

Brussels, 29 July 2022 – The European Data Protection Board has adopted the responses to the queries it received from Access Now and BEUC regarding TikTok. In these letters, the European Data Protection Board highlights the swift measures taken by the Irish, Italian and Spanish supervisory authorities after TikTok announced that it would no longer seek the consent of users to send personalized ads, and that the legal basis for such processing of personal data would be a legitimate interest of TikTok and its partners. As a result of the backlash from regulatory authorities, TikTok has announced that it will stop changing the legal basis used for personalized ads.

The Deputy President of the European Data Protection Board Ventsislav Karadjov said: "The suspension of the intended change to the legal basis of TikTok is proof of the determination of the supervisory authorities and their commitment to protect the interests of TikTok users and respondents in general. I am convinced that supervisory authorities have the necessary tools to protect data subjects' rights and that cooperation within the European Data Protection Board ensures that this is done effectively and consistently throughout the European Economic Area."

In addition, the European Data Protection Board made a decision on dispute resolution based on Article 65 of the General Data Protection Regulation. The purpose of the binding decision is to resolve the lack of consensus on certain aspects of the draft decision issued by the Irish supervisory authority as the lead supervisory authority in relation to Instagram (Meta Platforms Ireland Limited (Meta IE)) and the subsequent objections of some of the supervisory authorities concerned.

The lead supervisory authority issued the draft decision following an own-initiative investigation into Meta IE's processing activities. The draft decision of the leading supervisory body refers to Meta IE's compliance with Article 5, paragraph 1, points (a) and (c), Article 6, paragraph 1, Article 12, paragraph 1, Articles 13, 24, 25 and 35 of the General Data Protection Regulation with regard to certain processing of personal data of children in the context of Instagram. Specifically, it relates to the public disclosure of the email addresses and phone numbers of children using the Instagram business account feature and the "default" setting for children's personal Instagram accounts during the period covered by the temporary scope of the investigation. On December 3, 2021, the leading supervisory authority forwarded its draft decision to the relevant supervisory authorities in accordance with Article 60, paragraph 3 of the General Data Protection Regulation. Several competent supervisory authorities have filed objections in accordance with Article 60, Paragraph 4 of the General Data Protection Regulation regarding, among other things, the legal basis for processing and determining fines.

The supervisory authorities could not reach a consensus on some objections, which the lead supervisory authority then

referred to the European Data Protection Board for determination in accordance with Article 65(1)(a) of the General Data Protection Regulation, which triggered the dispute.

The European Data Protection Board has made its binding decision. The lead supervisory authority will make its final decision accordingly and send it to the controller without undue delay, and no later than one month after the EDPB has communicated its decision. The EDPB will publish its decision on its website without undue delay after the lead supervisory authority has notified the controller of its decision.

At the session in question, the director of the Personal Data Protection Agency and member of the European Data Protection Board, Zdravko Vukić, presented the results of the ARC (Awareness Raising Campaign for SMEs) project - Campaign to raise awareness of data protection for small and medium-sized enterprises, which is coming to an end. It is a project co-financed from the European Union program "Rights, Equality and Citizenship 2014-2019", which was carried out by the Personal Data Protection Agency with partners the Data Protection Commission, the Irish Data Protection Supervisory Authority and Vrije University over the previous two years. from Brussels.

The goal of the project was to provide support to micro, small and medium-sized entrepreneurs when harmonizing with the General Data Protection Regulation through the implementation of various project activities, such as holding advisory activities and creating educational materials adapted to the specific needs of medium and small entrepreneurs. Thus, for the needs of the project, a website was created, <https://arc-rec-project.eu/naslovna/>, in Croatian and English with numerous, easy-to-understand educational materials. However, the most useful for the target users were the workshops where they had the opportunity to ask questions and resolve any doubts, and a total of 32 of them were held, both online and throughout Croatia, for more than 5,000 entrepreneurs and craftsmen.

In the project, the Croatian Chamber of Commerce, the Croatian Chamber of Commerce and the Croatian Association of Entrepreneurs provided support to the Agency in order for the benefits of the ARC project to reach as many target groups as possible, i.e. micro, small, medium-sized entrepreneurs and craftsmen.

In addition to the above, international conferences were also held in Zagreb and Dublin, where small and medium-sized entrepreneurs, experts in the field of data protection, and legal and IT experts had the opportunity to exchange experiences and present best practices in the implementation of the GDPR for small and medium-sized enterprises. The conference "3 years of GDPR implementation: experiences and challenges of European small and medium-sized enterprises in compliance

with the General Data Protection Regulation", held on May 25, 2021 in Zagreb, which attracted the interest of experts and the general public.

"We have done a lot, but there is still a lot of work ahead of us. Croatian small and medium-sized enterprises need greater support from the national supervisory authority in order to achieve a better level of compliance of their business with the legislative framework for the protection of personal data. They also need more practical tools for GDPR compliance. For example, there is still no adequate and affordable IT solution on the European Union market that would meet the specific needs of small and medium-sized entrepreneurs," said Director Vukić and announced a new project co-financed from the EU program "Rights, Equality and Citizenship" which will be implemented Agency for the Protection of Personal Data. "In September of this year, we are starting a new project for small and medium-sized entrepreneurs, based on the results obtained in the ARC project, and in partnership with Garante Privacy, the Italian supervisory body for data protection, the University of Florence, the Free University of Brussels and the Faculty of Organization and Informatics from Varaždin. Here at the Agency, we are very excited about the innovative project that is ahead of us, the results of which will be useful for all small and medium-sized entrepreneurs throughout the European Union," concluded director Vukić.