



Key Provisions Expert Subgroup meeting
18 February 2019, Conference call

1. Introduction and organisation of work
The draft agenda was approved.

2. Guidelines on the lawful basis for processing under Article 6 (1) (b) in the context of the provision of online services to consumers

The rapporteur presented the revised guidelines, requesting views on examples 1, 2 and 3.

[Redacted content]

[Redacted content]

[Redacted]

[Redacted]

[Redacted]

The KEYP Coordinators indicated that the document would be open for comments by all members until 26th February COB, with adoption foreseen during April's Plenary.

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

The SA making the request presented its draft, indicating that was designed to be of simple use and only within Europe. [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[REDACTED]

4. Recast of WP29’s Opinion on the concepts of controller and processor

The rapporteur presented the current state of affairs and the stakeholders’ event. Foresaw providing a more substantial draft at the end of April for discussing during the May meeting. Foresaw definitive adoption of recast guidelines at September plenary for public consultation during September / October. One member of the expert subgroup made a comment on the list of potential participants to be invited for the stakeholders’ event.

5. Guidelines on the territorial scope

The rapporteur gave a quick overview of contributions provided.

The most commented issue of the guidelines was the targeting criterion (3(2)) and the issue of monitoring behaviour (in particular, what is considered to be monitoring behaviour). The second most commented issue was the liability of the representative in the Union. Another issue subject to several comments was the establishment criterion, in particular the modulation of the different obligations - more comments from stakeholders and requests from clarification. The question of the interplay between article 3 and chapter V was also subject to several comments.

[REDACTED]

6. AOB, conclusion, next steps

N/A

Annex: Attendance List

DPAs:

AT, BE, DE, IE, GR, ES, FR, IT, CY, LI, LU, HU, NL, PL, SK, SL, SE, UK, DK, EDPS

NO

- European Commission
- EDPB Secretariat