

Brussels, 20 June 2023 - During the plenary session held on 20 June 2023, the European Data Protection Board adopted a template complaint form to make it easier for individuals to submit complaints to a supervisory authority and the subsequent processing of complaints by data protection authorities in cross-border cases.

European Data Protection Board President Anu Talus said: "The template is one of the commitments made by members of the European Data Protection Board at the April 2022 high-level meeting in Vienna to strengthen enforcement cooperation between data protection authorities. It will facilitate the cross-border exchange of complaint information between data protection authorities and help data protection authorities save time and handle cross-border cases more efficiently."

The template takes into account existing differences between national laws and practices. Data protection authorities will use it on a voluntary basis and may adapt it to their national requirements.

The template can be used both for cases where the complaint is submitted by an individual personally and for cases where the complaint is submitted by someone else, i.e. a legal representative, an entity acting on behalf of an individual or an entity acting on its own initiative.

In addition, the European Data Protection Board has created a template acknowledgment of receipt which seeks to provide the complainant with general information on the next steps following a complaint and which highlights the right to an effective remedy against a legally binding decision by a data protection authority.

After a public consultation, the European Data Protection Board adopted the final version of the recommendations on the request for authorization and on the elements and principles found in the binding corporate rules of controllers (BCR-C)*.

These recommendations constitute an update of the existing reference document BCR-C, which contains the criteria for the approval of BCR-C, and merge it with the standard application form for BCR-C.

The aim of these recommendations is:

submit an updated standard application form for the approval of BCR-Cs;

clarify the required content of binding corporate rules and provide additional explanations;

distinguishes between what must be included in the binding corporate rules and what must be presented to the lead data protection authority in a request for binding corporate rules.

The recommendations are based on the agreements reached by data protection authorities during the procedures for approving specific requests for binding corporate rules since the start of the application of the General Data Protection

Regulation. The recommendations provide additional guidance and seek to ensure a level playing field for all applicants for binding corporate rules.

Furthermore, the Recommendations align the existing guidelines with the requirements from the Court's judgment in the Schrems II case.

From the moment the recommendation is published, it applies to all BCR-C holders. In practice, all holders of binding corporate rule-Cs and all new and ongoing BCR-C applicants will have to align their BCR-Cs with the requirements set out in the recommendations, either during the application process or as part of the 2024 annual update, depending about their specific situation.

* BCR-Cs are a transfer tool that a group of companies or companies engaged in joint economic activity can use to transfer personal data outside the European Economic Area to data controllers or processors within the same group. Binding corporate rules create enforceable rights and establish obligations to establish a level of data protection that is basically identical to that of the General Data Protection Regulation. The second set of recommendations for enforcers of binding corporate rules (BCR-P) is currently being drafted.