

The Director of the Personal Data Protection Agency Zdravko Vukić participated in the session of the European Data Protection Board held on December 5, 2022. In a plenary session, the European Data Protection Board adopted three decisions on the resolution of disputes under Article 65 of the General Data Protection Regulation in respect of Meta Platforms Ireland Limited (Meta Ireland). The binding decisions relate to important legal issues arising from the draft decisions of the Irish supervisory authority as the lead supervisory authority in respect of Meta Ireland's Facebook, Instagram and WhatsApp platforms. The binding decisions of the European Data Protection Board play a key role in ensuring the proper and consistent application of the General Data Protection Regulation by national supervisory authorities.

The Irish watchdog issued the draft rulings following investigations into the complaint-based processing activities of the three platforms. The draft decisions of Facebook and Instagram specifically refer to the legality and transparency of personal data processing for the purposes of behavioral advertising. The draft decision of WhatsApp specifically refers to the legality of processing personal data for the purpose of improving services. Several supervisory authorities objected to the draft decisions prepared by the Irish supervisory authority regarding, inter alia, the legal basis for processing (Article 6 of the General Data Protection Regulation), the principles of data protection (Article 5 of the General Data Protection Regulation) and application of corrective measures, including fines. Since no consensus was reached on these objections, the European Data Protection Board was invited to resolve the dispute between the supervisory authorities within two months. Representatives of the Agency for the Protection of Personal Data participated in the drafting of the Decision from Article 65 regarding the Whatsapp case. In its binding decisions, the European Data Protection Board resolves, among other things, the question of whether the processing of personal data for the purpose of executing a contract is a suitable legal basis for behavioral advertising in the cases of Facebook and Instagram and to improve services in the case of WhatsApp. The lead supervisory authority makes its three final decisions, addressed to the controller, based on the binding decisions of the EDPB, taking into account the legal assessment of the European Data Protection Board, no later than one month after the EDPB has adopted its decisions. The European Data Protection Board will publish its decisions on the website after the lead supervisory authority has notified the controller of its national decisions.