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European Data Protection Board
Attn: Dr. Jelinek
Rue Wiertz 60
B-1047 Brussels
Belgium

By Email: edpb@edpb.europa.eu

28 October 2020

Dear Dr. Jelinek,

Re: EDPB TikTok Taskforce

I am writing to you to bring a pressing issue to your attention, and to reiterate my previous requests to receive information about the EDPB's TikTok taskforce and to open a dialogue with it.

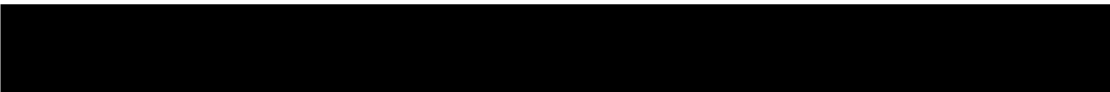
On 13 October 2020, we were contacted by the German media outlet 'Netzpolitik', which had come into possession of a letter issued by the Irish Data Protection Commissioner (the "IDPC") to TikTok on 13 August 2020. We have subsequently been informed that this letter was provided to Netzpolitik by one of the EDPB's members, a supervisory authority in the EU. Netzpolitik have in the meantime published an article on the letter,¹ thereby disclosing to the general public details about a confidential ongoing discussion, and Netzpolitik's publication has been picked up by other major news outlets.²

If it is true that Netzpolitik received the letter from one of the members of the EDPB, this would appear to be a violation of the duty of professional secrecy imposed by Article 54(2) GDPR.

¹ <https://netzpolitik.org/2020/datenschutz-irland-wehrt-sich-gegen-niederlassung-von-tiktok/>

² For instance,

<https://www.scmp.com/news/china/diplomacy/article/3106786/tiktoks-plan-open-european-headquarters-dublin-questioned>



I respectfully request the EDPB to investigate this matter thoroughly.

In addition, as indicated in my letter to you of 15 June 2020, we are keen to engage with the EDPB following its public announcement that it had set up a special taskforce to acquire a more comprehensive overview of TikTok's processes and practices. We would be very happy to assist with that overview and still await a response to our offer.

Further, we also note that the taskforce was set up to "coordinate potential actions" against TikTok. This clearly affects TikTok's rights and obligations, yet TikTok has not been made aware of the membership of the taskforce or any other detail, such as its procedures or remit. Further, you have failed to engage with our previous requests in this regard. The aforementioned disclosure of confidential correspondence further compounds our concerns.

TikTok notes that it has the right to request access to documents held by the EDPB pursuant to Regulation (EC) No 1049/2001. We therefore respectfully reiterate our request for information about the taskforce's proceedings.

Yours sincerely,

