



# The European Data Protection Supervisor & Frontex.

## How to achieve harmonious co-operation in digital world

Wojciech R. Wiewiórowski

*European Data Protection Supervisor  
Management Board of Frontex*

*Brussels 06/02/2020*



# European Data Protection Supervisor (EDPS)

The EDPS is an independent supervisory authority devoted to protecting personal data and privacy and promoting good practice in the EU institutions and bodies. A number of specific duties of the EDPS are laid down in Regulation 2018/1725.

The three main fields of work are

- **Supervisory tasks**
- **Consultative tasks:** to advise EU legislator on proposals for new legislation as well as on implementing measures. Technical advances, notably in the IT sector, with an impact on data protection are monitored.
- **Cooperative tasks:** involving work in close collaboration with national data protection authorities (EDPB which we also provide with secretariat)

# The role of European Data Protection Supervisor

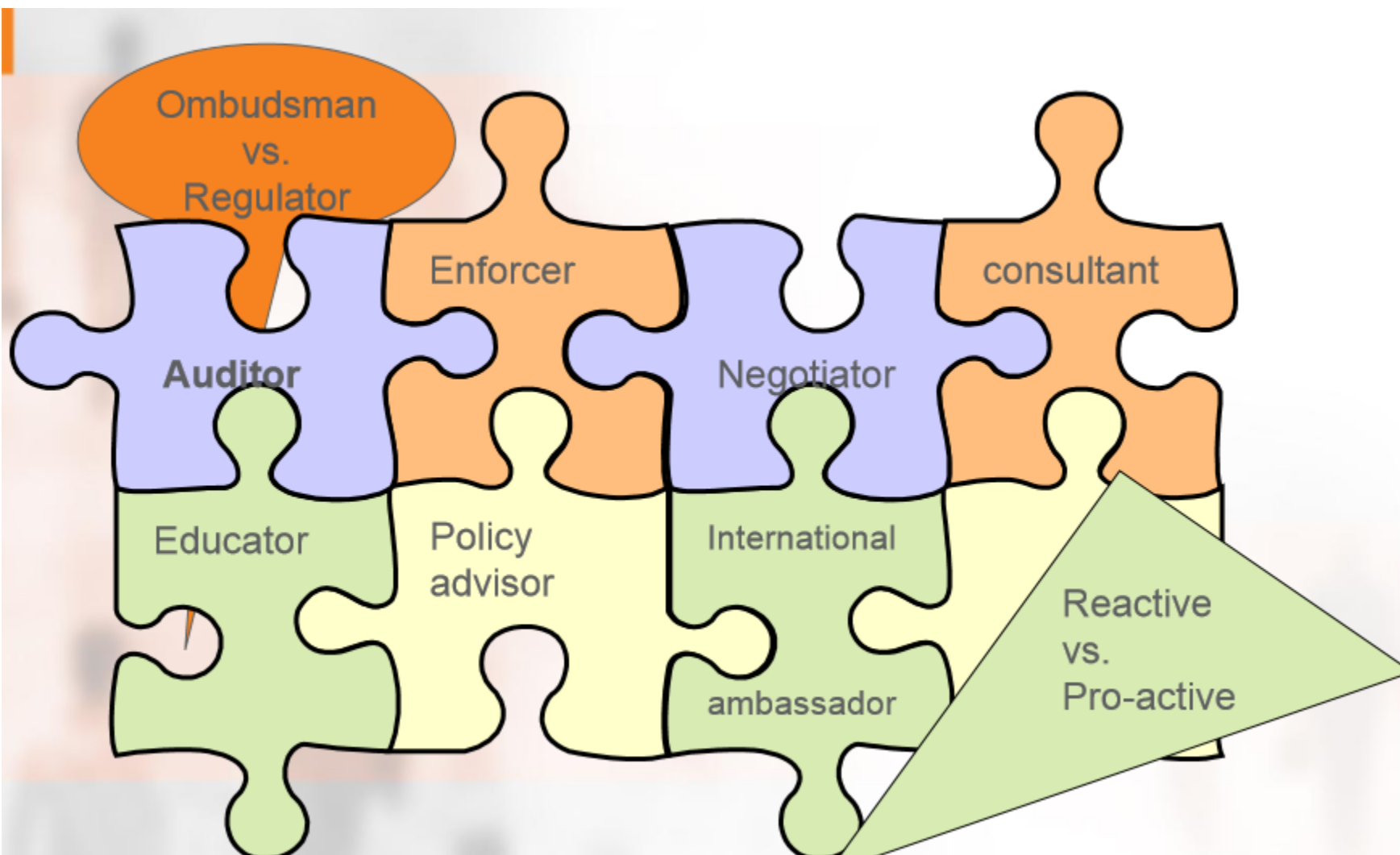
- The **European Data Protection Supervisor (EDPS)** is the independent supervisory authority for the processing of personal data by the EU administration;
- **Privacy and data protection are fundamental rights** – see Articles 7 and 8 of the Charter of Fundamental Rights;
- **Independent supervision** is an integral part of the right to data protection – see Article 16(2) TFEU and 8(3) Charter;
- What we do:



- monitoring and verifying compliance with Regulation (EU) 2018/1725 [previously Reg. (EC) 45/2001],
- giving advice to controllers,
- advising the co-legislators on new legislation,
- cooperating with Member States' DPAs,
- handling complaints, conducting inspections
- monitoring technological developments
- Promoting data protection aware design and development

# Powers of the Data Protection Authorities

## 7 roles of DPA





# European fundamental right

## Treaty on Functioning of European Union – Article 16

1. Everyone has the right to the protection of personal data concerning them.
2. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall lay down the rules relating to the protection of individuals with regard to the processing of personal data by Union institutions, bodies, offices and agencies, and by the Member States when carrying out activities which fall within the scope of Union law, and the rules relating to the free movement of such data. Compliance with these rules shall be subject to the control of independent authorities.
3. The rules adopted on the basis of this Article shall be without prejudice to the specific rules laid down in Article 39 of the Treaty on European Union.

# Accountability in the new legal framework

1. Personal data shall be:

(a) processed lawfully, fairly and in a transparent manner in relation to the data subject ('lawfulness, fairness and transparency');

(b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall, in accordance with Article 13, not be considered to be incompatible with the initial purposes ('purpose limitation');

(c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation');

(d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy');

# Accountability in the new legal framework

(e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 13 subject to implementation of the appropriate technical and organisational measures required by this Regulation in order to safeguard the rights and freedoms of the data subject ('storage limitation');

(f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality').

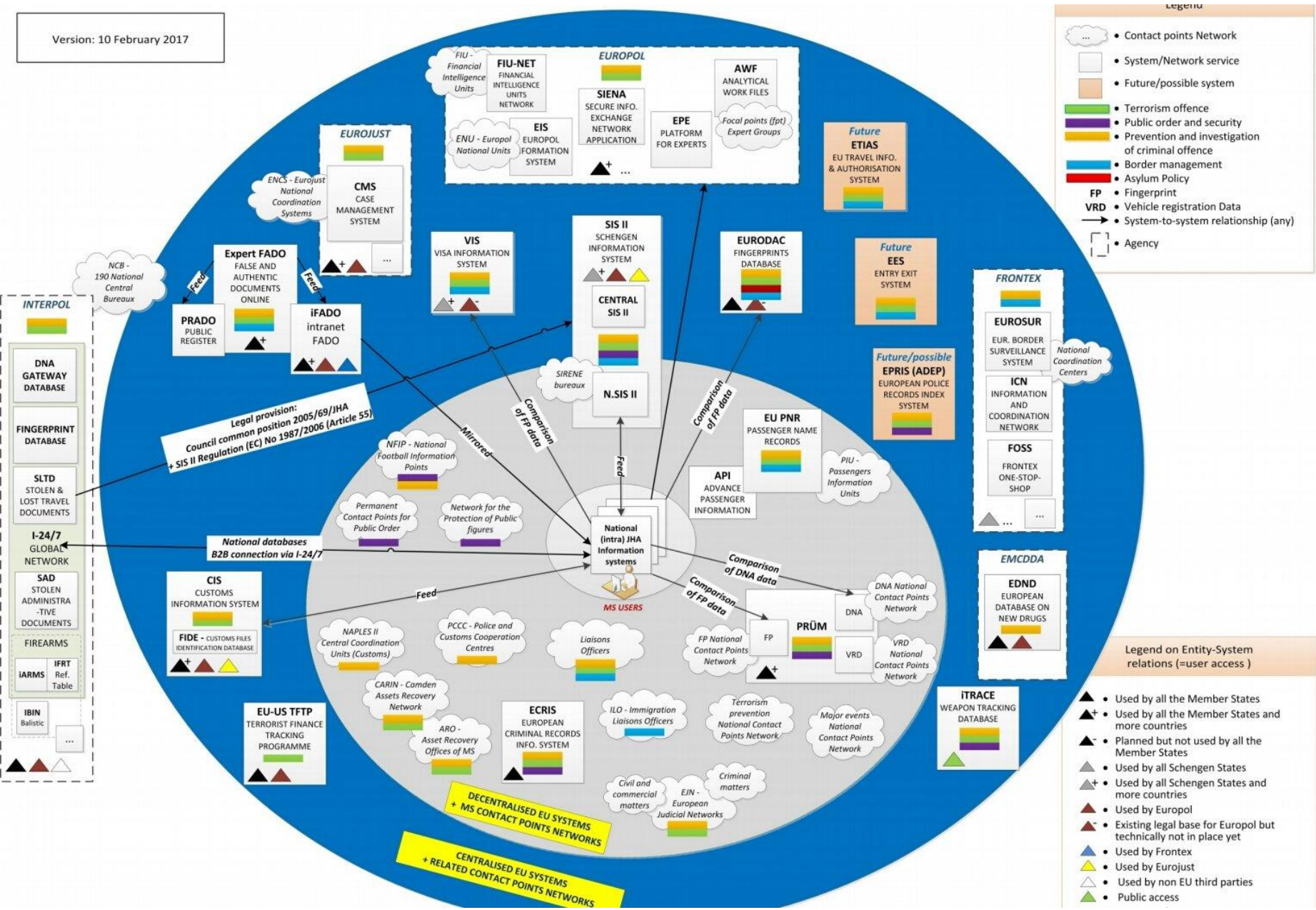
2. The controller shall be responsible for, and be able to demonstrate compliance with, paragraph 1 ('accountability').

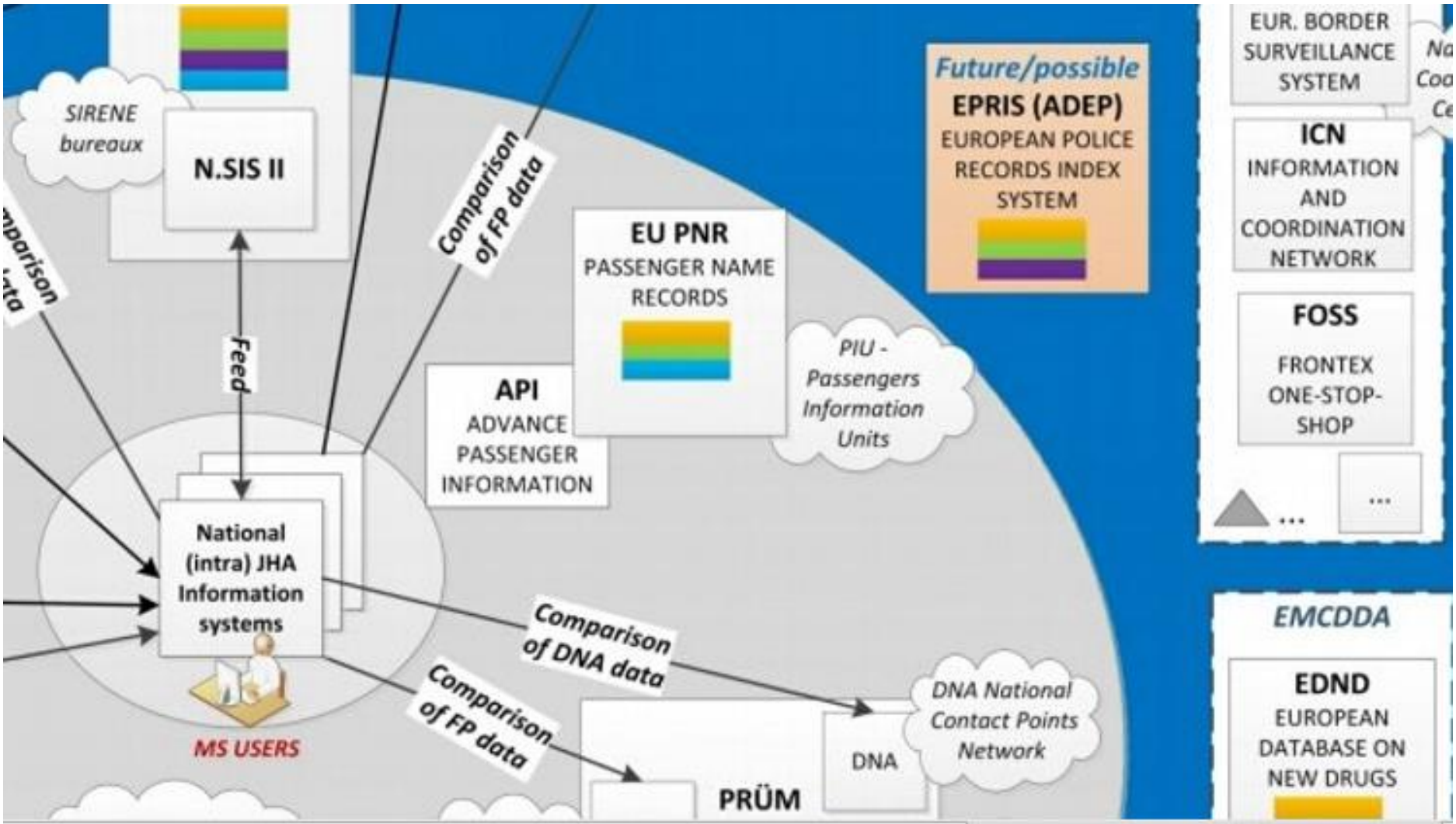
Art. 4 Reg. 2018/1725  
[almost the same in Art. 5 GDPR]



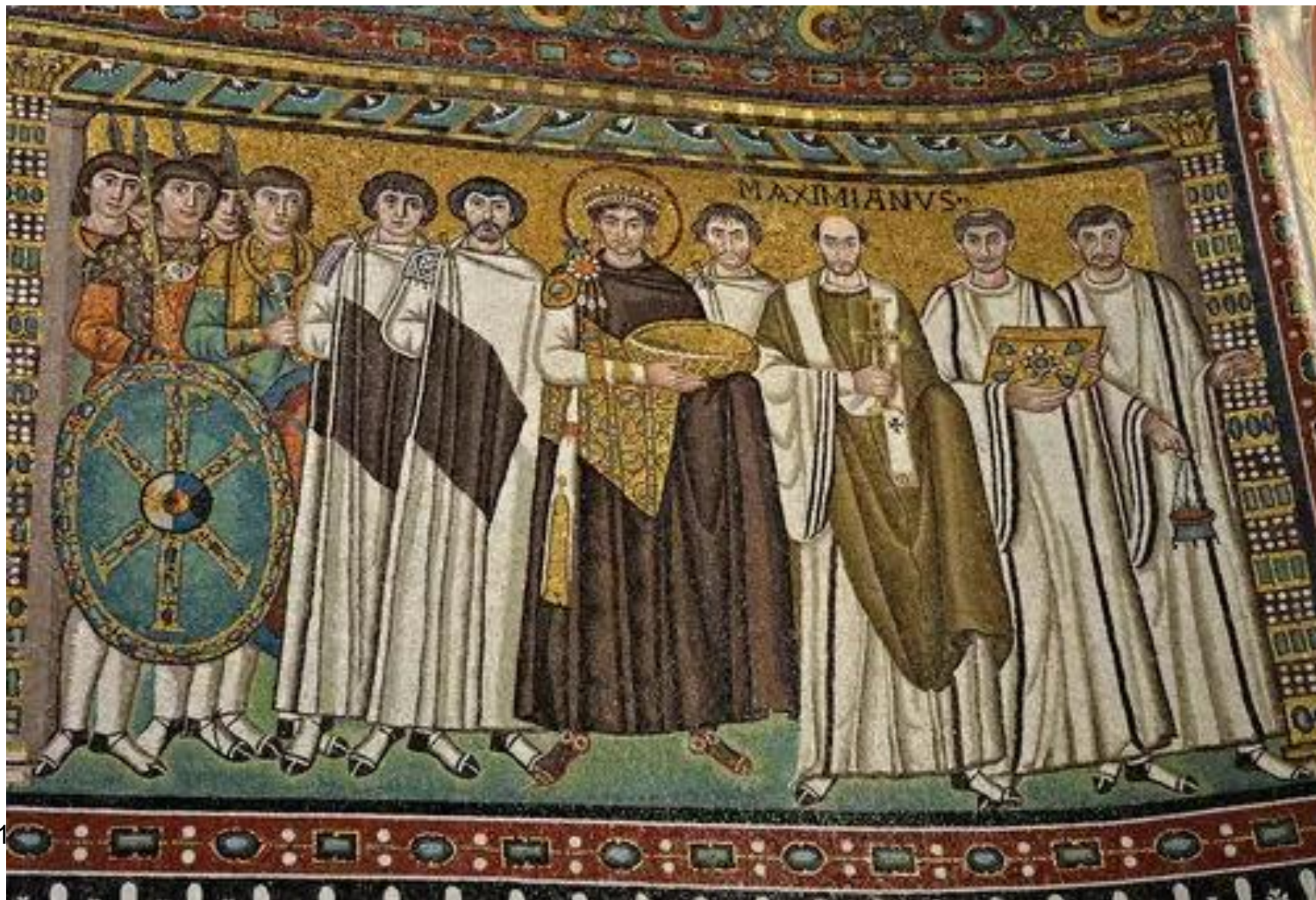
**”Do not overregulate !!!”**







# Where is the controller?





# Where is the controller?



# Council of Europe

Council of Europe

47 Member States



www.coe.int

Map by illustrative resources  
 Cities in countries listed are of  
 European Union member states only

# The role of the Court of Justice of European Union

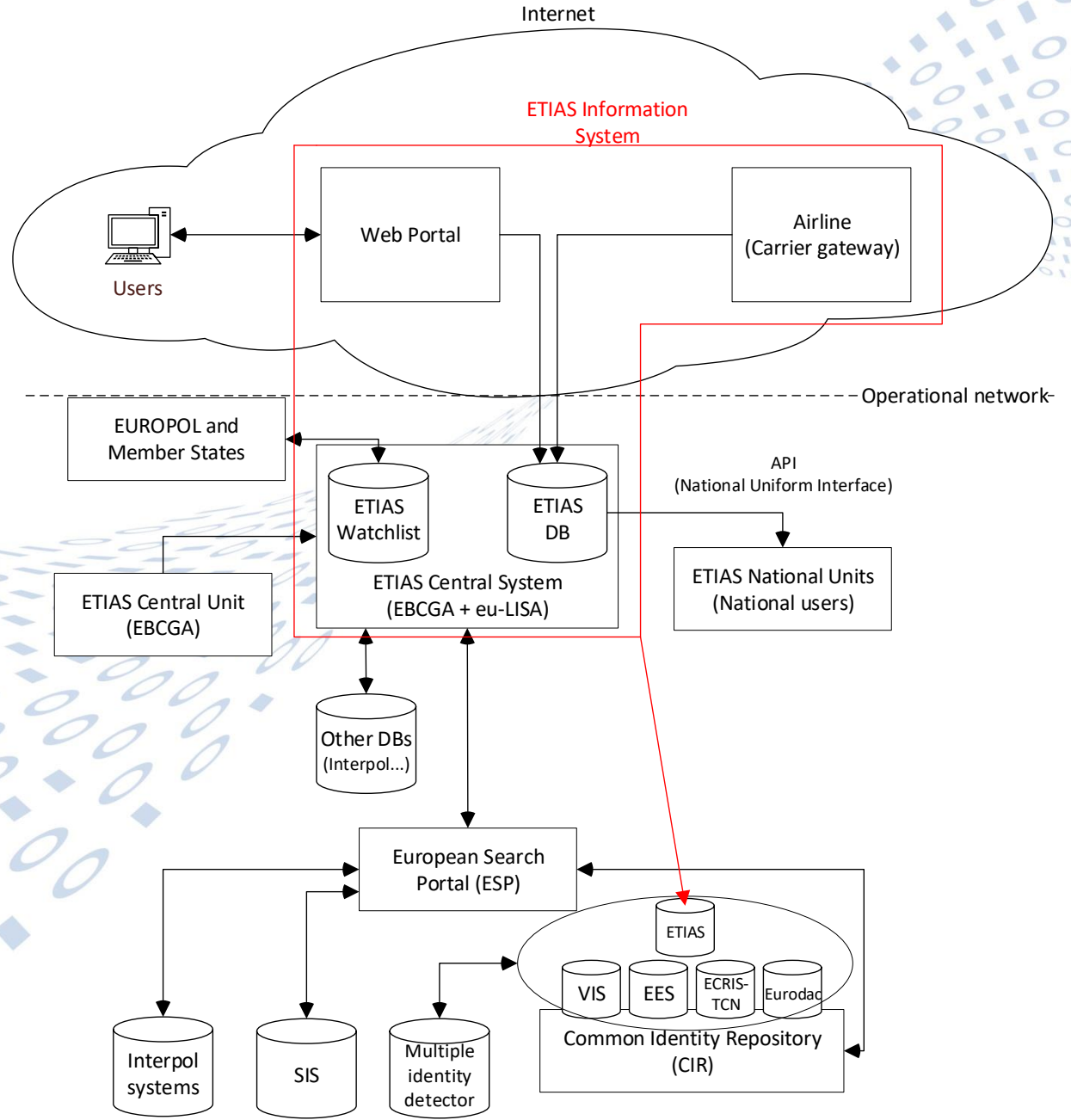


# Co-ordination with national Data Protection Authorities European Data Protection Board





# ETIAS ecosystem







## Why is ETIAS interesting for EDPS?

- ETIAS will be a highly visible system that will process personal data of millions of people and which will be used to support decisions made about them. For this reason, it is important that data protection by design and by default are properly implemented.
- At the same time, the complex setup with multiple actors involved presents risks of diluting responsibilities.
- For this reason, the EDPS has decided to follow the development of this system more closely.





# Facial recognition in use in public administration (case of *Aadhaar*)

**AADHAAR**

भारत सरकार  
**Unique Identification Authority Of India**  
Government Of India

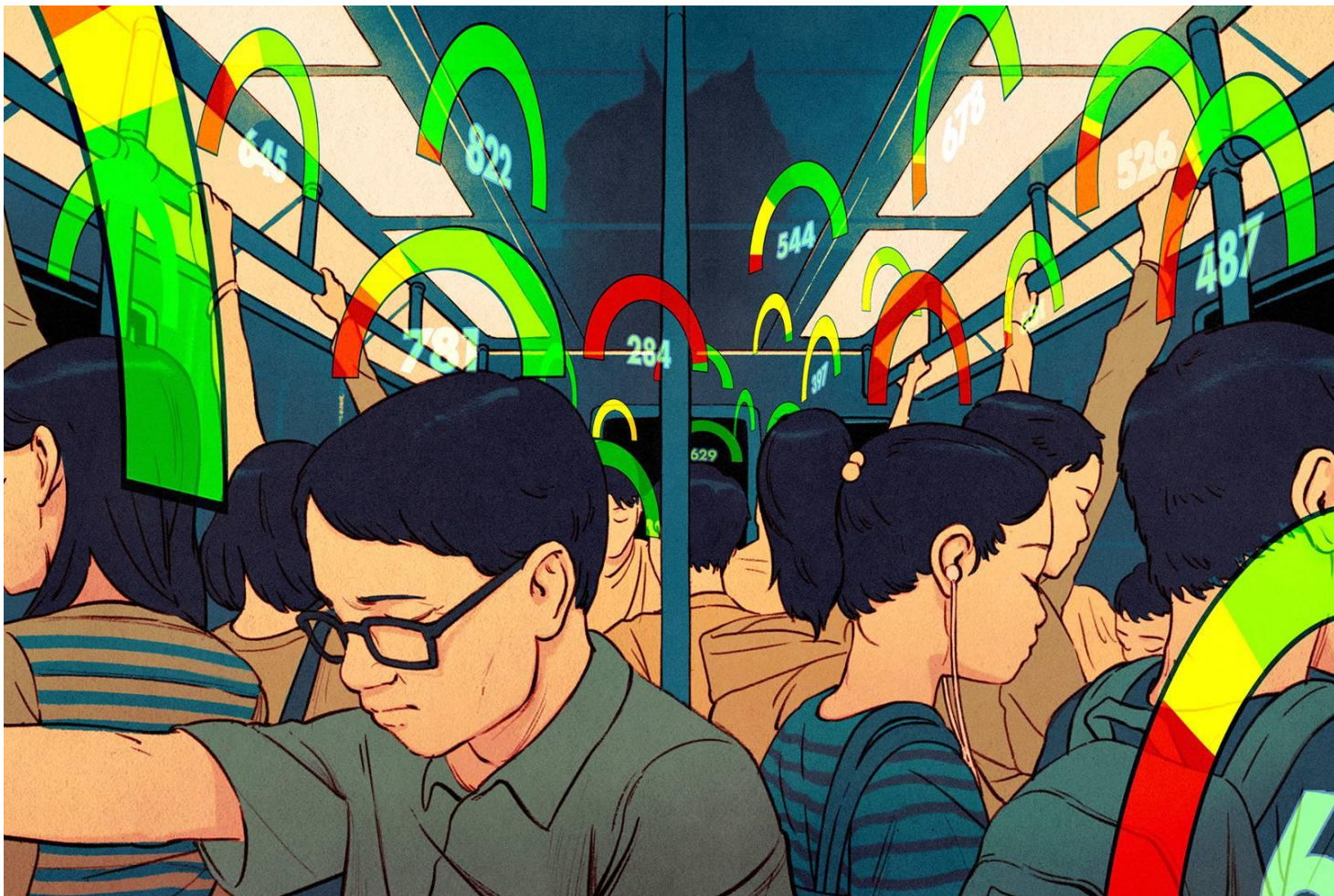
भारत सरकार  
Government Of India

**AADHAAR** Unique Identification Authority Of India

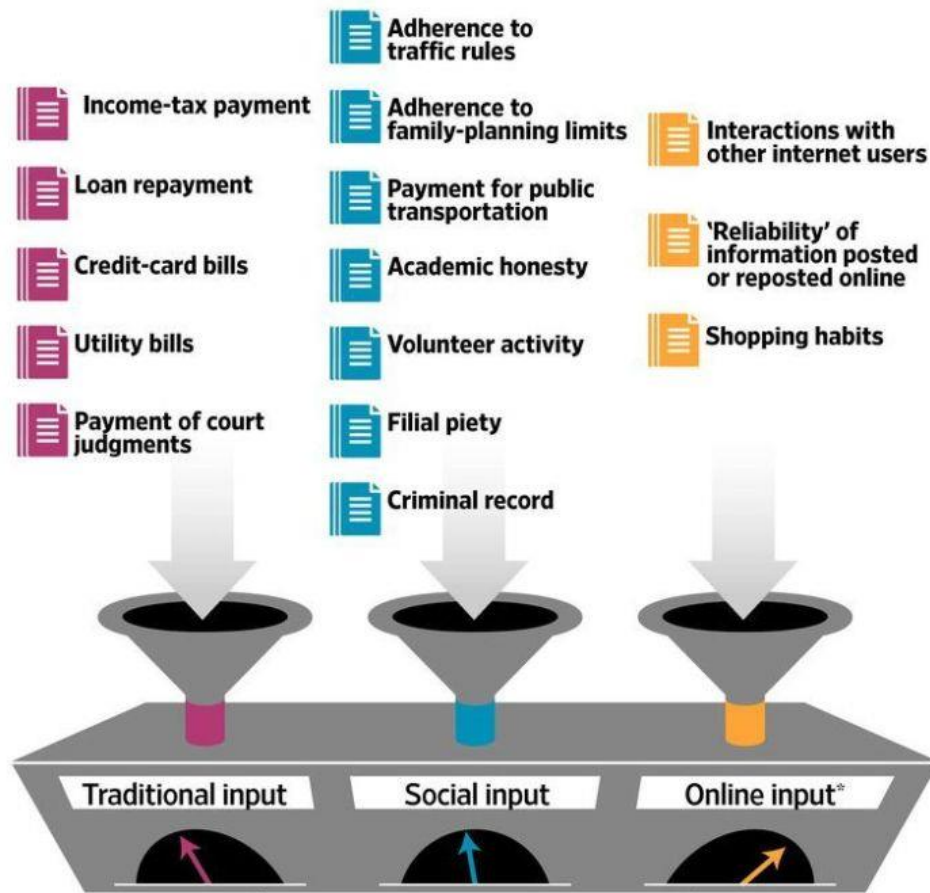
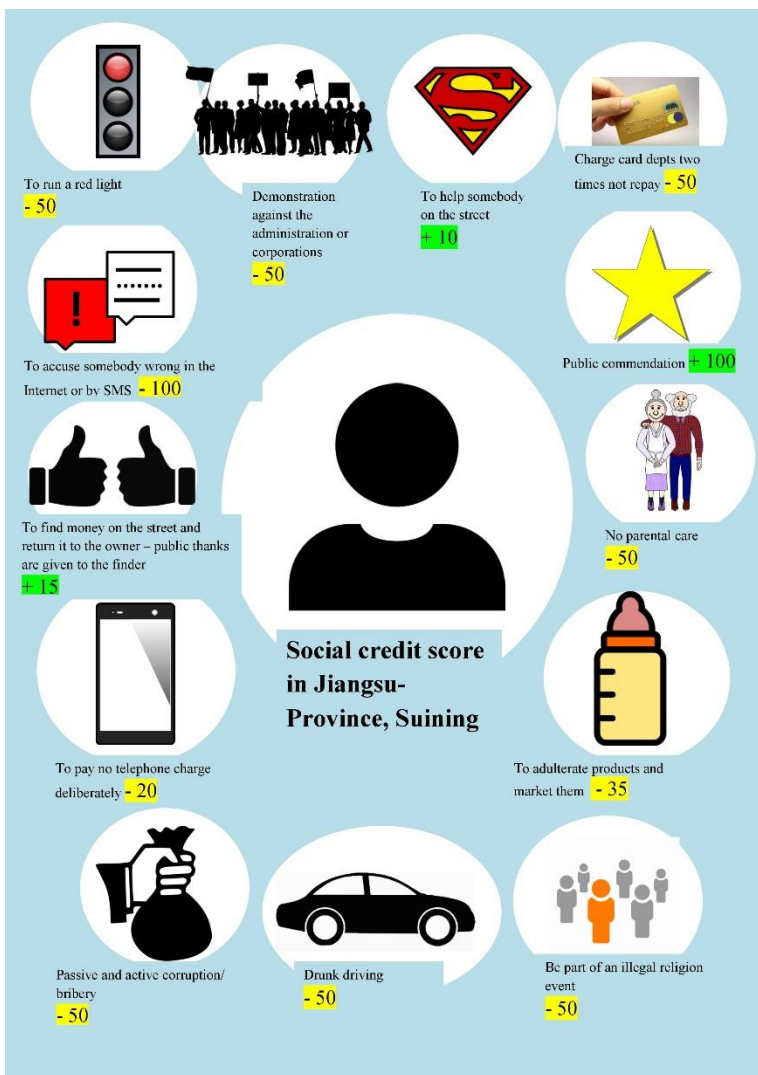
	<b>Name</b> XXXXXXXXXXXXX <b>DOB /</b> xxxxx <b>Sex /</b> xx	<b>Address</b> XXXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXXX XXXXXX
--	---	--

आधार - आम आदमी का अधिकार      Aadhaar - Aam Aadmi ka Adhikar

# Chinese social credit system



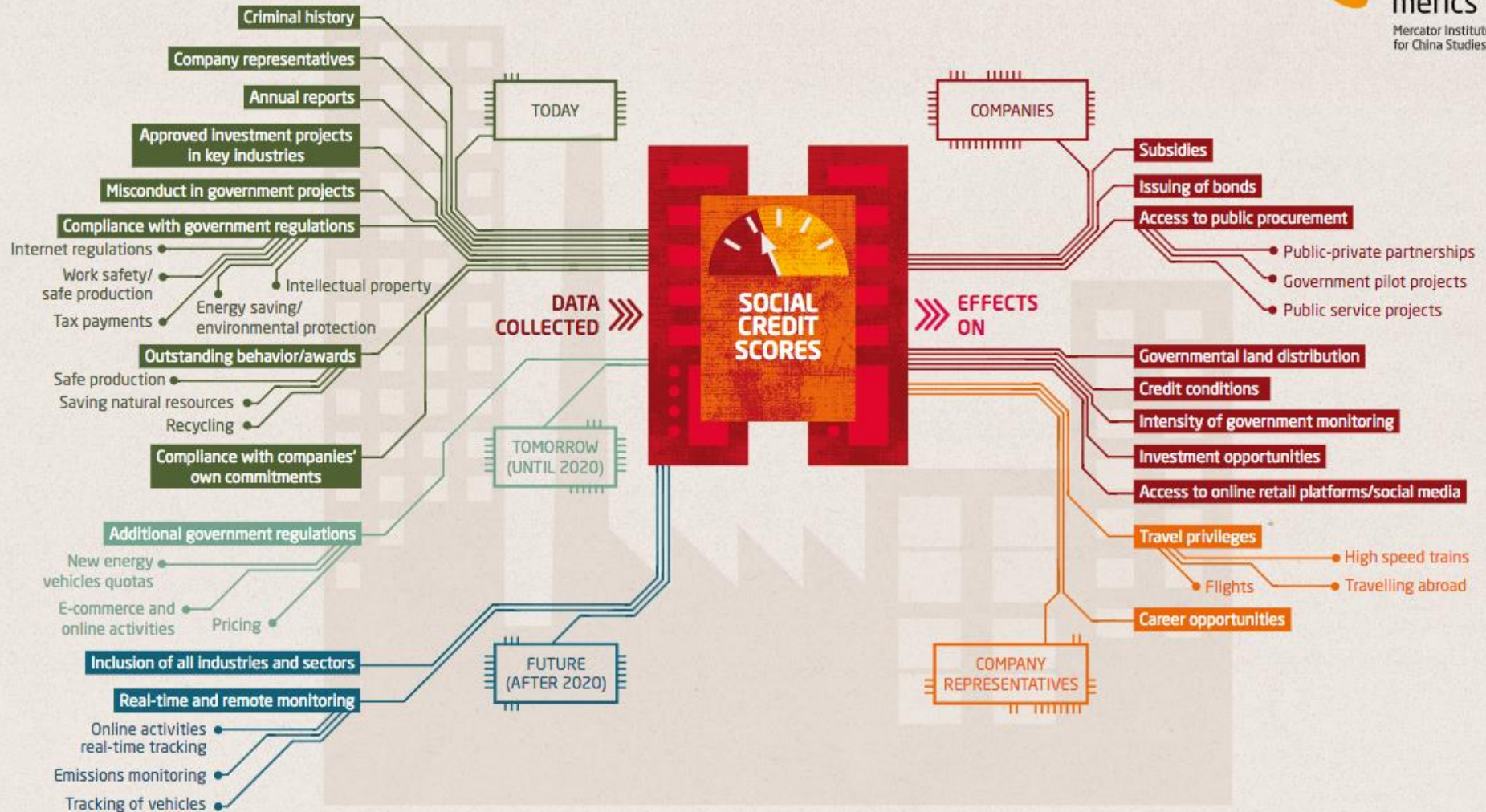
# Chinese social credit system



# Chinese social credit system

## China's tight grip on enterprises

Influencing business decisions via Social Credit Scores\*



\*Selection of data collected and exemplary effects of Social Credit Scores.  
Source: Policy documents and regulations released by the Chinese central government since 2014.

# Thank you for your attention!

[www.edps.europa.eu](http://www.edps.europa.eu)  
[edps@edps.europa.eu](mailto:edps@edps.europa.eu)



[@EU\\_EDPS](https://twitter.com/EU_EDPS)