

Press Release

ARTICLE 29 WORKING PARTY – OCTOBER 2017 PLENARY MEETING

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The Article 29 Working Party (WP29), at its October plenary meeting, examined certain critical matters with regards to the implementation of the General Data Protection Regulation (GDPR) and of the Privacy Shield. It adopted several key documents such as the guidelines on Data Protection Impact Assessment (DPIA), Data Breach Notifications and Profiling.

1. IMPLEMENTATION OF THE GDPR AND ADOPTED GUIDELINES

The WP29 adopted the final version of the DPIA guidelines after having examined the comments received during the public consultation which ended on 23 May 2017.

The WP29 also adopted its guidelines on data breach notifications and profiling which will be open for public consultation for 6 weeks before their final adoption.

Each WP29 subgroup, provided a state of play of its work on the 2017 WP29 priorities on the GDPR (e.g. guidelines on consent, transparency, and update of data transfer tools), which are to be adopted between November 2017 and February 2018. On certification, the discussions are continuing and the guidelines should be proposed for adoption at the February 2018 WP29 plenary.

The WP29 adopted guidelines on administrative fines dealing with the application and the setting of administrative fines. As follow-up, these guidelines will be published on the WP29 website soon.

Finally, the WP29 worked on the organization and structure of the EDPB and of the cooperation system to be ready for May 2018.

2. PRIVACY SHIELD – FIRST JOINT ANNUAL REVIEW

The representatives of the WP29 (WP29 Review Team) who took part to the Joint Review along with the European Commission reported their findings to the Plenary. The WP29 will now analyze these elements. For more information please see the separate statement on the Privacy Shield Joint Annual Review which is published on the WP29 webpage.

ADOPTION OF OPINIONS AND LETTERS ON TRANSVERSAL ISSUES

The WP29 adopted an opinion on the European Commission's 2016 European strategy Cooperative Intelligent Transport Systems (C-ITS) which includes inter alia a discussion on possible legal basis for such systems.

Moreover the WP29 adopted:

- (i) A Letter to WhatsApp first setting out in detail the areas of non-compliance identified by the WP29, following the announcement made by WhatsApp on August 2016 on the changes made to its terms of service and privacy policy, and secondly inviting WhatsApp representatives to

attend a future meeting with the WP29 in order to discuss how these concerns will be addressed.

- (ii) Three letters addressed to Truecaller, Sync.me and CIA app, companies offering similar reverse look-up facilities for telephone numbers. These letters intend to share the concerns of the WP29 and request clarifications on the manner and purposes for which personal data are collected by these companies.
- (iii) A Letter to the *Bureau Européen des Unions de Consommateurs* (BEUC) acknowledging their letter, addressed to the WP29 in July, 2017, on issues regarding the processing carried out by Facebook and Google and recalling the WP29 enforcement actions against these companies.
- (iv) A letter to the European Securities and Markets Authority (ESMA) inviting its representatives to discuss the drafting of an administrative arrangement including guarantees on data protection to frame the transfers of data between European and non- European financial supervisory authorities.

At the request of the eHealth Network, the WP29 will provide its opinion on the data protection safeguards to be added in an agreement covering Cross- Border eHealth Information Services and the application of patients' rights within the EU.

The WP29 will also analyze the Opinion of the European Court of Justice on the draft PNR agreement between the EU and Canada, as well as its potential consequences on other instruments. The WP29 will also aim at adopting guidelines on several provisions of the Law Enforcement Directive at the November Plenary. Concerning the consultation on e-evidence launched by the Commission, the WP29 will endeavor to contribute to these preparatory reflections.

Finally, the WP29 appointed among its members a representative for the next ENISA Permanent Stakeholders Group.