

Brussels, 7 April – The EDPB adopted a statement announcing the new Transatlantic Data Privacy Framework. The EDPB assesses as a positive first step in the right direction the US commitment to take unprecedented measures to protect the privacy and personal data of individuals in the European Economic Area (EEA) when transferred to the US.

The EDPB notes that this announcement does not constitute a legal framework under which data exporters from the EEA can transfer data to the US. Data exporters must continue to take the necessary actions to comply with the jurisprudence of the Court of Justice of the European Union (CJEU), and in particular with the decision in the Schrems II case of 16 July 2020. The EDPB will pay particular attention to how this translates the political agreement into concrete legal proposals.

After receiving all supporting documents from the European Commission, the EDPB will carefully assess the new legal framework in the light of EU law, the case law of the Court of Justice of the European Union and the Committee's previous recommendations.

In particular, the EDPB will analyze whether the collection of personal data for national security purposes is limited to what is strictly necessary and proportionate. In addition, the EDPB will examine how the announced independent legal mechanism respects the right of EEA individuals to an effective remedy and a fair trial.

Specifically, the EDPB will examine whether the authorities participating in this mechanism have access to relevant information, including personal data, and whether such authorities have the ability to make decisions that bind the intelligence services. The EDPB will also consider whether there is a legal remedy against the decisions or inaction of this body.

The EDPB reiterates that it remains committed to its constructive role in ensuring transatlantic transfers of personal data that benefit EEA individuals and organisations.

Following the plenary meeting, the EDPB adopted a letter expressing concern regarding recent legislative developments in Belgium aimed at reforming the law establishing the Belgian supervisory authority, as said reform could negatively affect the stability and independent functioning of the Belgian authority.

The EDPB emphasizes that independent supervision is key to the fundamental right to data protection and is therefore protected by the EU Charter and Treaty. It is also the cornerstone of effective GDPR implementation and effective cooperation between supervisory authorities.

Furthermore, the EDPB is concerned about the proposal's (in)compliance with the GDPR and the strict case law of the Court of Justice of the European Union. In particular, the EDPB highlighted as problems the termination of the current mandate of

external members of the Belgian supervisory body and additional reasons for the dismissal of members.

The EDPB also questions how legislative proposals leading to increased parliamentary oversight can affect the independence and autonomy of supervisory bodies without external influences.

Finally, the EDPB decided to request observer status within the framework of the Spring Conference of European Data Protection Authorities. The conference in question is the most important forum for cooperation and coordination of strategies and policies of European regulatory bodies for the protection of personal data and privacy. The Agency for the Protection of Personal Data has been a full member of the Conference with the right to vote since 2008 and is hosting this important event for the first time.

During the Spring Conference, experiences and knowledge are exchanged on the most current topics in the field of data protection, conclusions and proposals are made for the relevant EU bodies, the Council of Europe, resolutions are adopted and cooperation between European bodies for personal data protection is strengthened.

This year, the Spring Conference will be held in Cavtat in the period from May 18 to May 20, 2022, and the Personal Data Protection Agency will have the honor of exchanging knowledge and experience with respected data protection experts from 30 European countries (members of the EU and countries that are not members of the EU), representatives of the European Commission, the Council of Europe, the European Data Protection Board and the European Data Protection Supervisor.

EDPB Deputy President Aleid Wolfsen said: "International cooperation is vital to safeguard the right to data protection in the EEA and beyond. This is another important step forward in strengthening our cooperation with the international community in promoting EU data protection standards and ensuring the effective protection of personal data outside the EU's borders."