

## **IMH – March 2020**

### **3<sup>rd</sup> Data Management Forum**

Dear participants,

First of all, I would like to thank the organizers for inviting me again to address this year's forum. The General Data Protection Regulation, in short the GDPR, has been here for almost two years. In my brief intervention, I will try to outline what has been achieved so far and what follows next, both at national and at European level and to inform you of current developments.

Implementing the GDPR has been a trek for small authorities like my Office. Since May 2018, we received 643 complaints, 183 concerning spam, 92 data breaches and carried out 20 inspections. We were Lead Authority in 15 cross-border cases and concerned authority in 168 other. We issued 32 Decisions and imposed fines that sum up to 154 thousand euro. We were consulted on 20 parliamentary legislative proposals and draft bills and issued numerous opinions for the public and the private sector.

The EDPB has delivered a number of Guidelines. The most recent, concern processing of personal data in the context of connected vehicles and mobility related applications, the criteria for the right to be forgotten in search engines, data protection by design and by default, processing of personal data through video devices and processing of personal data in the context of the provision of online services. All the Guidelines are available on the EDPB's website.

The European Commission, currently prepares a Report to the EU Parliament for the evaluation of the GDPR. The EDPB, contributed to the drafting of this Report. Our common assessment is that the application of the GDPR so far has been quite successful but supervisory authorities need more resources to perform their duties. 21 out of 27 supervisory authorities reported having lack of resources. The EDPB sees no need to amend the GDPR at this stage, as authorities have not yet used all the cooperation tools offered by the GDPR.

BREXIT is a regretful development that will impact data protection and companies in the Union. The EU Council has recently adopted a mandate, for the Commission to enter into negotiations with the UK, that shall determine the future relation between UK and the EU. As regards data protection, one of the options under consideration, is the adoption of an Adequacy Decision for the level of protection afforded in the UK.

Supervisory authorities will continue monitoring emerging technologies such as artificial intelligence, machine learning and the quality of algorithms used, block-chain etc. Some of these topics are included in the EDPB's 2019-2020 work programme. The European Commission has recently published a white paper on artificial intelligence, which shall open a debate with stakeholders. If your companies operate in these areas, you are advised to study it.

In the past 20 months, my Office carried out numerous inspections to monitor the implementation of the GDPR. In the public sector, we found that in certain areas there is room for improvement and issued recommendations to public services.

At the airports, we found that travellers had to provide their personal data for getting free WIFI. The situation was remedied promptly, in accordance with our instructions. We also inspected the use of biometric passports and IDs in

the border control kiosks and issued a number of recommendations to the competent authorities.

In the private sector, among others, we inspected a bank, an insurance company and a hotel. Inspected entities were given deadlines to comply with our recommendations and to inform us accordingly. Some recommendations that were deemed to benefit all organizations within the respective sectors, were published on our website and were sent to the banking, insurance and hotel associations, to be communicated to their members.

In the coming months, my Office will carry out follow up inspections to ensure that organizations have complied with the given guidance. And if found not to, consequences will be dire. I have repeatedly stated that administrative sanctions and fines should be the last resort and that our primary goal should be to promote compliance by cooperation, not by force. But where necessary, we have and we will continue to impose fines.

We will also carry out additional inspections to provide targeted guidance to other sectors of economy. I believe that this kind of exercise can benefit both my Office, which gains experience about how things work in various sectors and stakeholders, who can receive valuable guidance, free of charge.

In my closing remarks I would like to urge organizations to remain vigilant with regard to the GDPR. Being compliant is something dynamic, not static and requires a continuous effort. Clients become increasingly aware of their rights and grow more demanding. Organizations that fail to meet their clients' demands, will soon lose a much needed competitive edge. I have often stated that the GDPR should be seen as an opportunity and not as threat.

I would like to thank again the organizers for giving me the opportunity to address this forum once more. I hope that I have managed to give you an insight on what has been done so far and on what lays ahead.

Thank you for your attention.

Irene Loizidou Nicolaidou

Commissioner for Personal Data Protection

05/03/2020