



19 April 2021

**EUROPEAN
DATA
PROTECTION
SUPERVISOR**

The EU's independent data
protection authority

***“Presentation of the EDPS Annual
Report 2020”***

Speech delivered before LIBE Committee

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European Data Protection Supervisor

Dear Chair, honourable members. Thank you for the opportunity to share with you the EDPS' work of this past year. It is in fact the first time I am able to present the Annual Report here in the Parliament; last year the sudden outbreak of the pandemic impeded this opportunity, and, therefore, only the written version of the Annual Report 2019 was delivered to you.

In 2019, you have entrusted me to fulfil the role of head of data protection authority of the EU institutions. Consequently, I feel particularly accountable to you to and it is to you that I owe a comprehensive and detailed report of the works of my office.

Before I start my presentation, let me use this opportunity to thank in front of this committee, every member of my office, every civil servant who contributed to the EDPS' work and gave their best in the difficult circumstances we were all in. The Annual Report I am presenting to you is first and foremost a testimony to their dedication, hard work and professionalism, for which I am very grateful.

I would like today to take a moment to recognise that the accomplishments of the EDPS comes down to to the whole office. Myself, I take personal responsibility for the things you might think need further improvements from our side.

Data Protection Authority and the pandemic

The pandemic affected the way we work in different ways. For a data protection authority, it not only meant a teleworking reality. First and foremost, it brought particular challenges:

how to maintain effective supervision;

how to address the specific risks arising in relation to the fight of the pandemic;

how to maintain a long-term perspective on risks, beyond those dictated by the contingencies of the pandemic

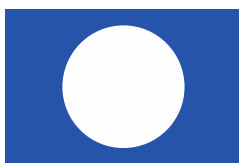
So, it was a question of whether the EDPS would be able to continue to exercise its statutory role, which, in fact, is rooted in the Charter of Fundamental Rights and therefore, in its essence, concerns the protection of the rights of EU citizens.

It was also a question of whether the EDPS is a modern institution, an institution able to quickly adapt to a rapidly changing reality and prioritise its works accordingly.

While it is for the members of this committee to assess how did the EDPS performed in 2020, I am proud to present the achievements of my office, in particular in the context of the challenges I mentioned.

COVID-19 task force

When it comes to activities specifically related to Covid-19, let me start by saying that immediately in March 2020, the EDPS established an internal COVID-19 taskforce, composed of members of all the units and sectors, to coordinate and proactively undertake actions related to the interplay between privacy and the pandemic. The taskforce has been active ever since and is a result of a synergy between two main EDPS roles - supervisory and advisory. I should mention, among others, EDPS Orientations on the use of manual contact tracing by EUIs or guidelines on body temperature checks as a deliverable of this taskforce.



As the European Data Protection Supervisor, I also believed in the specific role of the EDPS in the EU institutional landscape and a duty that comes from it. It is because of that, that I called for a pan-European approach to combat the virus, in particular in the context of contact tracing apps. I regret that the pandemic showed weaknesses in the EU cooperation, but I am also glad to see that there is an ongoing reflection, in particular in this chamber, on the need for a closer cooperation between the EU Member States. Cooperation on how, for example, to ensure increased interoperability between systems or on how to re-establish free movements of people while protecting fundamental rights to privacy and data protection.

In 2021, the EDPS COVID-19 taskforce will gradually focus on monitoring the exit strategy. Namely, ensuring that any measures limiting fundamental rights in the context of the current global health crisis will indeed remain temporary, necessary and proportionate to the need to fight this pandemic.

Remote supervision of European institutions, bodies and agencies

Irrespectively of Covid-19- related activities, the EDPS had to continue to exercise its primary role of a supervisory authority of EU institutions, agencies and bodies in the field of personal data. While almost all core activities were performed remotely, the EDPS, nevertheless, made significant efforts aimed at maintaining strong oversight over the EUIs.

This included, among others, conclusion of the investigation into the use of Microsoft products by EUIs and of the investigation into the processing of large data sets by Europol, followed by the use of enforcement powers.

Remote audits have further contributed to the strong supervision and, due to online tools, allowed to cover more EUIs than even before 2020. These audits concerned, among others, public registers of processing activities (we covered all 67 EUIs), EUIs' newsletters, Mobile apps audit and remote web inspection, where we inspected 19 websites managed by 13 EUIs.

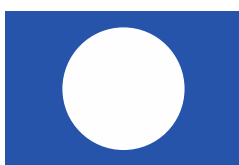
Shortly before 2020, we welcomed Eurojust in the family of supervised authorities. With a prophetic luck, in February we organised an operational visit to check the use of case management system in order to inform our supervision strategy.

We also significantly increased our interactions with the European Public Prosecutor's office, monitoring and data protection related aspects of their work before they become fully operational.

Technology monitoring and development

My staff further engaged in analysing technological developments and demonstrating how they affect our rights. The EDPS is committed to making his analyses of technological trends a point of reference for the EU institutions and the wider public. We issued several so-called Tech Dispatches, including on quantum computing or on contact tracing with mobile applications.

When it comes to concrete contributions to technological solutions (or technology-related solutions), I am also particularly proud of them having developed the Web Evidence Collector, an open-source software that collects evidence to allow website controllers, data protection officers and end users to understand better which information is transferred and stored during a visit of a website. The tool is available on the EDPS website and on GitHub.



Schrems II

As you very well know, in July 2020, the Court of Justice issued a judgement in the so-called “Schrems II” case. The EDPS recognised the impact of the judgement and the role of a data protection authority in ensuring that the decision is complied with.

Therefore, on 29 October 2020, we issued the Strategy for EU institutions to comply with the “Schrems II” ruling aiming to monitor compliance of these bodies, and to ensure that both ongoing and future transfers are carried out in accordance with the conditions set up by the Court.

The EDPS identified the transfers carried out by EUIs (or by private entities on their behalf) in the context of contractual relationships with organisations based in the US as deserving priority attention. As a first step, EUIs were requested to carry out a mapping exercise and to report to the EDPS on certain types of transfers.

In 2021, the EDPS will provide guidance and pursue enforcement actions for transfers towards the US or other third countries on a case by case basis in line with the strategy. I remain at the disposal of this Committee to update you regularly on the developments in this field.

Advising European institutions, bodies and agencies

The EDPS is a trusted institutional advisor to the European Parliament, the Council and the Commission. I am particularly proud of the accomplishments of my staff in ensuring that the three leading EU institutions were properly advised, with a robust analysis and specific recommendations despite the challenging deadlines, on the issues relating to privacy and data protection.

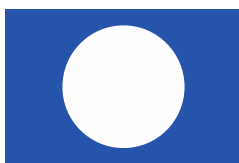
I am proud to inform you that in 2020 the EDPS issued a record number of 31 legislative opinions (6) and comments (25). I strongly believe that, particularly in times like these, an advice from a data protection authority is even more important. I would like to especially thank this Committee for a constant interest in the EDPS views and for maintaining a very close cooperation despite the difficult circumstances.

Our advisory deliverables included, among others, Opinions on the European strategy for data, on Artificial Intelligence or the proposed temporary derogations from the e-privacy framework. The EDPS also offered own initiative opinions, such as, on the use of data for scientific research and health-related purpose, which have resonated widely.

The European Data Protection Board

The EDPS also continued to contribute to the activities of the European Data Protection Board (EDPB).

Answering the calls for closer cooperation between data protection authorities, the EDPS has proposed the establishment of the Support Pool of Experts, which, in the spirit of solidarity, aims to bring together the EDPB members’ efforts to address the need for a stronger enforcement of EU data protection laws.



We contributed actively, as rapporteurs or co-rapporteurs to more than 25 EDPB initiatives, including: EDPB Strategy 2021-2023, FAQ on Schrems II, first binding decision under art. 65 GDPR or guidelines on supplementary measures.

We observe attentively the discussion on the challenges concerning the enforcement of the GDPR.

2020 also marked the beginning of a new EDPS mandate and the unveiling of the EDPS Strategy 2020-2024. Such a strategy, which I invite you to make reference to, is built on three strategic pillars: Foresight, Action, Solidarity.

This reflects our ambition: shaping a safer digital future. A future, which is fair and sustainable to everyone.

We want to act and be a forward -looking institution, which has the courage to embrace change, ready to adapt and improve with the aim to serving at best the interests of EU citizens. Status-quo will never be enough for us.

I am all the more convinced that our institution will continue to act as a centre of gravity in privacy and data protection, particularly during these challenging times, in Europe and beyond.

I wish to thank this Committee in particular, and the European Parliament for its appreciated support and serious engagement with us.

On this note, let me thank you for your attention. I look forward to hearing your views and engaging in a discussion.

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