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**CONFIDENTIAL**

**Subject: EDPS order to provide information to data subjects | Consultation on the  
European Parliament 'efficient printing system' (EDPS case file 2019-0373)**

Dear Mr Petrucci,

We are writing to you in the context of the European Parliament consultation to the European Data Protection Supervisor (EDPS) on the 'efficient printing system'. This letter aims to address three points: 1) an order to bring the data processing into compliance and 2) preliminary remarks on individual statistics of the e-printer users.

The EDPS received the explanation and the documents provided on 24 October 2019 in case 2019-0373 regarding the multifunctional devices for printing, copying and scanning with authentication process of the European Parliament ('efficient printing system'), in response to our e-mail of 26 July 2019 requesting the EP to:

1. Change the **maximum retention period up to 96 hours**;
2. **Actively inform data subjects about the terms and conditions of the data processing**;
3. **Clarify the Controller-Processor relationship**;
4. Implement appropriate technical and organisational measures and safeguards on its servers;
5. **Perform a security risk assessment for the 'efficient printing' system**;
6. Implement those recommendations and provide the EDPS with the documentary evidence thereof within **three months**.

## 1) Order to bring the data processing regarding the efficient printing system into compliance

The EDPS takes note that the maximum retention period has changed and a security risk assessment for the 'efficient printing' system was performed, hence our recommendations 1 and 5 were implemented.

However, the EDPS notes that despite the three-month deadline given, some of the recommendations have not been implemented so far, in particular recommendation 2 to provide information to data subjects about the terms and conditions of the '**efficient printing system**' data processing. Please be reminded that this consultation begun on 16 April 2019, following a complaint submitted to the EDPS against the EP based on the lack of information provided to data subjects.

The EP has been exchanging information with the EDPS and explaining the reasons for the delay in implementing EDPS recommendation 2. Nevertheless, the EP has not yet duly informed the concerned data subjects.

In addition, please note that the implementation of the EDPS recommendation 2 does not need to involve complex arrangements. For example, an email with the information described in Article 15 and 16 of the Regulation (EU) 2018/1725 (the Regulation) would be enough to correct the situation regarding current data subjects' right to information. This could have been implemented by the EP, even while negotiations with the provider about a functionality to show a data protection notice on the printers' screen are still ongoing.

Consequently, the EP has been in breach of Article 15 and 16 of the Regulation since the personal data processing started at the end of 2018.

Therefore, in line with Article 58(2)(e) of the Regulation, **the EDPS hereby orders the EP to:**

1. **inform all data subjects whose data are processed by the 'efficient printing system' by 23 December 2019<sup>1</sup>;**
2. provide the EDPS the documentary evidence thereof by 23 December 2019.

The EDPS draws the attention of the EP to the fact that, under Article 58(5) of the Regulation, the exercise of the powers conferred on the EDPS pursuant to this Article shall be subject to appropriate safeguards, including effective judicial remedies and due process, set out in Union law.

Please be informed that the EDPS may consider exercising other of its powers, in accordance with Article 58 (2) of the Regulation, to ensure compliance with the relevant provisions and respect of the principles relating to the processing of personal data.

Please note that the controller-processor relationship is not completely clear either, since you mention that the 'solution provider' (Canon) '... does not have access and cannot use the personal data'. If it does not have access to personal data, it cannot use it. Nonetheless, if there are software updates with certain functions that are not in the control of the EP<sup>2</sup>, or if the 'solution provider' also has access to personal data – despite agreeing not to use the information – Canon is considered a processor.

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<sup>1</sup> The controller can choose the way in which the right to information is implemented. Posters and/or other disclaimers are very welcomed. Nonetheless, please be reminded that sending an email to all the users of the 'efficient printing system' seems to be the easiest, fastest and cheapest solution to ensure compliance.

<sup>2</sup> Please be reminded of the case with the Xerox printers.


Following this reasoning, the EDPS is not in a position to assess if the EP implemented the appropriate technical and organisational measures and safeguards on its servers.

## **2) Preliminary remarks on the users' individual statistics**

In addition, in your email of 24 October you mention that individual statistics will be created and will be available for consultation to each user through web portal upon authentication. If the individual statistics evolve to a systematic scoring system (e.g. low printing record = environmentally conscientious user; high printing record = non-environmentally conscientious user), there might be a need to perform a DPIA. This information has been disclosed to the EDPS just now. We recommend you to reflect about the need and the purpose of this data processing.

Nonetheless, we are available to assist you in the risk assessment to the data subjects involved in this data processing.

Yours sincerely,



Wojciech Rafał WIEWIÓROWSKI

Cc:

[Redacted email addresses]