

Zdravko Vukić, director of the Personal Data Protection Agency and member of the European Data Protection Board, participated in the plenary session of the European Data Protection Board on November 18 in Brussels.

During the plenary session, the European Data Protection Board (hereinafter: EDPB) adopted the Guidelines on the interaction of Art. 3 and Chapter V of the GDPR. By clarifying the interplay between the territorial scope of the GDPR (Article 3) and the provisions on international transfers in Chapter V, the Guidelines aim to assist controllers and processors in the European Union in determining whether a processing operation constitutes an international transfer and to provide a common EU understanding of the concept international transmissions.

The guidelines list three cumulative criteria that qualify processing as a transfer: (1) the data exporter (controller or processor) is subject to the GDPR in relation to the processing in question; (2) the data exporter transfers or makes personal data available to the data importer (another processor, joint processor or processor); (3) the data importer is in a third country or is an international organization.

The processing will be considered a transfer, regardless of whether the importer with a business establishment in a third country is subject to the GDPR according to Art. 3(2) of the GDPR. However, the EDPB considers that the collection of data directly from data subjects in the European Union on their own initiative does not constitute a transfer.

EDPB President Andrea Jelinek added: "These Guidelines provide a consistent interpretation of the concept of "international transfers" and clarify that, when an importer of data is subject to the GDPR, the obligations under Chapter V of the GDPR apply to both transfers from the EU to the importer and to any further transfer undertaken by the importer".

The guidelines will be subject to public consultation.

The EDPB adopted the Statement on the package of digital services and data strategy of the European Commission. In the press release, the EDPB lists three items in which it highlights concerns regarding the Commission's proposals that have been presented so far (the Data Management Act, the Digital Services Act and the Digital Markets Act and the Artificial Intelligence Regulation). :

lack of protection of fundamental rights and freedoms of the individual;

fragmented supervision;

risks of inconsistency.

The EDPB and the EDPS have already issued joint opinions on the Data Governance Act and the Artificial Intelligence

Regulation, and the EDPS has issued opinions on the European Data Strategy, the Digital Services Act and the Digital Markets Act. In its statement, the EDPB reiterates its call for a ban on any use of artificial intelligence for the automated recognition of human features in publicly accessible spaces.

On this occasion, the Director of the Agency, Zdravko Vukić, also held a working meeting with Karl Ressler, a Croatian member of the European Parliament and vice-president of the Committee for Artificial Intelligence in the Digital Age (AIDA). It is a special committee of the European Parliament established to establish a long-term European plan in the field of artificial intelligence.

Artificial intelligence is the central element of the digital industrial revolution, which brings numerous advantages for various sectors such as: green and circular economy, agriculture, health, tourism. Artificial intelligence can increase production and machine quality, improve customer service and save energy. It is crucial to enact harmonized rules at the EU level that will protect the basic rights of citizens, while at the same time they must not prevent economic growth and slow down the application of the most modern technologies, especially in small and medium-sized enterprises.