



Draft

ENFORCEMENT Subgroup meeting

12 November 2018, Brussels

1. Welcome + adoption of the agenda

The minutes of last meeting were approved.

2. Enforcement practice

- a) Round-table discussion about experiences with cooperation and enforcement. Place for asking substantive questions to the group, exchanging best practices and discussing issues with (national) procedures. All members are requested to collect input from their relevant departments (ALL) (discussion). [REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]

- BE: issue which is increasingly coming is the competence of SAs in cases where the processing of personal data is also subject to the ePrivacy framework. Broadly 2 positions can be distinguished: ePrivacy is national law and nothing to do with GDPR vs. it is processing of personal data and therefore competence of SAs, who can also take into consideration ePriv restrictions. Further clarification is required; BE considering to trigger an Article 64.2 to obtain clarity for all stakeholders.
- [REDACTED] anticipates 30 000 complaints by end of the year. [REDACTED]

[REDACTED]

[REDACTED] workload has been normalised. No implementation of the GDPR yet in national legislation.

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]: a lot of complaints, most of them were inadmissible since national SAs are competent
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED] number of complaints doubled. Identification of the controller is verified. Asks for feedback about other national procedures.
- [REDACTED]

b) List of representatives of companies located outside the EU ([REDACTED] (request for mandate).

An IT solution is asked by the [REDACTED] as to the sharing of information accessible to all. An IT platform is also discussed within cooperation subgroup, and the SG suggested to wait until this tool is available. No request for mandate until the platform is there.

- c) [REDACTED]
- [REDACTED]
- [REDACTED]

d) List of contact persons within DPAs for quick questions (discussion on the way forward).

Discussion on the opportunity of having an informal contact group. Some members raise that the existing instruments are already satisfying.

Conclusion: not enough support currently from most of SAs on an informal communication channel between SAs. The subgroup will continue evaluating the need for the right channel for cooperation as the importance of such cooperation has already been recognised.

3. Questionnaires

a) Questionnaires on secrecy + investigation powers (EDPB Secretariat) (presentation of the outcomes).

SEC presents the results of the questionnaires and the final document.

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

b) Timeline for remaining questionnaires ([REDACTED] (discussion).

TO DO: Before next ENF meeting, a new round of questionnaires will be sent to members by [REDACTED] with SEC.

4. OSS and Main Establishment – [REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
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[REDACTED]

5. RTBF Guidance

[REDACTED] updated the state of play

There is an informal group on the RTBF. The mailing list can still be used to share information and experience.

[REDACTED] reminds that there is an ongoing procedure against [REDACTED] on the RTBF and the territorial scope.

TO DO: [REDACTED] will try to have a consolidated draft of the guidance at the end of next week for comments. If satisfactory, the document shall be presented at the next plenary.

No point raised.

To-do/Next steps

- [REDACTED]
- Before next ENF meeting, a new round of remaining questionnaires will be sent to members by [REDACTED] with SEC.
- ENF SG will collect experience and difficulties with the LSA guidelines and give feedback to KEYP/COOP
- [REDACTED] will draft an infonote on main establishment and OSS and before next ENF SG meeting to be distributed to other SGs for the Plenary of February
- [REDACTED] will try to have a consolidated draft of the RTBF guidance at the end of next week for comments. If satisfactory, the document shall be presented at the next plenary.

NEXT MEETING: 22 February 2019

Annex: Attendance List

Members: AT, DE, EE, EL, ES, EDPS, FI, FR, HU, IE, IT, LU, LV, PL, RO, SI, SK, UK, BE, DK, HR, NL, PT, SE

EFTA EEA: LI, NO

Others: COM