

Litigation Chamber

Interlocutory Decision 26/2021 of February 23, 2021

File number: DOS-2019-01377

Subject: Language of the proceedings - complaint against IAB Europe

The Litigation Chamber of the Data Protection Authority, made up of Mr.

Hielke Hijmans, chairman, and Messrs. Yves Poullet and Christophe Boeraeve, members, taking up

the case in this composition;

Having regard to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the

protection of natural persons with regard to the processing of personal data and the

free movement of such data, and repealing Directive 95/46/EC (General Regulation on the

data protection, hereinafter "GDPR");

Having regard to the law of 3 December 2017 establishing the Data Protection Authority (hereinafter the law

ODA);

Having regard to the internal regulations as approved by the House of Representatives on December 20

2018 and published in the Belgian Official Gazette on January 15, 2019;

Having regard to the appeal brought before the Market Court by Johnny Ryan, Pierre Dewitte, Jeff Ausloos,

the NGO Panoptikon, the NGO Bits of Freedom, as well as the League of Human Rights against the decision

interlocutory of the Litigation Chamber no. 01/2021 of January 8, 2021;

Having regard to the hearing before the Market Court on February 3, 2021;

Having regard to the decision of the Markets Court of February 17, 2021;

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took the following decision¹ regarding:

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the complainants:

- Mr Johnny Ryan

- Mr Pierre Dewitte□

- Mr. Jeff Ausloos□

- Mr. Bruno Bidon□

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Panoptikon NGO□

the NGO Bits of Freedom□

the League of Human Rights□

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the defendant: IAB Europe□

1. Motivation□

1. Following the agreement concluded between the parties², as endorsed by the Court of Markets in its judgment□

2020/1351 of February 17, 2021, this interlocutory decision amends the decision as follows□

interlocutory no. 01/2021 of January 8, 2021.□

2. The DPA changes the language of the proceedings from French to Dutch. It means that□

correspondence between the DPA and the parties will in future be in Dutch and that future□

Provisional and final decisions of the Litigation Chamber will be rendered in Dutch.□

However, a French and English translation of the final decision will be provided to the parties by the□

Litigation Chamber.□

3. On February 4, 2021, the DPA also made available to the parties the inspection report of the□

July 13, 2020 in French language, cleared of English terms. No changes have been made□

to the content of the report. This new French version of the inspection report replaces□

the previous version ex tunc. This implies that IAB Europe undertakes not to invoke the nullity□

of the Inspectorate's report on the language legislation base.□

4. The DPA has also provided the parties with an authentic version of the inspection report in the language□

Dutch, dated February 11, 2021.□

5. However, the parties remain free to use the language of their choice (Dutch, French, or□
English) in the proceedings before the Litigation Chamber, both in writing and orally. In the case□
from IAB Europe, it is French or English. The Data Protection Authority will not take□

1 This version is the French translation of the original Dutch version.□

2 Agreement of February 5, 2021 between the parties by way of pleadings before the Court of Markets.□

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furthermore not be responsible for any translations of procedural documents submitted by a□
party for the benefit of the opposing party.□

6. Each party shall bear its own costs relating to the appeal proceedings.□

7. Considering the importance of transparency with regard to the decision-making process and□
the decisions of the Litigation Chamber, as well as because of the specificity and the public interest□
presented by this decision, it will be published on the website of the Autorité de la□

Data protection. In view of the previous publicity on this case, the House□

Litigation has decided not to delete the direct identification data of the parties and the□
persons cited, whether natural or legal.□

8. The aforementioned agreement between the parties is attached to this decision and is published on the website□
Data Protection Authority Internet.□

FOR THESE REASONS,□

THE LITIGATION CHAMBER□

Decides, after deliberation, to modify Interlocutory Decision No. 01/2021 of the□

January 8, 2021:□

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to conduct the proceedings in Dutch, while allowing the parties to express themselves, both in□
their conclusions only during the hearing, in French, Dutch or English;□

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not to provide translations of written documents submitted in one of these three languages;□

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to issue the final decision in Dutch and simultaneously communicate to the parties a□

version in French and in English, versions which will also be made available on the site of□

ODA.□

This interlocutory decision may be appealed to the Court of Markets in a□

period of 30 days from its notification (art. 108, § 1 of the law of December 3, 2017 on□

creation of the Data Protection Authority) with the Data Protection Authority as□

defendant.□

(se) Hielke Hijmans□

President of the Litigation Chamber□