



## **Report on EU Data Protection Authorities**

### Part 5: Guidance Issued

Deloitte Privacy Services – Privacy Response

# Report on EU Data Protection Authorities

## Introduction

On 25 May 2019 the General Data Protection Regulation (“GDPR”) celebrated its first anniversary and once more all eyes are turned towards the national **Data Protection Authorities** (“DPAs”).

The **DPAs are facing busy times**. Whilst their primary task is to enforce the application of the GDPR and ensure compliance, the GDPR entrusts the DPAs with a number of additional responsibilities. They focus their work on awareness, guidance, handling complaints and conducting investigations – to name just a few of their tasks.

In some circumstances, the **GDPR also requires organizations to actively work with their DPA(s)**. Organizations must, for example, cooperate in investigations, consult their relevant DPA for certain high-risk Data Protection Impact Assessments (“DPIAs”), obtain DPA approval for Binding Corporate Rules (“BCRs”) and report certain personal data breaches within 72 hours.

It is therefore important for organizations to not only identify which DPAs they may need to engage with in the future, but also develop their knowledge on the characteristics of these DPAs. Some organizations may consider establishing a working relationship with their DPA(s), to ensure smooth communication in times of need.

At Deloitte we understand these needs. We have therefore conducted **research into certain key characteristics of the DPAs**. The research seeks to paint a detailed picture and to provide you with a closer look at factors that may influence a DPA's way of working. Some key topics include data breach reporting, resources, guidance issued and enforcement actions taken.

The results of our research are published in a number of sub-reports. A comprehensive final report will be made available once all sub-reports have been published.

In this edition we present our findings on the **guidance issued by DPAs**.

# Introduction



# Guidance issued

## DPA guidance aims at raising awareness and producing insights

Whilst Data Protection Authorities are primarily responsible for ensuring GDPR compliance through enforcement, they also play an important role in providing guidance on a broad spectrum of topics.

Guidance issued by a DPA can provide **valuable insights for organizations** e.g. on how to interpret ambiguous legal provisions or on how the DPA may intend to enforce these provisions.

DPAs also play an important role in **informing European citizens** about their rights and assisting them in safeguarding these rights.

In this report, we present some of our key findings with regard to the guidance issued by a selection of DPAs. The report provides you with valuable **insights into various practical matters** relating to the guidance issued (such as the language of publication), their views on specific topics and the methods used by the DPAs to inform different audiences. This report does not intend to be exhaustive and does not include an in-depth analysis of the content of the guidance issued.

Information on any footnotes within this report can be found in the reference section of this document on page 32 to 39.



# Scope of the report

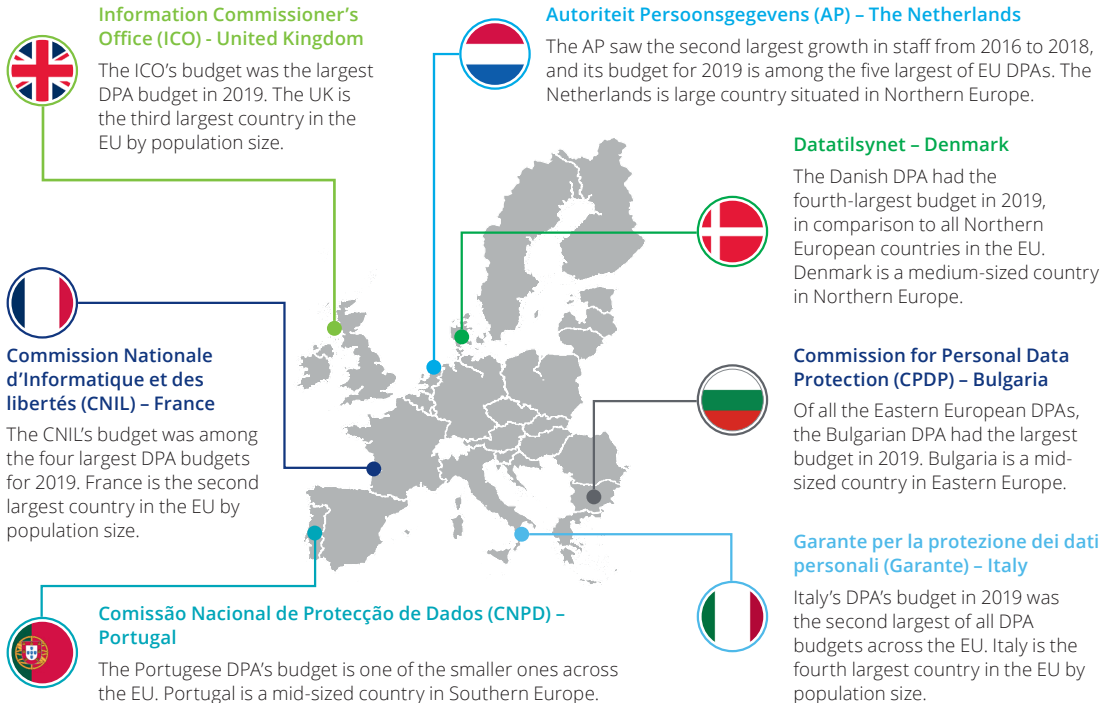
## This study includes input obtained from seven European DPAs



The report looks into the guidance issued by the **seven DPAs** illustrated on the right.

In selecting the DPAs, the following elements were considered:

- 01** DPA budget (a mix of four of the five largest DPAs – Germany was excluded<sup>1</sup> - and three smaller DPAs).<sup>2</sup>
- 02** Geographical considerations (North, South, West and East).<sup>3</sup>
- 03** Population size (including both large and small countries).<sup>4</sup>



# Do DPAs publish guidance in English?



# Do DPAs publish guidance in English?

## DPAs generally publish guidance in the local language of their country

The EU currently recognizes 24 official languages<sup>1</sup> and English is an important language within EU data protection. It is the working language of the European Data Protection Board (EDPB)<sup>2</sup> - DPAs are thus required to operate in English within the EDPB.

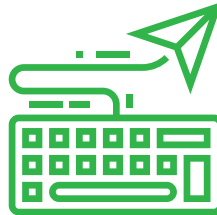
Despite the importance of English, **DPAs are local regulators** and therefore primarily facilitate guidance and interpretations of the GDPR in their local languages. This could prove particularly challenging for international organizations working in multiple countries across the EU.

Consider, for example, an organization with processing activities in the United Kingdom, France and the Netherlands, where the internal privacy professionals are only English-speaking. The privacy professionals may consult with local experts on the matter, but perhaps miss out on key guidance or nuances in interpretation published by a DPA in a local language.

It is therefore interesting to explore whether DPAs also provide guidance in English.



All **DPAs studied have an English version of their website**. However, it often has less functionalities, simply refers to local-language documents, or solely includes documents issued by the EDPB.



Of the DPAs studied, **guidance doesn't seem to be published in English**. Sometimes excerpts or summaries are published in English but the guidance doesn't appear to be translated completely to English. The UK DPA is of course an exception to this, as English is its working language and thus all guidance is published in English.

# Examples of information published in English

## Information that is available in English takes different forms such as news headlines, legislation and guidelines

### France



- Selected news headlines.<sup>1</sup>
- A selection of compliance tools for organizations e.g. model record of processing activities, DPIA tools (including software).<sup>2</sup>
- Explanation of the most important data protection concepts.<sup>3</sup>

### Italy



- Relevant Italian data protection legislation.<sup>4</sup>
- Some of the DPA's decisions.<sup>5</sup>

### Bulgaria



- Guidance related to DPIAs, the election process, and links to the Council of Europe and EDPB.<sup>6</sup>

### Denmark



- Basic information on the DPA e.g. what the DPA is.<sup>7</sup>
- List of legislation the DPA supervises.<sup>8</sup>
- Specific background information on the Schengen Information System,<sup>9</sup> the Visa Information System,<sup>10</sup> and the EU Fingerprint Database.<sup>11</sup>

### The Netherlands



- Headlines and summaries on enforcement activities.<sup>12</sup>
- Information on publications from the EDPB.<sup>13</sup>
- Summaries of the annual report of the DPA.<sup>14</sup>
- The DPA's supervisory framework.<sup>15</sup>

### Portugal



- Guidelines on the use of biometric data in the workplace (controlling access and monitoring hours worked).<sup>16</sup>
- Annual Activity Reports from 1997, 1998 and 1999.<sup>17</sup>
- Relevant legislation.<sup>18</sup>



# Format of the guidance



# Format of the guidance

## DPAs are free to determine the means and format of their guidance

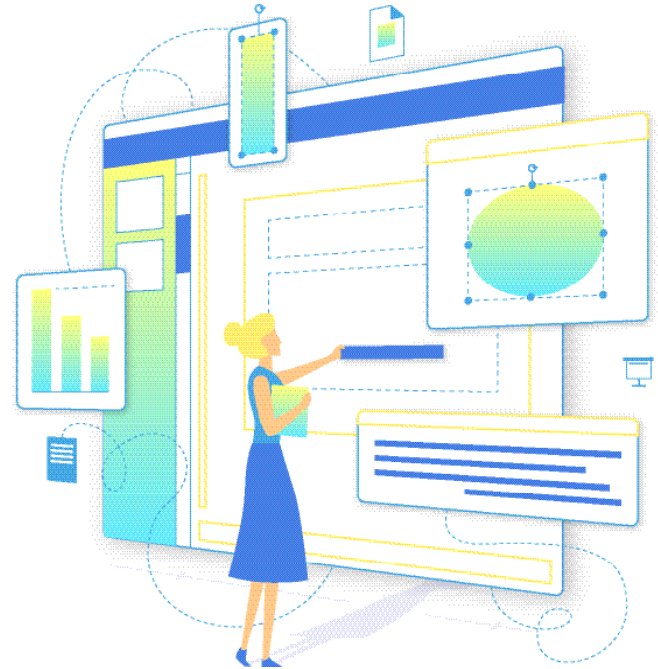
DPAs are **free to determine the means and format** of their communications, including their guidance.

Typically, guidance is published in text-based documents; often in a formalistic legal manner. However, the DPAs studied are also beginning to explore alternative ways.

Publishing guidance in different types of formats could be a more effective way of communicating a certain message and raising awareness.

A catchy and simple format, such as an easy to understand video or podcast might make it more attractive for an organization to pay attention to the topics discussed. It may also help in deepening the reader/listener's understanding of a particular topic.

Our study therefore looked to highlight the main formats chosen by DPAs and potential differences between DPAs.



# Examples of formats chosen by DPAs

## DPAs use different formats to share their guidance on data protection



**Documents, reports and articles** are the most common form of guidance across the DPAs studied. Guidance from all DPAs is primarily text-based. The Danish, French, UK and Dutch DPAs all publish articles on their websites providing guidance, which in some cases is also linked to a PDF guidance document. The Danish DPA, for example, has a section on its website containing text-guidance on specific topics<sup>1</sup> such as 'internet and apps'.<sup>2</sup> It also has a separate page with links to PDF guidance.<sup>3</sup> The Bulgarian DPA publishes an annual report covering its activities as well as setting goals and priorities.<sup>4</sup> The Italian DPA appears to mainly post guidance in the form of blogposts.



**Checklists and step-by-step guidance** are common forms of guidance, used in particular by the UK DPA (e.g. checklists for organizations, GDPR interactive guidance tools, and awareness posters designed for organizations) and the Dutch DPA (e.g. DPIA checklist).<sup>5</sup>



**Q&As or FAQs** are often used, in particular by the French and Dutch DPAs. The French DPA's guidance is typically written in the form of questions and answers, whereas the Dutch DPA publishes guidance on its website, with a drop-down menu consisting out of Q&As at the bottom of almost every guidance page.



**Interviews, podcasts, videos**, etc. are popular as well. Podcasts are used by the UK and Danish DPAs: the UK DPA looks to answer questions about DPIAs, lawful basis and GDPR myths,<sup>6</sup> while the Danish DPA covers several topics ranging from the definition of personal data and cloud services, to Privacy by Design.<sup>7</sup> The Dutch DPA also uses audio and written interview materials to raise awareness.<sup>8</sup>



**Tools such as programs or templates** are developed by some DPAs. Some examples:

- The French DPA created software for performing DPIAs.<sup>9</sup>
- The UK DPA created Data Protection self-assessments, privacy notice templates and even ready-made posters for organizations to use internally.<sup>10</sup>
- The Danish DPA created templates for data processing agreements.<sup>11</sup>



**Interactive resources** are only just appearing as a form of guidance. They are used to test awareness and readiness, for example in quizzes such as the UK DPA's tool on data flows post-Brexit<sup>12</sup> and the French DPA's interactive quiz for students on protecting their data online.<sup>13</sup>



**Newsletters** are popular amongst DPAs. The Dutch, UK, Bulgarian, Italian and French DPAs all have newsletters.<sup>14</sup> The Dutch DPA has a separate newsletter directed towards DPOs specifically.<sup>15</sup>

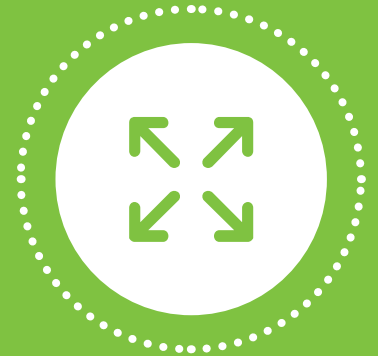


**Social Media** is also used by DPAs. The Danish, Dutch, French, Italian and UK DPAs all have an active social media presence.<sup>16</sup>



**Other forms of guidance** are sometimes used by the DPAs. For example, the French DPA has a special education campaign for young students and their families, with a dedicated website that includes a collaboration with a French Youtuber.<sup>17</sup> The Dutch DPA recently started organizing 'breakfast sessions' on specific GDPR topics such as on data breaches and processors.<sup>18</sup>

# Zooming in on specific topics



# Zooming in on specific topics

## DPAs publish guidance around topics that are unclear or subject to a lot of development

The DPAs studied in this report publish guidance on a variety of topics. We selected two topics to investigate further, to see whether the DPAs say anything about these topics and if so, what they have to say. **The topics chosen reflect areas of uncertainty and development.** These are areas where guidance could help clarify the regulatory framework applicable and enhance legal certainty.

### 1. No-deal Brexit



Brexit has been high on the agenda since the referendum in 2016. Organizations face uncertainty regarding processing activities that involve the UK and many look for guidance on how to prepare for the event of a no-deal Brexit.

### 2. New technologies and related developments



Innovation tends to raise new questions regarding the applicability of data protection laws. The GDPR aims to be technology-neutral and thus doesn't always provide answers. Guidance on how to apply current laws and regulations to such technologies could provide clarity and legal certainty.

# Brexit





# Brexit

**Guidance on Brexit is published by the UK DPA and the EDPB, other DPAs also provide guidance but base this on what was provided by the EDPB**

As can be expected, out of all the DPAs, the DPA of the UK has provided the most Brexit related guidance by far.

The guidance studied is not always updated to reflect the most recent timelines of Brexit, often stating previous dates that were communicated in light of Brexit.

1

4

3

2

Many DPAs seem to have based their no-deal Brexit guidance on what the EDPB has written. Especially the five step plan for companies, as proposed by the EDPB, is reflected in the guidance documents that are available.

The DPAs studied appear to focus on a no-deal Brexit. This makes sense as a no-deal scenario has the most impact on the legitimacy of international data transfers.



# Brexit

## One of the biggest questions in terms of Brexit is whether the UK will be seen as an adequate country

The GDPR distinguishes between countries outside the European Economic Area (EEA) that are considered to ensure an adequate level of protection for personal data and “non-adequate” countries. A transfer to an “adequate” country is the simplest way to legitimately transfer personal data outside the EEA; no prior approval from a supervisory authority is required and data is free to flow between the countries. The European Commission is the only authority that can decide on adequacy though. One of the biggest questions in terms of Brexit is **whether the UK will be seen as an adequate country**.

Since the UK is currently an EU member state subject to the GDPR, data within the EU/EEA can freely flow to and from the UK. However, when the UK leaves the EU, these **data flows will become subject to a new regime, creating uncertainty for organizations**. In the absence of a Commission adequacy decision, data transfers to and from the UK can only take place where appropriate safeguards have been taken, as listed in Chapter V of the GDPR.

In a draft agreement, published on 17 October 2019, it is stated that the ‘European Commission will start the assessments with respect to the United Kingdom as soon as possible after the United Kingdom’s withdrawal, endeavoring to adopt decisions by the end of 2020, if the applicable conditions are met’.<sup>1</sup> It seems that **an adequacy decision will not be in place on the day the UK leaves the EU**. The Commission may first take the time to assess the UK’s situation, which could leave some organizations in limbo and require them to take other measures, whilst waiting for a potential adequacy decision.<sup>2</sup>

To address these uncertainties, many DPAs publish guidance addressing Brexit. We explored what the DPAs studied have to say about Brexit. The EDPB also published an information note on data transfers under the GDPR in the event of a no-deal Brexit, in which it stated five steps for organizations to take in case of a no-deal Brexit: (1) identify what processing activities will imply a personal data transfer to the UK; (2) determine the appropriate data transfer instrument for your situation; (3) implement the chosen data transfer instrument to be ready for 1st November 2019; (4) indicate in your internal documentation that transfers will be made to the UK and (5) update your privacy notice accordingly to inform individuals.<sup>3</sup>



# Brexit

## The UK DPA already provides guidance as a non-EU member, but still in harmony with EU data protection regulations

- The ICO has a dedicated section on Brexit on its website, where it provides guidance to SMEs, large organizations, as well as police forces and other law enforcement authorities.<sup>1</sup>
- The ICO guidance on Brexit primarily targets organizations (partially) based in the UK.<sup>2</sup>
- Organizations are advised to ‘take stock’ and understand their international flows of data and consider how to transfer the data ‘lawfully’. Organizations are also advised to prepare for a situation in which there is no adequacy decision.<sup>3</sup>
- The ICO considers ‘standard contractual clauses’ between the sender and receiver of personal data to be a ‘relatively simple way’ of providing appropriate safeguards.<sup>4</sup> The ICO even provides an **interactive tool** to decide whether standard contractual clauses would be necessary,<sup>5</sup> as well as template contracts to use.<sup>6</sup> For larger organizations, it recommends using Binding Corporate Rules and ensuring that they are updated to reflect that the UK becomes a third country on the date of exit.<sup>7</sup>
- The ICO predicts that post-Brexit **records of processing activities and privacy notices are unlikely to change**, but that their terminology may need to be changed and parts about international transfers may need to be amended. DPIAs may need to be reviewed in the light of the UK GDPR, e.g. if they cover international data flows which on the date of exit become restricted transfers.<sup>8</sup>
- The ICO clarifies that after Brexit, it will no longer be a supervisory authority for the purposes of the EU GDPR, but emphasizes it will **‘seek to retain a strong relationship with the EDPB after exit’**.<sup>9</sup>
- The ICO reminds UK companies without offices in the EEA that they may need to appoint a **European representative** after Brexit.<sup>10</sup>
- The ICO also has a **dedicated section for SMEs**, providing guidance on Brexit (which includes a video).<sup>11</sup>





# Brexit

## 4 out of 6 DPAs outside the UK have also provided guidance on Brexit (1/2)

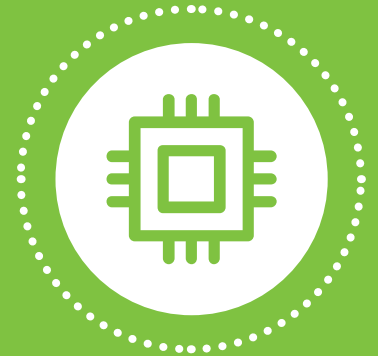
<p>Denmark</p> 	<p><b>The Danish DPA summarizes the three possible Brexit scenarios</b> (which haven't been updated to include new dates):</p> <ol style="list-style-type: none"> <li>1. Brexit deal before October 31st, 2019</li> <li>2. Britain cancels Brexit</li> <li>3. Hard Brexit (no agreement by October 31st, 2019)<sup>1</sup></li> </ol> <p>It advises the following steps to prepare for Brexit:</p> <ul style="list-style-type: none"> <li>• Map personal data transfers to know what data is being transferred to the UK.</li> <li>• Investigate which GDPR transfer basis would be applicable if the UK becomes a third country, and implement these measures.</li> <li>• Update relevant internal and external communications.</li> </ul>
<p>The Netherlands</p> 	<p>The Dutch DPA published a small FAQ on Brexit.<sup>2</sup> It primarily links to EDPB guidance.<sup>3</sup> <b>The Dutch DPA highlights two Brexit scenarios:</b></p> <ol style="list-style-type: none"> <li>1. Hard Brexit (no-deal). Organizations will need to take measures for international data transfers as required by the GDPR.</li> <li>2. Deal with a transition period. The GDPR will remain applicable and no additional measures will be necessary.</li> </ol> <p>It considers that a Commission adequacy decision is possible but notes that this is unlikely to be applicable in the event of a no-deal Brexit.<sup>4</sup> Organizations would need to take other measures as listed in the GDPR.</p> <p>The Dutch DPA also provides the following <b>steps to prepare for Brexit:</b></p> <ul style="list-style-type: none"> <li>• Map personal data transfers to know what data is being transferred to the UK.</li> <li>• Determine which measures would be best applicable.</li> <li>• Ensure the measures have been implemented by 30 March 2019 (NB, the DPA has not updated the date!).</li> <li>• Ensure that internal documentation mentions transfers to the UK as a 'third country.'</li> <li>• Update privacy notices.</li> </ul> <p>The Dutch DPA also refers to the UK DPA's website for additional guidance.<sup>5</sup></p>

# Brexit

## 4 out of 6 DPAs outside the UK have also provided guidance on Brexit (2/2)

<b>France</b> 	<p><b>The French DPA published an FAQ containing step-by-step guidance on preparing for a no-deal Brexit:</b><sup>1</sup></p> <ul style="list-style-type: none"> <li>• Identify processing activities within which personal data is transferred to the UK.</li> <li>• Determine the most appropriate transfer mechanisms to implement in this particular case.</li> <li>• Implement this transfer mechanism to ensure it is applicable and effective by 1 February 2020.</li> <li>• Update your internal documentation to include transfers to the UK by 1 February 2020.</li> <li>• Where required, update information to data subjects to ensure transparency on the transfer of their personal data outside the EU/EEA.</li> </ul> <p>Additionally, the FAQ reiterates the UK's position that organizations receiving data from the UK need not make any changes. Changes are only necessary for data transferred to the UK.</p>
<b>Italy</b> 	<p><b>The Italian DPA's guidance on Brexit<sup>2</sup> consists mainly of a translation of the EDPB guidance on Brexit</b> as published on 12 February 2019.<sup>3</sup> The step-by-step guidance as proposed by the EDPB was included in this information as an infographic. Additionally, the Italian DPA sets out what transfer mechanisms can be used to transfer personal data from the EU/EEA to the UK in case of a Hard Brexit and stresses that personal data transfers coming from the UK to the EU/EEA will not be affected.</p>
<b>Bulgaria</b> 	<p>The Bulgarian DPA currently hasn't published guidance on this topic.</p>
<b>Portugal</b> 	<p>The Portugese DPA currently hasn't published guidance on this topic.</p>

# New technologies



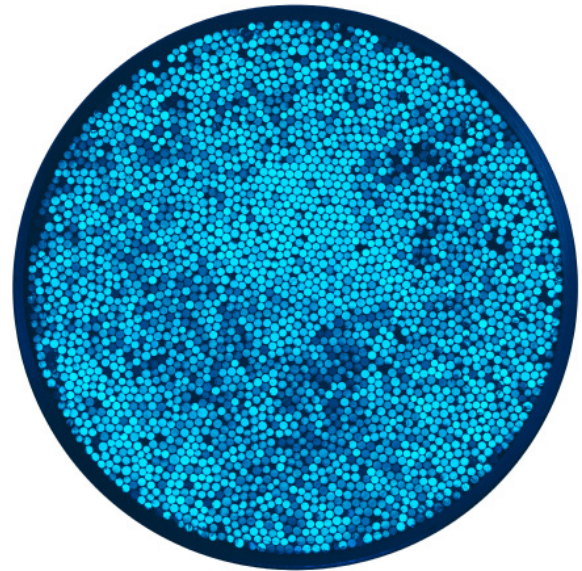
# New technologies

## DPAs provide guidance on privacy challenges resulting from innovative technologies

Technology is rapidly evolving and where the processing of personal data is involved this could lead to many interesting developments in the field of privacy. **New technologies enable new and more extensive processing of personal data.** Additionally, with technology becoming increasingly complex, **the way personal data is processed can become less transparent.**

When it comes to processing personal data it is crucial we take these kinds of developments into account. This helps to ensure that in developing new technologies, the protection of personal data is safeguarded.

DPAs play an important role in providing information about the consequences of technological developments for the processing of personal data. They obviously have the relevant knowledge on data protection and have hired experts in innovative technologies.<sup>1</sup>



# Topics covered

## Blockchain and AI are amongst the topics DPAs have written guidance on

Two technological developments that have received a lot of attention over the past years are blockchain and artificial intelligence. Unsurprisingly, DPAs have issued guidance on these topics. However, not all of them have - especially DPAs with a smaller budget - focused their guidance on these topics.



### Privacy and blockchain

- The EDPB stated that it might discuss blockchain in its Working Program 2019/2020.
- The French DPA has published guidelines on how to make a GDPR-compliant blockchain.<sup>1</sup>
- The UK DPA has published a joint statement with other DPAs (amongst others the US, Albania, Australia) regarding privacy concerns related to the use of cryptocurrencies (which uses blockchain technology).<sup>2</sup>
- The Italian DPA has published some blogposts in English about blockchain technology, but is also more focused on cryptocurrency<sup>3</sup> and fintech.<sup>4</sup>



### Privacy and artificial intelligence (AI)

Of the DPAs studied, the UK, Italian, French and Dutch DPAs have published on AI:

- The UK DPA has published specific guidance on AI<sup>5</sup> and has also drafted some AI ethics guidelines.<sup>6</sup> Furthermore, several issues regarding AI are covered in a number of news articles and blog posts within the website, e.g. AI auditing framework, ethics including human intervention and DPIAs, and AI.<sup>7</sup>
- The Italian DPA published ethics guidelines for trustworthy AI and guidelines on AI and data protection.
- The French DPA has written about the ethical issues when it comes to AI and algorithms.<sup>8</sup>
- The Dutch DPA has indicated AI and algorithms is going to be one of their focus areas in the coming years, so guidance on this topic might appear in the future.<sup>9</sup>

# Topics covered

## DPAs issued guidance also on other new technologies



### Information Commissioner's Office (ICO) - United Kingdom

Other interesting topics related to new technologies that are covered by the UK DPA are machine learning,<sup>1</sup> encryption<sup>2</sup> and Privacy by Design and Default.<sup>3</sup>



### Datatilsynet – Denmark

The Danish DPA made podcasts on its website that zoom in specific topics such as on recording phone calls,<sup>4</sup> cloud-based services,<sup>5</sup> CCTV monitoring<sup>6</sup> and Privacy by Design and Default.<sup>7</sup>



### Garante per la protezione dei dati personali (Garante) – Italy

The Italian DPA has published documents and guidance on smart video surveillance, drones, phishing, fake news, cyberbullying, and ransomware. Furthermore they are actively organizing events on Internet of Things (IoT) and blockchain.



### Autoriteit Persoonsgegevens (AP) – The Netherlands

The Dutch DPA has published tips on IoT,<sup>8</sup> a PDF guidance document with tips for individuals on for instance the use of two-factor authentication and digital TV and smart TVs.<sup>9</sup>



### Commission Nationale d'Informatique et des libertés (CNIL) – France

The French DPA published recommendations on cloud computing specifically for companies.<sup>10</sup> Furthermore it has a whole webpage devoted to innovation and foresight where specific newsletters can be found like digital pictures, and facial recognition<sup>11</sup> and privacy towards 2020.<sup>12</sup>



# Additional observations

## Data ethics, political campaigns, CCTVs, and school grades are hot topics among DPAs

- Many forms of new technologies are on the agendas of DPAs. They provide guidance on these new technologies and see it as an area to focus on in the near future.
- There appears to be relatively little **guidance on data ethics**. The topic is discussed by the French DPA and the Italian DPA. The most extensive coverage is done by the French DPA, which was mandated by French law to lead the public debate and reflection on ethical and social questions caused by the evolution of digital technologies.<sup>1</sup> To fulfill this task, the French DPA launched the 'ethical and numerical' ('Ethique et numérique') initiative, which includes public lectures, workshops and meetings on data ethics.
- Several DPAs have published guidance on the **use of personal data in the context of political campaigns**. This might be explained by the news about Cambridge Analytica, the company that used the personal data of millions of Facebook users - without having obtained their consent - to target certain groups of US voters during the 2016 presidential elections.
- Lots of guidance has been published on the **use of CCTV cameras**, reflecting the fact that video surveillance continues to be a topic that poses many practical, legal and ethical questions regarding data protection.
- **Sharing school grades or exam results** seems to be a topic that occupies the minds of many European citizens. Various DPAs wrote guidance specifically dealing with this topic (e.g. on the rules regarding sharing grades with parents or with other educational institutions), namely in Bulgaria, Portugal, and Spain.



# Guidance issued by the European Data Protection Board



# The European Data Protection Board

## The EDPB's guidance brought some consistency in guidance across the EU

The EDPB has the mission to ensure consistent application of the GDPR across the EU. In addition to its secretariat, it consists of representatives from the national data protection authorities and from the European Data Protection Supervisor.

Thanks to this structure, EDPB guidance represents a form of **consensus on the interpretation of data protection law** and is a helpful source for organizations when looking for guidance on how to apply and implement data protection law. Please refer to the EDPB's website for a list of guidance published.<sup>1</sup> The EDPB has also adopted a number of documents that were created by its predecessor, the Article 29 Working Party.

EDPB guidance takes the form of **guidelines and opinions**, which are written in a memo/report style. Guidelines do, however, include practical examples and checklists organizations can use when applying the guidance in practice. Most of the EDPB's guidance is focused on organizations, but there is a small section of the website that refers individuals to the guidelines in which their rights are clarified.<sup>2</sup> Other guidance includes a news page, on which some national data protection news is highlighted, as well as a newsletter.<sup>3</sup> These sources are useful for organizations to subscribe to a centralized place of news updates, but do not offer a comprehensive account of national data protection developments and interpretations.

**EDPB guidance is often referred to by national DPAs.** National DPAs sometimes offer their own additional guidance or present the content of the EDPB's guidance in their own format. Most EDBP guidance is also advertised in national DPA's news posts. However, not all topics on which the EDPB presents guidance receive the same amount of attention on national level, which might be due to the relevance a certain topic has in a particular country's data protection community. Larger DPAs such as the CNIL or the ICO tend to provide their own guidance, while other DPAs such as the Datatilsynet or the Garante introduce EDPB guidance and add their own perspectives, but then redirect for more details.

# DPA's and EDPB guidance (1/2)

## DPA's refer to the EDPB guidance and elaborate on it where they see fit

### Privacy by Design and by Default (PbDD)

On the topic of PbDD, the EDPB has opened its guidelines for public consultation.<sup>1</sup> The ICO also offers guidance and has a checklist for organizations on PbDD.<sup>2</sup> A guide on PbDD has been published by the Danish DPA.<sup>3</sup> The CNIL has a toolkit for developers that guides them in how to take data protection into account, but does not refer to PbDD.<sup>4</sup> The Dutch and Italian DPA as well as the Portuguese and Bulgarian DPA do not have guidance explicitly on PbDD.

### Video Surveillance

While the EDPB's guidance on video surveillance is still in consultation stage, the French, UK, Italian and Dutch DPA all published their own guidance on the topic.<sup>5</sup> This guidance tends to be more detailed and takes into account national circumstances. It will be interesting to see how these documents are adapted once the final version of the EDPB's guidelines is published.

### Data Protection Impact Assessments (DPIAs)

All of the 28 DPAs, including the DPAs studied in this report, have submitted their list to the EDPB, including our studied DPAs. The EDPB has issued Opinions on each of these lists, which can be found on the website of the EDPB.<sup>6</sup>

### Certification and Accreditation of Certification Bodies

The EDPB has adopted guidelines on certification<sup>7</sup> and on the accreditation of certification bodies.<sup>8</sup> These guidelines refer primarily to formal aspects, while national DPAs such as the UK DPA provide guidance for organization on the practical matters related to obtaining certification.<sup>9</sup> The French and Danish DPAs combine their guidance for certification with guidance on Codes of Conduct.<sup>10</sup>

# DPAs and EDPB guidance (2/2)

## DPAs refer to the EDPB guidance and elaborate on it where they see fit

### Derogations in the context of transfers of personal data to third countries

On this topic, the EDPB has issued guidance that provides information for organizations that transfer data to countries outside of the EU.<sup>11</sup>

All DPAs examined for this report provide some level of guidance on international transfers and the relevant mechanisms organizations can use.

### Processing for the performance of a contract in the context of online services

All national DPAs provide some form of guidance on online services. The EDPB guidance provides a deeper dive into the legal basis under Article 6(b)f of the GDPR.<sup>12</sup>

### Codes of Conduct

The EDPB's guidelines on Codes of Conduct,<sup>13</sup> are referred to by national DPAs. In addition, the UK DPA also published their own guidance.<sup>14</sup> The French and Danish DPAs combine their guidance on Codes of Conduct with guidance on certifications.<sup>15</sup> The Italian DPA publishes its own codes of conduct organizations can subscribe to.<sup>16</sup>

### Territorial applicability of the GDPR

In one of the first guidelines it adopted, the EDPB clarifies the applicability of the GDPR.<sup>17</sup> National DPAs, on the other hand, appear to pay less attention to the notion of applicability of the GDPR. Instead, they focus more on what organizations and individuals should take into account if and when the GDPR is applicable.

# Appendix

## Population Sizes



# Appendix

## Population Size

Any conclusions or analysis based on population data in the European Union is based on the following table:

Country	Population Size	Category
Malta	493,559	Small
Luxembourg	613,894	Small
Cyprus	875,898	Small
Estonia	1,324,820	Small
Latvia	1,919,968	Small
Slovenia	2,080,908	Small
Lithuania	2,794,184	Small
Croatia	4,076,246	Small
Ireland	4,904,226	Small
Slovakia	5,450,421	Medium
Finland	5,517,919	Medium
Denmark	5,806,081	Medium
Bulgaria	7,000,039	Medium
Austria	8,858,775	Medium

Country	Population Size	Category
Hungary	9,772,756	Medium
Sweden	10,230,185	Medium
Portugal	10,276,617	Medium
Czechia	10,649,800	Medium
Greece	10,722,287	Large
Belgium	11,467,923	Large
Netherlands	17,282,163	Large
Romania	19,401,658	Large
Poland	37,972,812	Large
Spain	46,934,632	Large
Italy	60,359,546	Large
United Kingdom	66,647,112	Large
France	67,028,048	Large
Germany	83,019,213	Large

Source: <https://ec.europa.eu/eurostat/tgm/table.do?tab=table&plugin=1&language=en&pcode=tps00001> (last visited 25-11-2019)

The countries have manually been divided into three categories. The data in the 'category' column was added for the purposes of this report and does not originate from Eurostat.

# References





# References

Page	Ref nr.	Link	Last visited
5	1	Although Germany is in the top five of the countries with the biggest DPAs, it was excluded from this report because of its the decentralized structure of regional DPAs.	25-11-2019
5	2	References to DPA budget are based on data collected in a previous report conducted in 2019 on DPA resources. Any conclusions are based on the local budget converted to EUR: <a href="https://www2.deloitte.com/content/dam/Deloitte/nl/Documents/risk/deloitte-nl-risk-reports-resources.pdf">https://www2.deloitte.com/content/dam/Deloitte/nl/Documents/risk/deloitte-nl-risk-reports-resources.pdf</a>	25-11-2019
5	3	Regions were determined on the basis of the United Nations Geographical Regions: <a href="https://unstats.un.org/unsd/methodology/m49/">https://unstats.un.org/unsd/methodology/m49/</a>	25-11-2019
5	4	See data on population in <a href="#">Appendix 1</a> .	N/A
7	1	<a href="https://europa.eu/european-union/about-eu/eu-languages_en">https://europa.eu/european-union/about-eu/eu-languages_en</a>	05-11-2019
7	2	Article 23(1) EDPB Rules of Procedure, <a href="https://edpb.europa.eu/sites/edpb/files/files/file1/edpb_rop4_adopted_12112019_en.pdf">https://edpb.europa.eu/sites/edpb/files/files/file1/edpb_rop4_adopted_12112019_en.pdf</a>	25-11-2019
8	1	<a href="https://www.cnil.fr/en/actualite">https://www.cnil.fr/en/actualite</a>	05-12-2019
8	2	<a href="https://www.cnil.fr/en/gdpr-toolkit">https://www.cnil.fr/en/gdpr-toolkit</a>	05-12-2019
8	3	See for example: <a href="https://www.cnil.fr/en/personal-data-definition">https://www.cnil.fr/en/personal-data-definition</a>	05-12-2019
8	4	<a href="https://www.garantprivacy.it/web/guest/home_en/italian-legislation">https://www.garantprivacy.it/web/guest/home_en/italian-legislation</a>	05-12-2019
8	5	<a href="https://www.garantprivacy.it/web/guest/home_en/main-decisions">https://www.garantprivacy.it/web/guest/home_en/main-decisions</a>	05-12-2019
8	6	<a href="https://www.cpdpg.bg/en/?p=rubric&amp;aid=4">https://www.cpdpg.bg/en/?p=rubric&amp;aid=4</a>	05-12-2019
8	7	<a href="https://www.datatilsynet.dk/english/about-us/">https://www.datatilsynet.dk/english/about-us/</a>	05-12-2019
8	8	<a href="https://www.datatilsynet.dk/english/legislation/">https://www.datatilsynet.dk/english/legislation/</a>	05-12-2019
8	9	<a href="https://www.datatilsynet.dk/english/schengen-information-system/">https://www.datatilsynet.dk/english/schengen-information-system/</a>	05-12-2019
8	10	<a href="https://www.datatilsynet.dk/english/visa-information-system/">https://www.datatilsynet.dk/english/visa-information-system/</a>	05-12-2019
8	11	<a href="https://www.datatilsynet.dk/english/eu-fingerprint-database-eurodac/">https://www.datatilsynet.dk/english/eu-fingerprint-database-eurodac/</a>	05-12-2019
8	12	<a href="https://autoriteitpersoonsgegevens.nl/en/news">https://autoriteitpersoonsgegevens.nl/en/news</a>	05-12-2019

# References

Page	Ref nr.	Link	Last visited
8	13	See for example: <a href="https://autoriteitpersoonsgegevens.nl/en/news/european-data-protection-board-sixth-plenary-session">https://autoriteitpersoonsgegevens.nl/en/news/european-data-protection-board-sixth-plenary-session</a>	05-12-2019
8	14	<a href="https://autoriteitpersoonsgegevens.nl/en/news/edpb-annual-report-2018">https://autoriteitpersoonsgegevens.nl/en/news/edpb-annual-report-2018</a>	05-12-2019
8	15	<a href="https://autoriteitpersoonsgegevens.nl/en/about-dutch-dpa/supervisory-framework-2018-2019">https://autoriteitpersoonsgegevens.nl/en/about-dutch-dpa/supervisory-framework-2018-2019</a>	05-12-2019
8	16	<a href="https://www.cnpd.pt/english/bin/guidelines/Guidelines_biometric_EN.HTM">https://www.cnpd.pt/english/bin/guidelines/Guidelines_biometric_EN.HTM</a>	05-12-2019
8	17	<a href="https://www.cnpd.pt/english/bin/reports/report97.htm">https://www.cnpd.pt/english/bin/reports/report97.htm</a> <a href="https://www.cnpd.pt/english/bin/reports/report98.htm">https://www.cnpd.pt/english/bin/reports/report98.htm</a> <a href="https://www.cnpd.pt/english/bin/reports/report99.htm">https://www.cnpd.pt/english/bin/reports/report99.htm</a>	05-12-2019
8	18	<a href="https://www.cnpd.pt/english/bin/legislation/legislation.htm">https://www.cnpd.pt/english/bin/legislation/legislation.htm</a>	05-12-2019
11	1	<a href="https://www.datatilsynet.dk/emner/">https://www.datatilsynet.dk/emner/</a>	05-12-2019
11	2	<a href="https://www.datatilsynet.dk/emner/internet-og-apps/">https://www.datatilsynet.dk/emner/internet-og-apps/</a>	26-11-2019
11	3	<a href="https://www.datatilsynet.dk/generelt-om-databeskyttelse/vejledninger/">https://www.datatilsynet.dk/generelt-om-databeskyttelse/vejledninger/</a>	26-11-2019
11	4	<a href="https://www.cdpd.bg/en/index.php?p=rubric&amp;aid=14">https://www.cdpd.bg/en/index.php?p=rubric&amp;aid=14</a>	29-11-2019
11	5	See for example <a href="https://ico.org.uk/for-organisations/data-protection-self-assessment/">https://ico.org.uk/for-organisations/data-protection-self-assessment/</a> and <a href="https://autoriteitpersoonsgegevens.nl/sites/default/files/atoms/files/checklist_houd_grip_op_persoonsgegevens_def.pdf">https://autoriteitpersoonsgegevens.nl/sites/default/files/atoms/files/checklist_houd_grip_op_persoonsgegevens_def.pdf</a>	10-12-2019
11	6	<a href="https://ico.org.uk/for-organisations/webinars-and-podcasts">https://ico.org.uk/for-organisations/webinars-and-podcasts</a>	29-11-2019
11	7	<a href="https://www.datatilsynet.dk/generelt-om-databeskyttelse/podcast/">https://www.datatilsynet.dk/generelt-om-databeskyttelse/podcast/</a>	05-12-2019
11	8	Netherlands, see for example: <a href="https://twitter.com/toezicht_AP/status/1156172427862401024?s=20">https://twitter.com/toezicht_AP/status/1156172427862401024?s=20</a>	05-12-2019
11	9	<a href="https://www.cnll.fr/en/open-source-pia-software-helps-carry-out-data-protection-impact-assessment">https://www.cnll.fr/en/open-source-pia-software-helps-carry-out-data-protection-impact-assessment</a>	05-12-2019
11	10	<a href="https://ico.org.uk/for-organisations/">https://ico.org.uk/for-organisations/</a>	05-12-2019
11	11	<a href="https://www.datatilsynet.dk/generelt-om-databeskyttelse/vejledninger/">https://www.datatilsynet.dk/generelt-om-databeskyttelse/vejledninger/</a> (can be downloaded under the header 'Skabeloner')	05-12-2019
11	12	<a href="https://ico.org.uk/for-organisations/data-protection-and-brexit/keep-data-flowing-from-the-eea-to-the-uk-interactive-tool/">https://ico.org.uk/for-organisations/data-protection-and-brexit/keep-data-flowing-from-the-eea-to-the-uk-interactive-tool/</a>	29-11-2019
11	13	<a href="https://quiz-digital-incollables.playbac.fr/ta-vie-privee-cest-secret/30">https://quiz-digital-incollables.playbac.fr/ta-vie-privee-cest-secret/30</a>	05-12-2019

# References

Page	Ref nr.	Link	Last visited
11	14	Netherlands: <a href="https://autoriteitpersoonsgegevens.nl/nl/aanmelden-nieuwsbrieven">https://autoriteitpersoonsgegevens.nl/nl/aanmelden-nieuwsbrieven</a>	05-12-2019
		UK: <a href="https://ico.org.uk/about-the-ico/news-and-events/e-newsletter/">https://ico.org.uk/about-the-ico/news-and-events/e-newsletter/</a>	
		Bulgaria: <a href="https://www.cdpd.bg/?p=element&amp;aid=532">https://www.cdpd.bg/?p=element&amp;aid=532</a>	
		Italy: <a href="https://www.garanteprivacy.it/home/stampa-comunicazione/newsletter">https://www.garanteprivacy.it/home/stampa-comunicazione/newsletter</a>	
11	15	France: <a href="https://www.cnil.fr/fr/sinscrire-la-lettre-dinformation-de-la-cnil">https://www.cnil.fr/fr/sinscrire-la-lettre-dinformation-de-la-cnil</a>	05-12-2019
11	16	<a href="https://autoriteitpersoonsgegevens.nl/nl/aanmelden-nieuwsbrieven">https://autoriteitpersoonsgegevens.nl/nl/aanmelden-nieuwsbrieven</a>	05-12-2019
		Denmark: <a href="https://twitter.com/datatilsynet">https://twitter.com/datatilsynet</a>	
		Netherlands: <a href="https://twitter.com/toezicht_ap">https://twitter.com/toezicht_ap</a> and <a href="https://www.linkedin.com/company/college-bescherming-persoonsgegevens-dutch-dpa/">https://www.linkedin.com/company/college-bescherming-persoonsgegevens-dutch-dpa/</a>	
		France: <a href="https://twitter.com/cnil">https://twitter.com/cnil</a>	
11	17	Italy: <a href="http://www.instagram.com/garanteprivacy/">www.instagram.com/garanteprivacy/</a>	29-11-2019
		UK: <a href="https://twitter.com/ICOnews">https://twitter.com/ICOnews</a> and <a href="https://www.linkedin.com/company/information-commissioner%27s-office/">https://www.linkedin.com/company/information-commissioner%27s-office/</a>	
11	18	<a href="https://www.cnil.fr/fr/education-numerique-la-nouvelle-edition-des-incollables-est-disponible-en-ligne">https://www.cnil.fr/fr/education-numerique-la-nouvelle-edition-des-incollables-est-disponible-en-ligne</a> , <a href="https://www.cnil.fr/fr/protoger-sa-vie-privee-en-6-etapes">https://www.cnil.fr/fr/protoger-sa-vie-privee-en-6-etapes</a>	05-12-2019
17	1	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12019W/DCL&amp;from=FR,Part I,Section B,Paragraph 9.">https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12019W/DCL&amp;from=FR,Part I,Section B,Paragraph 9.</a>	09-12-2019
17	2	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.CI.2019.384.01.0001.01.ENG&amp;toc=OJ:C:2019:384:TOC,paragraph 71.">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.CI.2019.384.01.0001.01.ENG&amp;toc=OJ:C:2019:384:TOC,paragraph 71.</a>	09-12-2019
17	3	<a href="https://edpb.europa.eu/sites/edpb/files/files/file1/edpb-2019-02-12-infonote-nodeal-brexite-october_en.pdf">https://edpb.europa.eu/sites/edpb/files/files/file1/edpb-2019-02-12-infonote-nodeal-brexite-october_en.pdf</a>	09-12-2019
18	1	<a href="https://ico.org.uk/for-organisations/data-protection-and-brexit/">https://ico.org.uk/for-organisations/data-protection-and-brexit/</a>	06-12-2019
18	2	<a href="https://ico.org.uk/for-organisations/data-protection-and-brexit/data-protection-if-there-s-no-brexit-deal-3/the-gdpr/international-data-transfers/">https://ico.org.uk/for-organisations/data-protection-and-brexit/data-protection-if-there-s-no-brexit-deal-3/the-gdpr/international-data-transfers/</a>	06-12-2019
18	3	<a href="https://ico.org.uk/for-organisations/data-protection-and-brexit/data-protection-if-there-s-no-brexit-deal-3/the-gdpr/international-data-transfers/">https://ico.org.uk/for-organisations/data-protection-and-brexit/data-protection-if-there-s-no-brexit-deal-3/the-gdpr/international-data-transfers/</a>	06-12-2019

# References

Page	Ref nr.	Link	Last visited
18	4	<a href="https://ico.org.uk/for-organisations/data-protection-and-brexit/data-protection-if-there-s-no-brexit-deal-3/the-gdpr/international-data-transfers/">https://ico.org.uk/for-organisations/data-protection-and-brexit/data-protection-if-there-s-no-brexit-deal-3/the-gdpr/international-data-transfers/</a>	06-12-2019
18	5	<a href="https://ico.org.uk/for-organisations/data-protection-and-brexit/keep-data-flowing-from-the-eea-to-the-uk-interactive-tool/">https://ico.org.uk/for-organisations/data-protection-and-brexit/keep-data-flowing-from-the-eea-to-the-uk-interactive-tool/</a>	06-12-2019
18	6	<a href="https://ico.org.uk/for-organisations/data-protection-and-brexit/keep-data-flowing-from-the-eea-to-the-uk-interactive-tool/">https://ico.org.uk/for-organisations/data-protection-and-brexit/keep-data-flowing-from-the-eea-to-the-uk-interactive-tool/</a> , contracts can be downloaded from this page	06-12-2019
18	7	<a href="https://ico.org.uk/for-organisations/data-protection-and-brexit/data-protection-if-there-s-no-brexit-deal-3/the-gdpr/international-data-transfers/">https://ico.org.uk/for-organisations/data-protection-and-brexit/data-protection-if-there-s-no-brexit-deal-3/the-gdpr/international-data-transfers/</a>	06-12-2019
18	8	<a href="https://ico.org.uk/for-organisations/data-protection-and-brexit/data-protection-if-there-s-no-brexit-deal-3/the-gdpr/other-relevant-matters/">https://ico.org.uk/for-organisations/data-protection-and-brexit/data-protection-if-there-s-no-brexit-deal-3/the-gdpr/other-relevant-matters/</a>	06-12-2019
18	9	<a href="https://ico.org.uk/for-organisations/data-protection-and-brexit/data-protection-if-there-s-no-brexit-deal-3/the-gdpr/ico-and-the-edpb/">https://ico.org.uk/for-organisations/data-protection-and-brexit/data-protection-if-there-s-no-brexit-deal-3/the-gdpr/ico-and-the-edpb/</a>	06-12-2019
18	10	<a href="https://ico.org.uk/for-organisations/data-protection-and-brexit/data-protection-if-there-s-no-brexit-deal-3/the-gdpr/european-representatives/">https://ico.org.uk/for-organisations/data-protection-and-brexit/data-protection-if-there-s-no-brexit-deal-3/the-gdpr/european-representatives/</a>	06-12-2019
18	11	<a href="https://ico.org.uk/for-organisations/data-protection-and-brexit/data-protection-and-brexit-for-small-organisations/">https://ico.org.uk/for-organisations/data-protection-and-brexit/data-protection-and-brexit-for-small-organisations/</a>	10-12-2019
19	1	<a href="https://www.datatilsynet.dk/internationalt/brexit/">https://www.datatilsynet.dk/internationalt/brexit/</a>	06-12-2019
19	2	<a href="https://autoriteitpersoonsgegevens.nl/nl/onderwerpen/internationaal-gegevensverkeer/doorgifte-binnen-en-buiten-de-eu">https://autoriteitpersoonsgegevens.nl/nl/onderwerpen/internationaal-gegevensverkeer/doorgifte-binnen-en-buiten-de-eu</a>	06-12-2019
19	3	<a href="https://edpb.europa.eu/sites/edpb/files/files/file1/edpb-2019-02-12-infonote-nodeal-brexit_en.pdf">https://edpb.europa.eu/sites/edpb/files/files/file1/edpb-2019-02-12-infonote-nodeal-brexit_en.pdf</a> <a href="https://edpb.europa.eu/sites/edpb/files/files/file1/edpb-2019-02-12-infonote-bcrs-brexit_en.pdf">https://edpb.europa.eu/sites/edpb/files/files/file1/edpb-2019-02-12-infonote-bcrs-brexit_en.pdf</a>	06-12-2019
19	4	<a href="https://autoriteitpersoonsgegevens.nl/nl/onderwerpen/internationaal-gegevensverkeer/doorgifte-binnen-en-buiten-de-eu">https://autoriteitpersoonsgegevens.nl/nl/onderwerpen/internationaal-gegevensverkeer/doorgifte-binnen-en-buiten-de-eu</a>	06-12-2019
19	5	<a href="https://autoriteitpersoonsgegevens.nl/nl/onderwerpen/internationaal-gegevensverkeer/doorgifte-binnen-en-buiten-de-eu">https://autoriteitpersoonsgegevens.nl/nl/onderwerpen/internationaal-gegevensverkeer/doorgifte-binnen-en-buiten-de-eu</a>	06-12-2019
20	1	<a href="https://www.cnil.fr/fr/se-preparer-un-brexit-sans-accord-quelles-questions-quels-conseils-de-la-cnil">https://www.cnil.fr/fr/se-preparer-un-brexit-sans-accord-quelles-questions-quels-conseils-de-la-cnil</a>	08-12-2019
20	2	<a href="https://www.garanteprivacy.it/regolamento/brexit">https://www.garanteprivacy.it/regolamento/brexit</a>	08-12-2019
20	3	<a href="https://edpb.europa.eu/sites/edpb/files/files/file1/edpb-2019-02-12-infonote-nodeal-brexit_en_0.pdf">https://edpb.europa.eu/sites/edpb/files/files/file1/edpb-2019-02-12-infonote-nodeal-brexit_en_0.pdf</a>	08-12-2019
22	1	Loi n° 2016-1321 du 7 octobre 2016 pour une République numérique, available at <a href="https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000033202746&amp;categorieLien=id">https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000033202746&amp;categorieLien=id</a>	09-12-2019

# References

Page	Ref nr.	Link	Last visited
23	1	<a href="https://ico.org.uk/about-the-ico/news-and-events/news-and-blogs/2018/11/information-commissioner-s-office-appoints-in-house-expert-to-research-and-investigate-the-impact-of-artificial-intelligence-on-data-privacy/">https://ico.org.uk/about-the-ico/news-and-events/news-and-blogs/2018/11/information-commissioner-s-office-appoints-in-house-expert-to-research-and-investigate-the-impact-of-artificial-intelligence-on-data-privacy/</a>	10-12-2019
24	1	<a href="https://www.cnil.fr/sites/default/files/atoms/files/la_blockchain.pdf">https://www.cnil.fr/sites/default/files/atoms/files/la_blockchain.pdf</a>	09-12-2019
24	2	<a href="https://ico.org.uk/media/about-the-ico/documents/2615521/libra-network-joint-statement-20190802.pdf">https://ico.org.uk/media/about-the-ico/documents/2615521/libra-network-joint-statement-20190802.pdf</a>	09-12-2019
24	3	<a href="https://www.garantepriacy.it/web/guest/home/docweb/-/docweb-display/docweb/9119850">https://www.garantepriacy.it/web/guest/home/docweb/-/docweb-display/docweb/9119850</a>	09-12-2019
24	4	<a href="https://www.garantepriacy.it/web/guest/home/docweb/-/docweb-display/docweb/8818313">https://www.garantepriacy.it/web/guest/home/docweb/-/docweb-display/docweb/8818313</a>	09-12-2019
24	5	<a href="https://ico.org.uk/media/for-organisations/documents/2013559/big-data-ai-ml-and-data-protection.pdf">https://ico.org.uk/media/for-organisations/documents/2013559/big-data-ai-ml-and-data-protection.pdf</a> <a href="https://ico.org.uk/about-the-ico/news-and-events/blog-ico-and-the-alan-turing-institute-open-consultation-on-first-piece-of-ai-guidance/">https://ico.org.uk/about-the-ico/news-and-events/blog-ico-and-the-alan-turing-institute-open-consultation-on-first-piece-of-ai-guidance/</a>	09-12-2019
24	6	<a href="https://ico.org.uk/media/about-the-ico/consultation-responses/2614332/eu-hleg-draft-level-ethics-guidelines-ico-response.pdf">https://ico.org.uk/media/about-the-ico/consultation-responses/2614332/eu-hleg-draft-level-ethics-guidelines-ico-response.pdf</a>	09-12-2019
24	7	<a href="https://ico.org.uk/about-the-ico/news-and-events/ai-auditing-framework/">https://ico.org.uk/about-the-ico/news-and-events/ai-auditing-framework/</a>	09-12-2019
24	8	<a href="https://www.cnil.fr/en/algorithms-and-artificial-intelligence-cnils-report-ethical-issues">https://www.cnil.fr/en/algorithms-and-artificial-intelligence-cnils-report-ethical-issues</a>	09-12-2019
24	9	<a href="https://autoriteitpersoonsgegevens.nl/nl/nieuws/ap-legt-focus-toezicht-op-datahandel-digitale-overheid-en-ai">https://autoriteitpersoonsgegevens.nl/nl/nieuws/ap-legt-focus-toezicht-op-datahandel-digitale-overheid-en-ai</a>	09-12-2019
25	1	<a href="https://ico.org.uk/media/for-organisations/documents/2013559/big-data-ai-ml-and-data-protection.pdf">https://ico.org.uk/media/for-organisations/documents/2013559/big-data-ai-ml-and-data-protection.pdf</a>	09-12-2019
25	2	<a href="https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/encryption/what-is-encryption/">https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/encryption/what-is-encryption/</a>	09-12-2019
25	3	<a href="https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/data-protection-by-design-and-default/">https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/data-protection-by-design-and-default/</a>	09-12-2019
25	4	<a href="https://www.datatilsynet.dk/generelt-om-databeskyttelse/podcast/optagelse-af-telefonsamtaler-hvad-siger-reglerne/">https://www.datatilsynet.dk/generelt-om-databeskyttelse/podcast/optagelse-af-telefonsamtaler-hvad-siger-reglerne/</a>	09-12-2019
25	5	<a href="https://www.datatilsynet.dk/generelt-om-databeskyttelse/podcast/cloudbaserede-tjenester-er-der-noget-jeg-skal-vaere-saerligt-opmaerksom-paa/">https://www.datatilsynet.dk/generelt-om-databeskyttelse/podcast/cloudbaserede-tjenester-er-der-noget-jeg-skal-vaere-saerligt-opmaerksom-paa/</a>	09-12-2019

# References

Page	Ref nr.	Link	Last visited
25	6	<a href="https://www.datatilsynet.dk/generelt-om-databeskyttelse/podcast/tv-overvaagning-hvad-maa-man-og-hvad-maa-man-ikke/">https://www.datatilsynet.dk/generelt-om-databeskyttelse/podcast/tv-overvaagning-hvad-maa-man-og-hvad-maa-man-ikke/</a>	09-12-2019
25	7	<a href="https://www.datatilsynet.dk/generelt-om-databeskyttelse/podcast/privacy-by-design-og-privacy-by-default/">https://www.datatilsynet.dk/generelt-om-databeskyttelse/podcast/privacy-by-design-og-privacy-by-default/</a>	09-12-2019
25	8	<a href="https://autoriteitpersoonsgegevens.nl/nl/nieuws/ap-geeft-tips-voor-privacy-bij-internet-things-apparaten">https://autoriteitpersoonsgegevens.nl/nl/nieuws/ap-geeft-tips-voor-privacy-bij-internet-things-apparaten</a>	09-12-2019
25	9	<a href="https://autoriteitpersoonsgegevens.nl/nl/onderwerpen/internet-telefoon-tv-en-post/digitale-televisie-en-smart-tvs">https://autoriteitpersoonsgegevens.nl/nl/onderwerpen/internet-telefoon-tv-en-post/digitale-televisie-en-smart-tvs</a>	09-12-2019
25	10	<a href="https://www.cnil.fr/sites/default/files/typo/document/Recommendations_for_companies_planning_to_use_Cloud_computing_services.pdf">https://www.cnil.fr/sites/default/files/typo/document/Recommendations_for_companies_planning_to_use_Cloud_computing_services.pdf</a>	09-12-2019
25	11	<a href="https://www.cnil.fr/sites/default/files/typo/document/LettreIP4_en_def.pdf">https://www.cnil.fr/sites/default/files/typo/document/LettreIP4_en_def.pdf</a>	09-12-2019
25	12	<a href="https://www.cnil.fr/sites/default/files/typo/document/CAHIER_IP_EN2.pdf">https://www.cnil.fr/sites/default/files/typo/document/CAHIER_IP_EN2.pdf</a>	09-12-2019
27	1	<a href="https://edpb.europa.eu/our-work-tools/general-guidance/gdpr-guidelines-recommendations-best-practices_en">https://edpb.europa.eu/our-work-tools/general-guidance/gdpr-guidelines-recommendations-best-practices_en</a>	09-12-2019
27	2	<a href="https://edpb.europa.eu/guidelines-your-rights_en">https://edpb.europa.eu/guidelines-your-rights_en</a>	09-12-2019
27	3	<a href="https://edpb.europa.eu/news/national-news_en">https://edpb.europa.eu/news/national-news_en</a>	09-12-2019
28	1	<a href="https://edpb.europa.eu/our-work-tools/public-consultations-art-704/2019/guidelines-42019-article-25-data-protection-design_en">https://edpb.europa.eu/our-work-tools/public-consultations-art-704/2019/guidelines-42019-article-25-data-protection-design_en</a>	09-12-2019
28	2	<a href="https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/data-protection-by-design-and-default/">https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/data-protection-by-design-and-default/</a>	09-12-2019
28	3	<a href="https://www.datatilsynet.dk/media/6879/artikel25og32-vejledning.pdf">https://www.datatilsynet.dk/media/6879/artikel25og32-vejledning.pdf</a>	09-12-2019
28	4	<a href="https://www.cnil.fr/fr/kit-developpeur">https://www.cnil.fr/fr/kit-developpeur</a>	09-12-2019
28	5	EDPB: <a href="https://edpb.europa.eu/our-work-tools/public-consultations/2019/guidelines-32019-processing-personal-data-through-video_en">https://edpb.europa.eu/our-work-tools/public-consultations/2019/guidelines-32019-processing-personal-data-through-video_en</a> Garante: <a href="https://www.garanteprivacy.it/temi/videosorveglianza">https://www.garanteprivacy.it/temi/videosorveglianza</a>	09-12-2019
28	6	<a href="https://edpb.europa.eu/our-work-tools/our-documents/topic/data-protection-impact-assessment-dpia_en">https://edpb.europa.eu/our-work-tools/our-documents/topic/data-protection-impact-assessment-dpia_en</a>	09-12-2019

# References

Page	Ref nr.	Link	Last visited
28	7	<a href="https://edpb.europa.eu/our-work-tools/our-documents/guidelines/guidelines-12018-certification-and-identifying-certification_en">https://edpb.europa.eu/our-work-tools/our-documents/guidelines/guidelines-12018-certification-and-identifying-certification_en</a>	09-12-2019
28	8	<a href="https://edpb.europa.eu/our-work-tools/our-documents/guidelines/guidelines-42018-accreditation-certification-bodies-under_en">https://edpb.europa.eu/our-work-tools/our-documents/guidelines/guidelines-42018-accreditation-certification-bodies-under_en</a>	09-12-2019
28	9	<a href="https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/certification/">https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/certification/</a>	09-12-2019
28	10	CNIL: <a href="https://www.cnil.fr/fr/la-certification-et-les-codes-de-conduite">https://www.cnil.fr/fr/la-certification-et-les-codes-de-conduite</a> Datatilsynet: <a href="https://www.datatilsynet.dk/media/6566/adfaerdskodekser-og-certificeringsordninger.pdf">https://www.datatilsynet.dk/media/6566/adfaerdskodekser-og-certificeringsordninger.pdf</a>	09-12-2019
28	11	<a href="https://edpb.europa.eu/our-work-tools/our-documents/nasoki/guidelines-22018-derogations-article-49-under-regulation-2016679_en">https://edpb.europa.eu/our-work-tools/our-documents/nasoki/guidelines-22018-derogations-article-49-under-regulation-2016679_en</a>	09-12-2019
28	12	<a href="https://edpb.europa.eu/our-work-tools/our-documents/guidelines/guidelines-22019-processing-personal-data-under-article-61b_en">https://edpb.europa.eu/our-work-tools/our-documents/guidelines/guidelines-22019-processing-personal-data-under-article-61b_en</a>	09-12-2019
28	13	<a href="https://edpb.europa.eu/our-work-tools/our-documents/guidelines/guidelines-12019-codes-conduct-and-monitoring-bodies-under-0_en">https://edpb.europa.eu/our-work-tools/our-documents/guidelines/guidelines-12019-codes-conduct-and-monitoring-bodies-under-0_en</a>	09-12-2019
28	14	<a href="https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/codes-of-conduct/">https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/codes-of-conduct/</a>	09-12-2019
28	15	CNIL: <a href="https://www.cnil.fr/fr/la-certification-et-les-codes-de-conduite">https://www.cnil.fr/fr/la-certification-et-les-codes-de-conduite</a> Datatilsynet: <a href="https://www.datatilsynet.dk/media/6566/adfaerdskodekser-og-certificeringsordninger.pdf">https://www.datatilsynet.dk/media/6566/adfaerdskodekser-og-certificeringsordninger.pdf</a>	09-12-2019
28	16	<a href="https://www.garantepriacy.it/codici-di-condotta">https://www.garantepriacy.it/codici-di-condotta</a>	09-12-2019
28	17	<a href="https://edpb.europa.eu/our-work-tools/our-documents/guidelines/guidelines-32018-territorial-scope-gdpr-article-3-version_en">https://edpb.europa.eu/our-work-tools/our-documents/guidelines/guidelines-32018-territorial-scope-gdpr-article-3-version_en</a>	09-12-2019



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