

To: Johnny Ryan - ask+request-12300-1d7e4f6c@asktheeu.org

Brussels, 12 January 2023

Subject: Your application for access to documents – Ref No 2022/67

Dear Mr Ryan,

We refer to your e-mail dated 09/12/2022 in which you made a request for access to documents. You requested access to the *number of draft Art. 60 decisions per LSA, number of revised draft decisions and number of final decisions*.

Your request was registered on 13/12/2022 under reference number 2022/67. The deadline to reply is therefore 12/01/2023.

Assessment

We have conducted the following assessment in light of Regulation 1049/2001 regarding public access to documents and the relevant case law of the Court of Justice of the European Union (CJEU).

We have identified one document that falls partially within the scope of your request. This document contains the most recent statistics available to the EDPB and are cumulative since the establishment of the EDPB on 25 May 2018.

The statistics provided have been generated from the information and communications system provided by the EDPB (*the IMI system*) which facilitates the exchange of information between Supervisory Authorities necessary for the functioning of the GDPR cooperation procedures. The system is as well used by the EDPB for the consistency mechanism.

The IMI system is an information sharing tool and not a case management system (as commonly understood). Rather, it is used to create repository entries and initiate workflows by Supervisory Authorities under various headings, which is reflected in the provided statistics.

In that regard, it should be noted that the statistics relating to Article 60 draft decisions, revised draft decisions and final decisions only capture the number of cross-border cases resolved by a Supervisory Authority in accordance with the cooperation procedure set forth in Article 60 GDPR.

Depending on the Member State legislation, supervisory authorities may have handled complaints outside of the Article 60 procedure in accordance with their national law (such as amicable resolutions). Only with the adoption of the EDPB work on amicable settlements was a consensus established and all amicable settlements going forward will be registered as Article 60 final decisions.

For the reasons outlined above, any requestor may wish to consider to contact a national Supervisory Authority directly to receive figures on the total amount of resolved cases.

Please also note that only the Supervisory Authority which initiates a procedure is logged in the system and only one Supervisory Authority can initiate a procedure.

Please be informed that it is possible that a final decision following a draft decision is adopted by the complaint receiving SA and not the LSA (Art 60(8) GDPR). Therefore, the EDPB does not have statistics that differentiate on whether the final decision has been adopted by the LSA or by a complaint receiving SA.

Partial disclosure

Having examined the document requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, alongside the scope of your request, I have come to the conclusion that full disclosure of the document cannot be granted, since some information falls outside the scope of your request.

Disclaimer

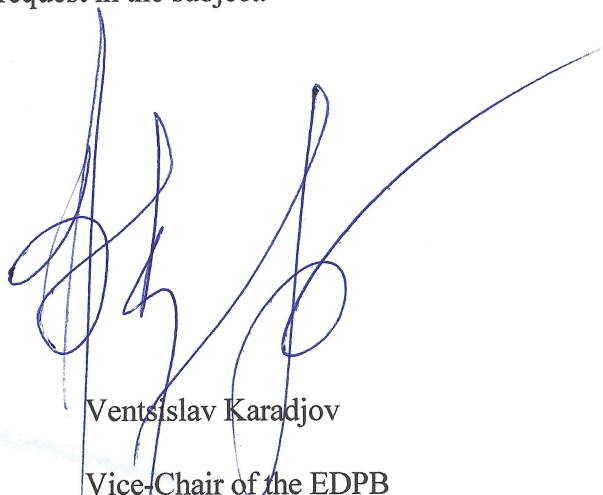
You may reuse the document requested free of charge for non-commercial and commercial purposes, provided that the source is acknowledged and that you do not distort the original meaning or message of the document. Please note that neither the EDPB, nor its Secretariat assume liability stemming from the reuse.

Means of redress

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the EDPB to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the following email address: edpb@edpb.europa.eu. Please make reference to the case number of your request in the subject.

Yours sincerely,



Ventsislav Karadjov

Vice-Chair of the EDPB

Secretariat of the European Data Protection Board

rue Wiertz, 60
1047 Brussels