

13th Annual Nordic
GDPR Summit
DPO Day
IT-Security & GRC



May 25, 2020
Online Web Conference

**Performing with Integrity -
in Crisis and Beyond**

PARTNER

OneTrust GRC
INTEGRATED RISK MANAGEMENT

Welcome and Introduction



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The 13th Annual GRC/GDPR conference addresses the current business and market volatility & regulatory policies to improve the corona business and market conditions



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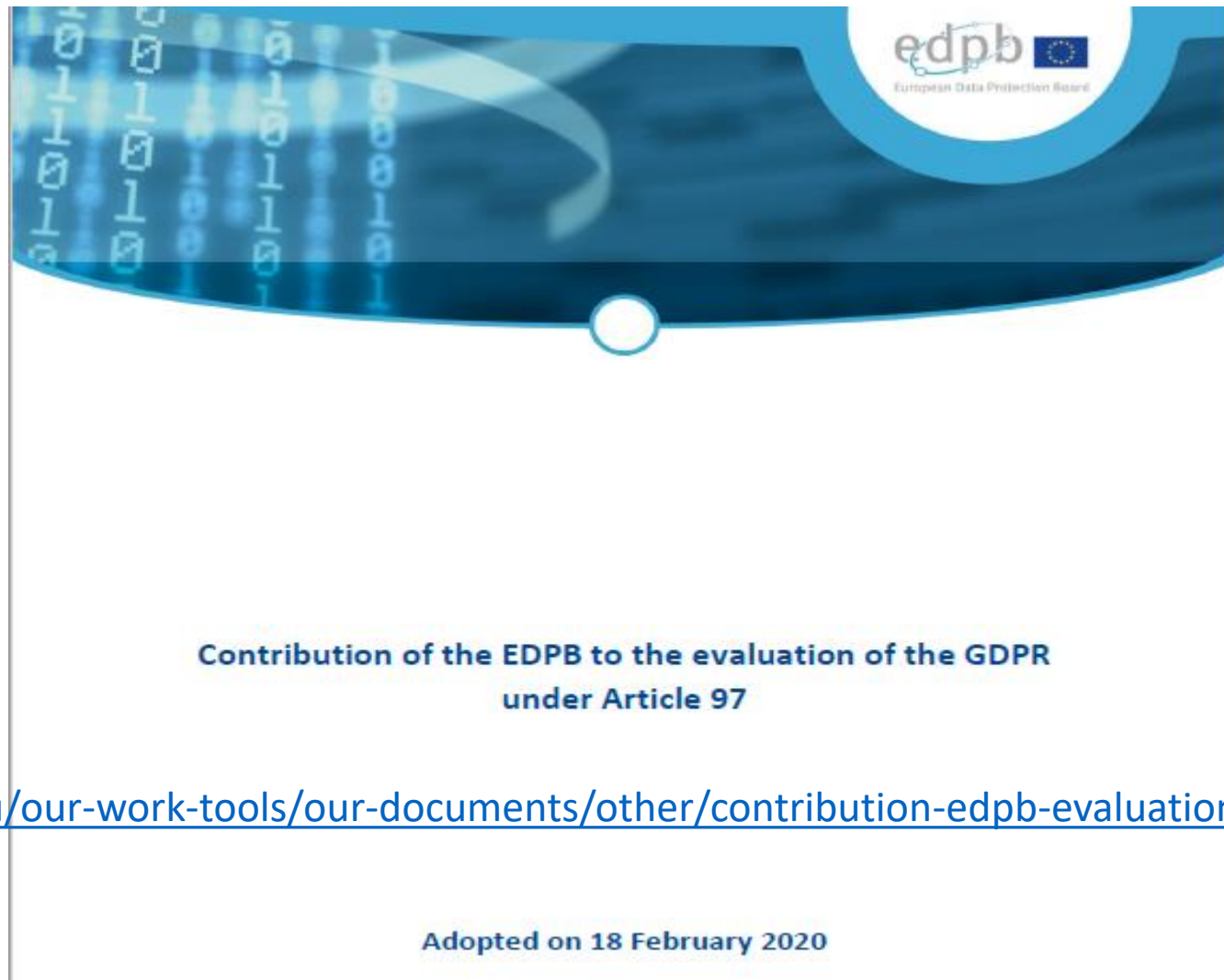
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**Kersi F. Porbunderwala, CEO, The
EUGDPR Institute**



**COPENHAGEN
COMPLIANCE**

- Update of the GDPR, data Privacy and data Protection concerns and issues across the European Landscape.



https://edpb.europa.eu/our-work-tools/our-documents/other/contribution-edpb-evaluation-gdpr-under-article-97_en

Adopted on 18 February 2020

EDPB Annual Report

COPENHAGEN
COMPLIANCE



https://edpb.europa.eu/sites/edpb/files/files/file1/edpb_annual_report_2019_en.pdf

The 2 year evaluation of GDPR under Article 97 by EDPB

- EDPB is positive of the implementation of the GDPR and does not recommend revision of the legislative text
- Rather intensify efforts towards the adoption of an ePrivacy Regulation for data protection and confidentiality of communications.
- International transfers: Focus on current work on binding corporate rules, codes of conduct, certification mechanisms and administrative arrangements for transfer of data
- No pressing need to bring the existing set of SCCs in line with the GDPR and to draft additional SCCs that cover new transfer scenarios.
- The adoption of processor-to-processor SCCs allows for appropriate framing of such transfers in accordance with Article 46 GDPR.

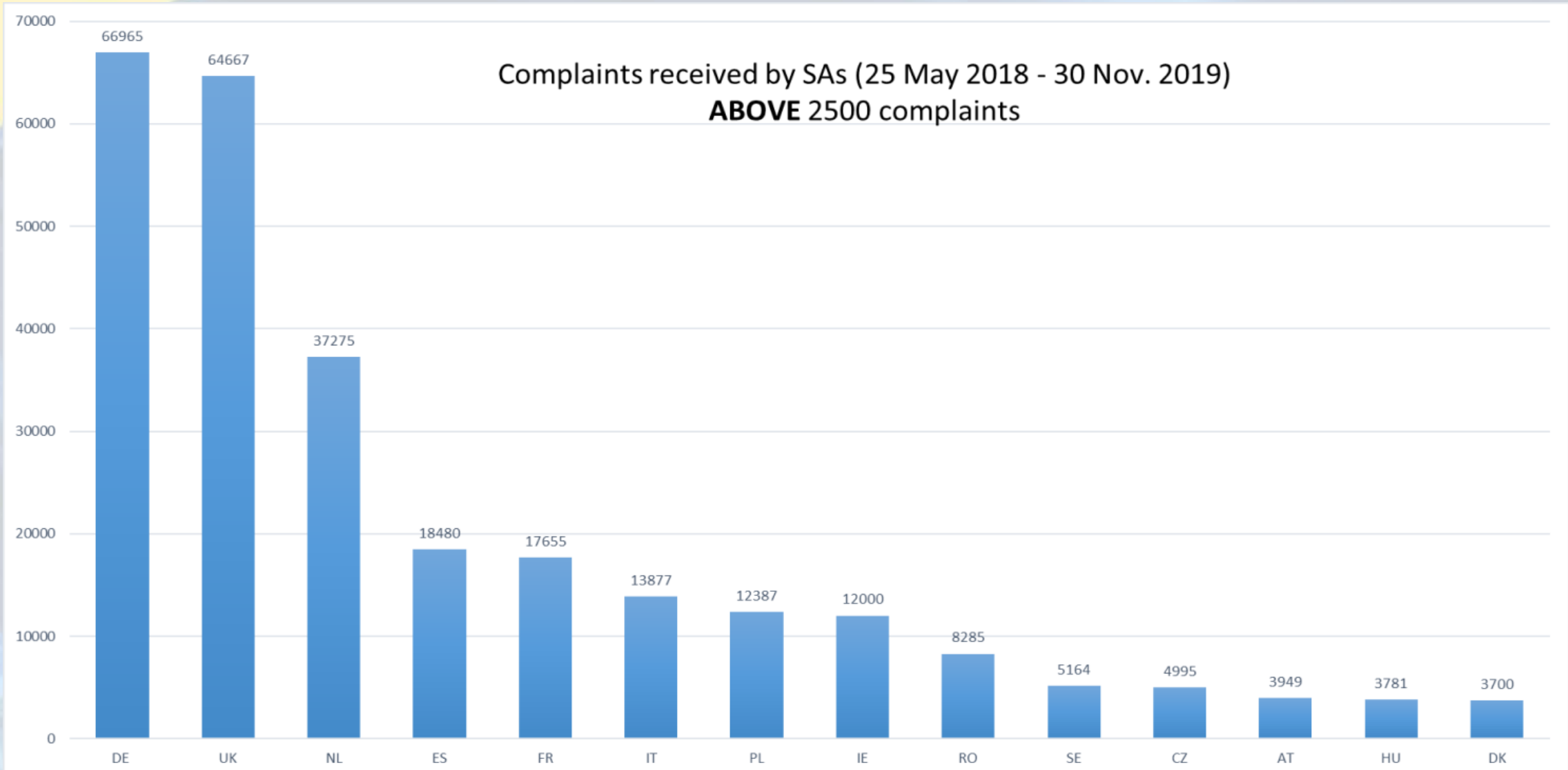
Transfers of personal data to third countries

- Transfers of personal data to 3rd countries form an integral part of the digital environment.
- Engage in the context of an adequacy decision.
 - Adequacy decisions are an important tool to ensure the continuous protection of personal data transferred from the European Economic Area to third countries and International organisations.
- Provide independent assessments to the strengthen enforceable rights, effective redress and safeguards concerning data transfers.
- Participate in the evaluation of current adequacy decisions and the adoption of future ones, while emphasising that it needs to receive all relevant documents in time to allow for a thorough assessment.

Supervisory Authority; Challenges

- Identified challenges in implementing cooperation and consistency mechanism.
 - Due to the patchwork of national procedures and practices that has an impact on cooperation mechanism.
- Cooperation between data protection authorities must result in a common data protection culture and consistent monitoring practices and examine possible solutions for a common application of key concepts
 - Differences in complaint handling procedures,
 - position of the parties in the proceedings,
 - admissibility criteria,
 - duration of proceedings, deadlines, etc.
- Identify and monitor the national procedures that hinder the full effectiveness of the cooperation mechanism and recommend further harmonization.
- Resources at the member states SA are insufficient to carry out the tasks
- This applies particularly to the one-stop-shop mechanism, as its success depends on the time and effort that SAs can dedicate to individual cases and cooperation

Complaints since May 2018



Corrective Powers of the SA

art. 58(2)(a) - warnings ⁶	AT, BE, CY, CZ, DE, EE, FR, GR, HU, IT, LT, LV, MT, UK
art. 58(2)(b) - reprimands ⁷	AT, BE, BG, CY, CZ, DE, DK, EE, ES, FI, FR, GR, HU, IT, LT, LV, MT, NL, NO, PL, RO, SE, SK, UK
art. 58(2)(c) - order to comply with data subject's requests to exercise individual rights	AT, BE, BG, CY, CZ, DE, DK, EE, ES, FI, FR, HR, HU, IS, IT, LT, LU, LV, MT, NO, PL, PT, RO, SE, SI, SK

Corrective Powers of the SA

art. 58(2)(d) - order to bring processing operations into compliance	AT, BE, BG, CY, CZ, DE, DK, EE, ES, FI, FR, GR, HR, HU, IS, IT, LT, LV, MT, NL, NO, PL, PT, RO, SE, SI, SK
art. 58(2)(e) - order to communicate a data breach to the data subject	AT, DK, FI, FR, HU, IS, IT, MT, PL, LV
art. 58(2)(f) - temporary or definitive limitation, including a ban on processing	AT, DE, DK, GR, HU, IS, IT, LT, MT, NL, PT, RO, SI

Corrective Powers of the SA

art. 58(2)(g) - order of rectification or erasure or restriction of processing, and notification to recipients	AT, BE, BG, CZ, DE, DK, EE, ES, FI, HR, HU, IS, LU, LV, NO, PL, PT
art. 58(2)(h) - withdrawal of certification / order to certification body to withdraw certification or not to issue certification	/
art. 58(2)(i) - administrative fine ⁸	AT, BE, BG, CY, CZ, DE, DK ⁹ , ES, FR, GR, HU, IT, LT, LV, MT, NL, NO, PL, PT, RO, SE, SK
art. 58(2)(j) - order to suspend data flows to a recipient in a third country	/
Additional powers under national law	EE (precept with penalty payments), NL (incremental penalty payment), FI (conditional fines), FR (order under a daily penalty), UK (Notices of intent; Enforcement Notices; Preliminary Enforcement Notices)

Conclusion

1. Strike the balance between protection and industrial competitiveness and innovation so that the development of new products and services are not blocked.
2. Incentivise data protection compliance and strategy as a business enabler for data-driven innovation.
3. Enforcement challenges from the Internet of Things (IoT) to artificial intelligence (AI)
4. Conflicting Data retention schedules on local laws, but guidance from DPAs is limited.
5. Vigorous enforcement has resulted in further investment in data protection compliance across the industry
6. Uncertainty regarding the right to limit processing as well as regarding data portability.
7. Uncertainties regarding pseudonymisation and anonymisation
8. DPAs must launch consultations in parallel with European Data Protection Board (EDPB) initiatives on the same matter
9. Transparency obligations under Arts 13 and 14 have led to an overload of information
10. Legitimate interest can result in more conscious and protective processing activities.