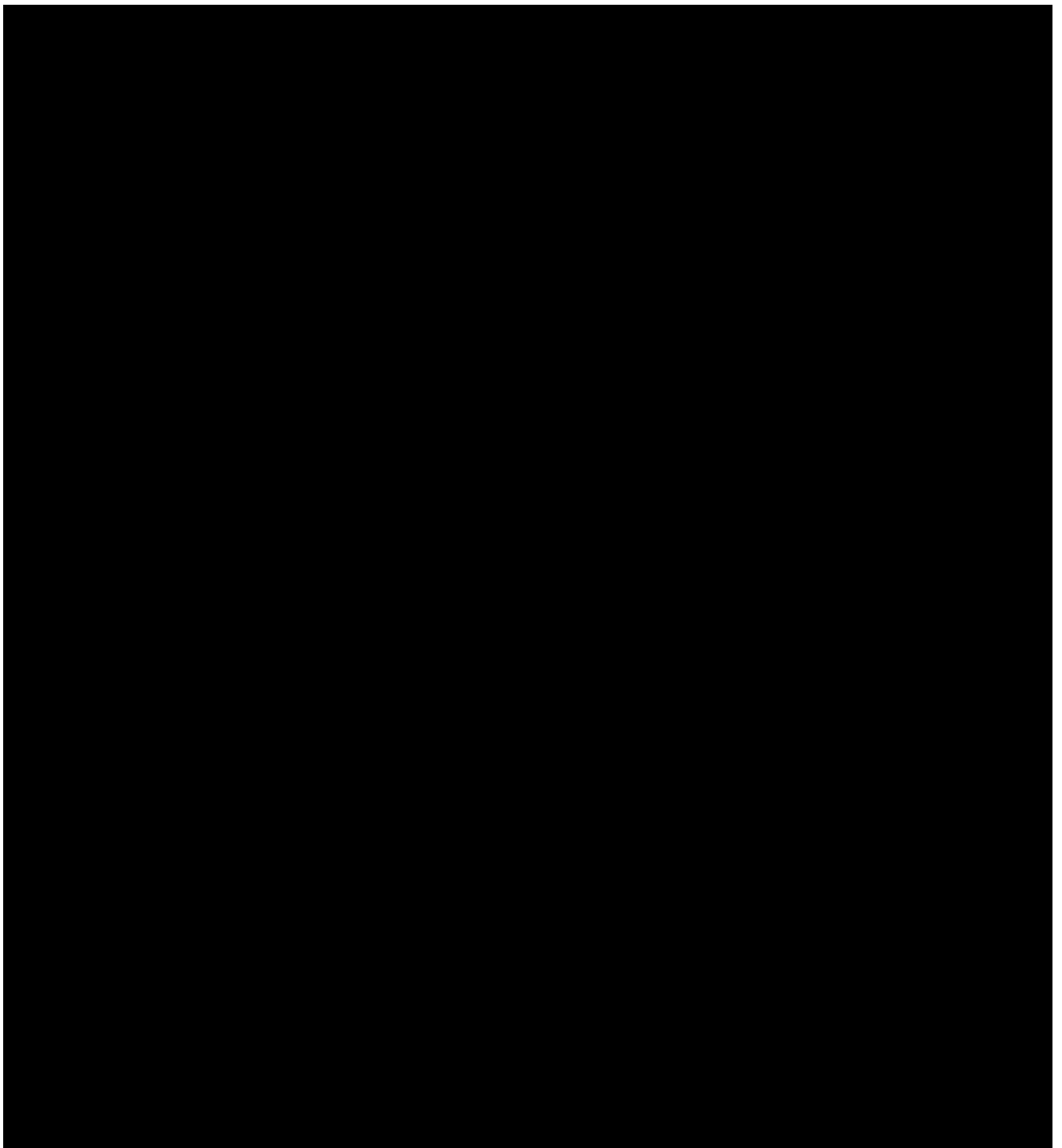
The ITS ESG members then discussed the changes identified by the rapporteur as being necessary in light of Schrems II. Most of them received positive feedback from the ITS ESG members, whilst few others drew additional comments:

-) The EDPB Secretariat recalled that the term ‘shall’ should not be used in non-binding documents.
-) Paragraph 54: the reference to the ECHR should not be deleted to the benefit of a reference to the CJEU, hence both should be included.

The rapporteur will amend the guidelines in accordance with the changes discussed and will circulate a new version ahead of the ITS ESG October 2020 meeting.







[Annex: Attendance List](#)

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

- European Commission

- EDPB Secretariat