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Issued by the Article 29 Data Protection Working Party

ARTICLE 29 WORKING PARTY - DECEMBER 2016 PLENARY MEETING

During the December plenary meeting, the Article 29 Working Party (WP29) discussed certain critical matters with regards to the implementation of the General Data Protection Regulation (GDPR) and of the Privacy Shield as well as the handling of enforcement measures on cases having a cross-border effect.

1. IMPLEMENTATION OF THE GDPR

- Adoption of guidelines and FAQs for controllers and processors

Consistent with its 2016 Action Plan decided in February 2016, the WP29 adopted during the December plenary:

- Guidelines and FAQs on the right to Data Portability,
- Guidelines and FAQs on Data Protection Officers (DPO) and
- Guidelines and FAQs on the Lead Supervisory Authority.

The production of these guidelines was facilitated by the full cooperation and inputs of different stakeholders, in particular through the Fablab organized by the WP29 in July 2016 and the national consultations put in place by some DPAs.

To complement this, the WP29 welcomes any additional comments that stakeholders may have on the adopted guidelines until the end of January 2017.

The comments on guidelines can be sent to the following addresses: JUST-ARTICLE29WP-SEC@ec.europa.eu and presidenceg29@cnil.fr.

Finally, the guidelines on Data Protection Impact Assessments and Certification will be ready in 2017.

- Internal work on cooperation

The WP29 has finalized its understanding of the modalities of the future cooperation system among DPAs. Accordingly, position papers on mutual assistance, the one stop shop and joint operations have been agreed upon and will be tested in practice by DPAs in 2017. In

addition, the WP29 is working on its new legal body, the European Data Protection Board (EDBP), from an administrative aspect and with regards to its rules of procedure.

The WP29 has also underlined to the EDPS the importance of developing in a timely manner the future IT platform, in order for this to be ready by May 2018.

- 2017 Action Plan

The WP29 also discussed its future 2017 Action Plan which will establish the priority issues to be addressed by the WP29 during the following year.

In this context, a new Fablab will take place in April 2017 at which interested stakeholders will be invited to present their views and comments on various topics. In addition, there will be a meeting organized in May 2017, in Paris, where our international counterparts will be invited to exchange on the GDPR and on its implementation by the WP29.

2. PRIVACY SHIELD

At the December plenary, the WP29 had the opportunity to further define the implementation of the Privacy Shield.

To this end, the WP29 adopted specific communication tools for both individuals and companies. These tools will be published on the WP29 website and can be used by each national Data Protection Authority (DPA) as a basis for their own communication. Moreover, the plenary meeting was marked by the auditioning of U.S. representatives from the U.S. Department of Commerce, the Federal Trade Commission and the Office of the Director of National Intelligence and from the EU – U.S. Privacy Shield Ombudsperson. The WP29 considers that it is important to establish a strong collaboration with its U.S. counterparts on the practical aspects of the Privacy Shield.

The WP29 confirmed that it will take on the role of the "EU centralized body". The EU centralized body is the EU individual complaint handling body set up under the Privacy Shield mechanism to channel complaint requests regarding data transferred to the U.S. for commercial purposes and further accessed for national security purposes.

The WP29 will continue its work and finalize the implementing measures for the "EU centralized body" and for the "EU informal panel of DPAs" (in charge of commercial complaints) at the next plenary meeting, scheduled in February 2017.

Finally, the WP29 has continued to reflect on the content of the joint annual review of the Privacy Shield to be conducted by the European Commission with the participation of DPAs in 2017.

3. ENFORCEMENT SUBGROUP

The WP29 confirmed the re-establishment of the enforcement subgroup mainly in charge of coordinating enforcement actions of DPAs on cross-border cases.

The enforcement subgroup adopted the letter to be sent to WhatsApp following the relevant enquiry procedure initiated by the WP29 in October 2016.

The Dutch DPA Vice-Chair and the Spanish DPA Chair will work as coordinators of this subgroup.”

The WP29 Vice-Presidency elections took place whereby Belgium was elected for a first mandate and Bulgaria’s existing mandate was renewed.