

Data protection as a pillar of citizens' empowerment and the EU's approach to the digital transition - two years of implementation of the General Data Protection Regulation (GDPR)

On 24 June 2020, the European Commission published the Communication on Data Protection as a pillar of citizens' empowerment and the EU's approach to the digital transition - two years of implementation of the General Data Protection Regulation (RGPD).

The European Commission's communication is accompanied by a press release on the Commission's report and a summary of the main findings, written in the form of questions and answers.

As noted in the content of the Communication, one of the conclusions is that, after two years of application, the RGPD has met its objectives of strengthening the protection of personal data and guaranteeing the flow of personal data.

With regard to the improvements made by the RGPD, it is noted that the Regulation has strengthened transparency and given individuals enforceable rights such as access, rectification, erasure, opposition and data portability.

As far as data protection authorities are concerned, they play a key role in ensuring the implementation of the RGPD at national level and the effective functioning of the cooperation and consistency mechanisms of the European Data Protection Board, in particular the one-stop shop mechanism used for cross-border cases. Thus, the Commission has consistently emphasized the obligation of Member States to allocate sufficient human, financial and technical resources to national data protection authorities.

At the same time, the RGPD provides national data protection authorities with harmonized and enhanced powers. Since the entry into force of the Regulation, data protection authorities have used a wide range of corrective powers provided by the RGPD, such as administrative fines, warnings and warnings, provisions to comply with the data subject's requests, provisions to ensure compliance of processing operations with the provisions of the Regulation, to rectify or delete the data or to restrict the processing. The RGPD also provides for a wider range of corrective powers. For example, the effect of a ban on the processing or suspension of data flows can be much stronger than a financial sanction.

At the same time, the data protection authorities cooperated very actively as members of the European Data Protection Board, also making extensive use of the mutual assistance cooperation tool. Regarding the coherence mechanism, the EDPB has adopted several opinions in these two years. Regarding the management of cross-border cases, the need for a more efficient system and a cohesive approach when using the cooperation tools provided in the RGPD was noted. The main issues to be

addressed in this context include: differences in national administrative procedures, various interpretations of the concepts related to the cooperation mechanism, but also various approaches to the start of the cooperation procedure, timing and communication of information.

The Commission also points out that the RGPD has emerged as a point of reference for many countries around the world as they have modernized their personal data protection rules (Chile, South Korea, Brazil, Japan, Kenya, India). Tunisia, Indonesia, Taiwan and the state of California, to name a few).

At the same time, it is noted that the RGPD offers a number of modernized tools to facilitate the transfer of personal data from the EU to a third country or international organization, while ensuring that data continues to enjoy a high level of protection. .

The key objective at this stage is to support a harmonized and consistent implementation and implementation of the RGPD across the European Union. This requires a strong commitment from all actors:

ensuring that national legislation, including sectoral legislation, is fully in line with the RGPD;

Member States to allocate the necessary human, financial and technical resources to national data protection authorities for the correct application of data protection rules;

data protection authorities to develop effective working procedures on the functioning of cooperation and coherence mechanisms, including on procedural issues;

use of the tools provided by the RGPD to facilitate the application of the rules, for example through codes of conduct;

closely monitors the application of RGPD in connection with new technologies such as artificial intelligence, Internet of Things, blockchain.

With regard to international work, the Commission will continue to focus its efforts on promoting the convergence of data protection rules as a way to ensure secure international data flows.