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**CONSULTATIVE COMMITTEE OF THE CONVENTION FOR THE PROTECTION OF INDIVIDUALS WITH
REGARD TO AUTOMATIC PROCESSING OF PERSONAL DATA**

**COMITÉ CONSULTATIF DE LA CONVENTION POUR LA PROTECTION DES PERSONNES A
L'ÉGARD DU TRAITEMENT AUTOMATISÉ DES DONNÉES A CARACTÈRE PERSONNEL**

(Convention 108)

Information on the recent developments in the data protection field

/

**Information sur les développements récents intervenus dans le domaine
de la protection des données**

Directorate General Human Rights and Rule of Law /
Direction Générale droits de l'Homme et Etat de droit

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ALBANIA / ALBANIE

INFORMATION AND DATA PROTECTION COMMISSIONER (IDP)
(Komisioneri për të Drejtën e Informimit dhe Mbrojtjen e të Dhënave Personale)
www.idp.al / info@idp.al

REPORTING PERIOD (JUNE 2019 - 4 NOVEMBER 2020)

In spite of the situation caused by the Covid-19 pandemic that imposed a strict lockdown in Albania and across Europe since March 2020, and the associated difficulties and issues, the information and figures contained in this report indicate that the Commissioner's Office has dealt with a workflow comparable to previous years. The Commissioner's Office further notes that this workflow has been handled without hindrance from administrative setbacks or serious issues of different kind stemming from the work-from-home setting.

Legal Framework

The Albanian legal framework on the protection of personal data consists of the Law No. 9887, dated 10.03.2008 "On Personal Data Protection", as amended and its secondary legislation, fully aligned with the repealed Directive 95/46/EC of the European Union, whereas the Commissioner's Office is currently fully engaged in taking all the necessary steps towards achieving full alignment of our legislation with the new EU data protection law.

In this context, building upon the importance of the EU data protection reform, the Office of the Information and Data Protection Commissioner (hereinafter "Commissioner's Office"), is currently working on drafting the legal amendments. In this respect, the Commissioner's Office is the beneficiary of an EU funded IPA 2017 twinning project, under the activity "Institution-building for alignment with the EU acquis and enhanced ability to meet economic criteria in relation to data protection", which aims at assisting the Commissioner's Office in aligning the national legislation in force with the EU acquis in the area of personal data protection, as well as to support in further developing the administrative capacities of Albanian institutions in order to implement the relevant acquis. The project has started implementing as of 1 October 2020, for a duration of 12 months.

The Commissioner's Office has adopted over this reporting period Instruction no. 49, dated 02.03.2020 "On the protection of health related personal data".

The Commissioner is committed to providing guidance on fair and lawful processing of personal data in the context of the situation caused by COVID-19. In this ambit, 3 (three) guidelines have been published, as follows:

- Guideline on the protection of personal data within the measures against COVID-19, dated 20.03.2020;
- Guideline on the processing of personal data in specific sectors within the measures against COVID-19, dated 06.04.2020;
- Guideline on the processing of personal data within the Protocols of Hygienic-Sanitary Measures against COVID-19, dated 04.05.2020;

Relations with EUROJUST

On November 1st, 2019, the Co-operation Agreement between the Republic of Albania and Eurojust entered into force, thereby successfully concluding a process that lasted several years. This was made possible through inter institutional co-operation among the General Prosecution Office, the

Commissioner's Office and the Ministry of Justice, the latter in the capacity of coordinator of the Agreement assisted by the IPA/2017 Project "Countering Serious Crime in the Western Balkans".

One of the key provisions contained in the Agreement signed by the parties relate to ensuring adequate level of personal data protection in the law enforcement information exchange in order to counter serious criminal activities, especially the organized crime and terrorism.

The Agreement was finalized with the implementation of the Action Plan between the General Prosecution Office and Commissioner's Office, signed on 25.02.2019. For purposes of this Action Plan, monitoring visits were performed at the General Prosecution Office and prosecution offices of the main judicial districts, and recommendations were rendered on the issues identified and suggestions provided translated into specific measures to be adopted by the bodies involved in the process, pursuant to the legislation on personal data protection.

Upon satisfactory implementation of these recommendations by the General Prosecution Office, a final monitoring expert mission of Eurojust was conducted. The report issued by the mission outlined a positive evaluation, which was subsequently followed by the official accession of Albania to Eurojust, thus representing a great achievement in the area of criminal justice co-operation. In reliance to Article 19 of the Agreement, the Commissioner's Office will continue having an important role in monitoring the implementation of obligations related to personal data protection, and drafting the annual report for the European Commission, in co-operation with the Data Protection Officer of Eurojust.

Notifications

157 data controllers have notified in accordance with the relevant legal requirement, totaling **5730** of processing notifications made by data controllers in the Republic of Albania.

Complaints

Over 383 complaints have been lodged and handled during this period, in compliance with the Law "On Personal Data Protection".

The scope of complaints mainly focused on:

- Direct marketing with reference to unsolicited communications via telephone or email;
- Dissemination of personal data in the media and the online portals;
- Violation of personal data subjects' rights; (the rights of access, blocking, rectification or erasure of data)
- Use of cameras in public and private areas;
- Retention of personal data beyond the specified purpose for their collection.

Administrative investigations

125 on-site inspections were carried out over this period, of which **28** with public controllers and **97** with private controllers. Inspections were initiated based on complaints (33) and ex officio (92).

Main sectors under scrutiny were:

- Health sector;
- Education sector;
- The field of intercity and international road transport of passengers;
- Trade Union Federation of Industrial Workers of Albania;
- The Confederation of Trade Unions of Albania;

- Hydrocarbon field;
- Entities operating online;
- Call Center;
- Non-bank Financial Entities;
- Debt collection financial company.

Issues encountered with the sectors under scrutiny mainly related to:

- Failure to inform data subjects;
- Violation of data subjects' rights (rights of access, rectification and erasure of personal data)
- Failure to put in place security measures on personal data;
- Retention of sensitive data beyond the specified purpose and exceeding the processing purpose;
- Illegal processing of data through CCTV in the work premises;
- Collection and processing of personal data without obtaining the consent of the data subject aiming to carry out telephone marketing;
- Processing of inaccurate personal data;
- Illegal disclosure of personal data;
- Failure to determine rules on the protection of personal data in relations between the controller and processor.

The scope of the outlined inspections was:

- **“The implementation of the Law No. 9887, dated 10.03.2008 “On Personal Data Protection” as amended, and its implementing bylaws”.**

Upon completion of the administrative enquiries, 77 hearing sessions were held, which resulted in formal decision notices rendered by the Commissioner's Office. These hearings sessions were held after the controllers were previously notified and in accordance with the right of subjects to be heard pursuant to Law No. 44/2015 “Administrative Procedure Code of the Republic of Albania”, prior to making the final decision.

Recommendations/Orders

The Commissioner, in accordance with the competences conferred by Law No. 9887/2008 “*On the Protection of Personal Data*”, has rendered 91 recommendations to public and private controllers.

The Commissioner's Office issued 5 orders on:

- Suspension and destruction of video footage data processing;
- Ordered the controller to ensure the right of access to data subjects by making available all the information;
- Ordered the controller to erase/destroy the data processed beyond the initial purpose;
- Suspension of processing (disclosure/publication/transmission) of personal data to third parties.

These Orders have been immediately implemented by the data controllers.

The purpose of these recommendations and orders was to raise awareness with every data controller in order to ensure fair and lawful data processing thus respecting individuals' privacy.

Decisions/administrative sanctions

According to legal provisions and procedures, following administrative investigations conducted mainly ex officio or on complaint basis with various public and private controllers, the Commissioner's Office has

imposed sanctions with punitive fine in cases of serious and recurrent violations, or in case of failure to act upon the Commissioner's recommendations/orders.

The Commissioner's Office has issued **28** decisions with punitive fine, corresponding to **59** administrative sanctions.

International transfers

The Commissioner's Office has issued **2** decisions on permitting international transfer.

Awareness-raising

On the Data Protection Day, the Office of the Information and Data Protection Commissioner in collaboration with the ICT "Hermann Gmeiner" Professional High School organized the "Youth and privacy" competition. 10 student groups from the third and fourth academic year introduced their "application-projects", with the "privacy policies" being the key element of evaluation by a professional jury. In order to provide guidance to the students, the Commissioner's Office and the school personnel held training sessions in January 2020, focusing on provide knowledge on privacy and data protection principles. The winning app project was announced "*StudentGuard*" which consists of a monitoring system on class attendances and parent information.

From 28 October 2020 – 5 November 2020, the Commissioner's Office has organized 10 meetings with 9-year schools in several cities of the country in the context of the national Campaign 'play and learn – Happy OnLife'. The campaign aims at raising awareness of youngsters on data protection and privacy in the digital environment. The campaign was scheduled to take place last spring, however this was not made possible due to the nationwide lockdown caused by the Covid-19 pandemic.

Publications

The Office of the IDP Commissioner has issued 2 editions (7 and 8) of its Journal "Information and Privacy", in July 2019 and January 2020, which provide an overview of the main activities of the IDP Commissioner's Office during 2019.

Also, the Office of the Commissioner joined the efforts of the GPA by publishing 3 Guidelines from March-May 2020 in the context of Covid-19 pandemic, and the protection of personal data, to the attention of all public and private controllers.

41st International Conference of Data Protection and Privacy Commissioners (ICDPPC) **21-24 October 2019, Albania**

From 21 to 24 October 2019, The Office of the Commissioner hosted in Tirana the 41st International Conference of Data Protection and Privacy Commissioners (now Global Privacy Assembly). Considered as the most defining in its 40-years history, the conference made a historic progress towards regulatory cooperation and high data protection standards. Members agreed a framework that continues to strengthen the group's position building on a policy strategy that sets out a clear vision for the organization. In the framework of its evolution, and current work to modernize it, the Conference was renamed "Global Privacy Assembly" (GPA). The Closed Session adopted some high-level resolutions as follows:

- Resolution on the promotion of new and long-term practical instruments and continued legal efforts for effective cooperation in cross-border enforcement;
- Resolution on privacy as a fundamental human right and precondition for exercising other fundamental rights;
- Resolution to support and facilitate regulatory co-operation between data protection authorities and consumer protection and competition authorities to achieve clear and consistently high standards of data protection in the Digital Economy;
- Resolution to address the role of human error in personal data breaches;
- Resolution on social media and violent extremist content online.

The Open Session was held on 23-24 October gathering over 700 delegates from Data Protection and Privacy Member/Observing Authorities, academia, experts and practitioners in the field of personal data protection, civil society, business, media, guests from around the world, etc.

On the margins of the International Conference, the Commissioner's Office held at the Centre for Openness and Dialogue (COD) a side event under the theme "Data Protection in Digital Economy: Third Countries vis-à-vis the GDPR". The aim of this session was to establish a dialogue in raising awareness and enhancing engagement of all the stakeholders involved in the digital economy, in order to address challenges and introductions brought about by the General Data Protection Regulation. 25 side events were organized during the Conference week.

The Conference Report of the 41st International Conference of Data Protection and Privacy Commissioners (ICDPPC) in Tirana, Albania is available on the conference dedicated website: <https://privacyconference2019.info/icdppc-2019-report-now-available/>.

CROATIA / CROATIE

The major developments in the data protection field in our country and organization since the 38th plenary meeting held in June 2019

During the mentioned period, Croatian Personal Data Protection Agency handled hundreds of cases and many of them were related to the area of international cooperation meaning the Agency's cooperation with the bodies responsible for supervising the processing of personal data of the Member States of the European Union. The Agency also records continuous cooperation with EU institutions and international organizations and other countries - directly or through domestic competent institutions, for example on the basis of cooperation with the Ministry of Foreign and European Affairs.

Regarding supervisory activities, according to the Article 36 of the Act on the Implementation of the General Data Protection Regulation (OG 42/18) authorised employees of the Agency carried out total of 1791 supervisions:

-261 direct supervisions (242 announced and 19 unannounced supervisions)

-357 indirect supervisions

-1173 indirect supervisory activities ex officio, the sectoral planned inspections conducted in 2019.

In 2020, the primary adjustment of the Agency in the work or implementation of supervisory activities in the COVID-19 environment was support from the aspect of personal data protection to competent state institutions on legislative and technical-operational issues (e.g. amendments to relevant regulations and introduction of information systems / solutions and application).

Following the notification on the designation of data protection officers the total number of notifications that Agency received as a supervisory authority from the binding application of the GDPR, i.e. from 25.05.2018. to 01.11.2020. is 6324.

Regarding the media, Agency received and acted upon 98 press inquiries.

Pursuant to Article 14 of the Act on the Implementation of the General Data Protection Regulation (OG 42/18), the Agency provided over 80 expert opinions on drafts of proposals of laws and proposals of other regulations governing issues related to personal data processing regarding the area of personal data protection.

In the framework of the Croatian Presidency of the Council of the European Union in the first half of 2020, the Croatian Personal Data Protection Agency as a supervisory authority with investigative, corrective and advisory powers in the field of personal data protection organised **an international deep-dive conference Data Protection Day 2020: Facing New Challenges on 16th January 2020 in Zagreb.**

In this manner, the Agency contributed to the priority areas of the Croatian Presidency at the highest levels, especially in the context of **preserving European democratic values, human rights and freedoms, development of the digital society, strengthening of the single digital market as well as economic growth.**

The conference was addressed at specialists whose daily life revolves around dealing with data protection issues e.g. entrepreneurs, legal advisers, specialist from EU institutions, as well as representatives of ministries, public bodies and institutions and academic community.

The Agency is currently managing the **ARC Project - AWARENESS RAISING CAMPAIGN FOR SMEs**. During its work, the Agency noticed a strong need for education of medium and small entrepreneurs, because while large companies usually have enough financial and human resources needed to comply with new data protection regulations, many small companies still face many doubts due to their lack, when complying with the GDPR.

Considering that the successful implementation of the GDPR depends on quality knowledge of all stakeholders affected by data protection regulations, in 2019 the Croatian Personal Data Protection Agency applied for a project competition for the award of grants under the European Union program entitled "Rights, equality and citizenship", and the implementation of the project was approved by the European Commission.

Following the above, in 2020 the Agency started the implementation of this project and will continue its implementation in 2021. Project activities aim to support medium and small entrepreneurs in compliance with the GDPR requirements, but also to raise the level of awareness of personal data protection among the general public. During the implementation of project activities, which will include consultations where entrepreneurs will be provided with individualized legal advice, representatives of the Agency will point out the fact that the GDPR is an opportunity to regulate their business related to personal data that they process and manage and that while developing new products and providing services they take into account the privacy and data protection of users.

Taking into consideration above mentioned, it should be noted that during the reporting period, the Agency continuously cooperated with state bodies, public administration bodies and legal entities through various ways of exchanging experiences and knowledge, specifically various questionnaires, working meetings and other forms of cooperation. This is an indication that state bodies are aware of the importance of regulating the issue of personal data protection in a quality and comprehensive manner in each specific legal area.

CYPRUS / CHYPRE

Major developments in the data protection field [2019 – 2020]

Covid-19 and data protection

Confronted with the Covid-19 health crisis, the government of Cyprus adopted emergency measures to protect the population and to fight the spread of the virus. Measures were further taken by private organisations to contain and mitigate Covid-19 - Pandemic. This involves the processing of different types of personal data. Some of these measures, taken by public and private organisations, have an impact on fundamental rights to privacy and data protection.

The Data Protection Authority (DPA) provided support and assistance to all relevant stakeholders to ensure that these exceptional measures respect the general principles of the law, remain proportional and limited in time.

In particular, the DPA issued *guidance on the distance and online surveillance of written exams by universities*. The guidance encourages, where possible, the use of alternative solutions to the online written exams, such as oral exams or exams by physical presence. The guidance further limits the use of biometric data and automated decision making, in the context of online written exams.

In collaboration with the Deputy Ministry of Research, Innovation and Digital Strategy, guidance and advice was also provided on the use of technological tools and applications by public authorities during the Covid-19 in the least intrusive approach. In this context, the DPA issued several statements in the form of guidance on various topics, such as the use of thermal cameras, distance education and online schools' registration.

The secondary laws on education were amended to enable and regulate distance learning in public schools. The main purposes of the amendments were to provide a legal basis to the processing, as well as additional safeguards to the right to privacy of students and teachers.

Ratification of the Amending Protocol of Convention 108

On 21 September 2020, the Permanent Representation of Cyprus to the Council of Europe transmitted the ratification instrument of the amending Protocol of Convention 108 to the Secretary General. Cyprus has become the eighth country to ratify the amending Protocol.

Cyprus further made a declaration that it will apply the provisions of the Protocol on a provisional basis, until its entry into force.

Law regulating the right of access to public sector information (FOI)

The law regulating the right of citizens to access public sector documents and information was adopted in December 2017. The law aims at promoting transparency and accountability principles, as well as the most effective oversight of acts and decisions taken by public and semi-public authorities. The implementation of this law will be entrusted to the Data Protection Commissioner, who will be empowered with the dual role of Data Protection Commissioner and Information Commissioner.

The enactment of this law was postponed to December 2020, to allow additional time to the public sector to take necessary steps for its implementation, as well as to reinforce the capacity of the Commissioner's Office in order to effectively perform its new tasks.

Although the Commissioner Office was granted additional staff in 2019, extra staff and resources are still required to ensure that the supervisory authority is provided with the human, technical and financial resources, premises and infrastructure necessary for the effective performance of its tasks and exercise of its powers.

Police Law

For the purposes of harmonisation with the Directive (EU) 2016/680 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offenses or the execution of criminal penalties and on the free movement of such data, a national law was adopted in March 2019, commonly known as the Police Law.

The competent authorities for the purpose of this law are, in addition to the Cyprus Police, the Customs Department, the Unit for Combating Money Laundering and the Tax Department.

The scope of the law is to provide a comprehensive framework for the protection of personal data in the context of prevention, investigation, detection or prosecution of criminal offenses and penalties by the Police and other competent authorities. The law further provides restrictions to the rights of data subjects.

The Data Protection Commissioner was appointed as the supervisory authority for the implementation of the provisions of the Law. The DPA is further vested with the authority to handle complaints lodged by data subjects.

Audits and major decisions issued by the DPA

The Cypriot DPA banned the processing of an automated tool, used for scoring sick leaves of employees, known as the "Bradford Factor" and subsequently fined the controller

The Cypriot DPA banned the processing and fined the controller (Louis Group of Companies) for a total amount of EUR 82,000.00, concerning the lack of legal basis of "Bradford Factor" tool, which was used to score sick leaves of employees.

The reasoning behind Bradford's Factor automated system for scoring employees' sick leave was that short, frequent, and unplanned absences lead to a higher disorganising of the company rather than longer absences.

The date and the frequency of a sick leave relating to an individual, insofar as his or her identity is directly or indirectly disclosed, entail the processing of "special categories of personal data", as defined under Article 9(1) of the GDPR. Providing personal data to an automated system, scoring the data using 'Bradford Factor', and profiling individuals based on the results, is considered as processing of personal data; therefore such a processing operation needs to be in line with the principles defined in the GDPR.

The controller carried out an impact assessment of the processing operation, and it was submitted to the DPA for consultation during the investigation. The DPA considered that the controller failed to demonstrate through the impact assessment that its legitimate interest prevailed over the interests, rights and freedoms of its employees and consequently the mitigation of the risks was inadequate. Moreover, such processing operation had no legal basis. It had not been established that the legitimate interest of the controller overrides the interests, rights and freedoms of its employees, which would enable the controller to rely on article 6(1)(f) of the GDPR. Similarly, none of the provisions of Article 9(2) of the GDPR would apply in this case, enabling the controller to process health data of employees.

The controller, as the employer, was entitled to supervise the frequency of sick leaves and the validity of sick leaves certificates. However, such a perquisite should not lead to mishandling and should be applied within the limits set by the relevant legislative framework.

Three fines were imposed for unlawful disclosure of personal data to a private detective

Further to media reports concerning for unlawful disclosure of personal data to a private detective by public and private entities, the DPA decided to investigate. It was found that the private detective received information from staff members of a Telecommunication's Provider, the Social Security Services and the Cyprus Police. The information disclosed involved personal data such as the contact information of mobile phone subscribers, social insurance benefits and data from the vehicle registration database.

The DPA considered that these three controllers were responsible for the actions of their staff. While the relevant staff members were granted legal access to the related databases, yet acted outside their legal mandate and carried out illegal processing operations and disclosure of personal data to a third unauthorised party. The three controllers failed to take appropriate measures to prevent or detect such disclosure.

Taking into account the special circumstances of each case, a fine of €6,000 was imposed to the Cyprus Police, €9,000 to the Social Security Services and €10,000 to the Telecommunication's Provider.

Audit in the Public Sector

In July 2019, the DPA conducted a sectoral audit in the form of a questionnaire, in order to verify the level of compliance of the Public Sector, in relation to the General Data Protection Regulation (GDPR) and other relevant laws.

The audit aimed at evaluating whether the Public Sector has adequately met its obligations steaming from the GDPR and in particular whether the Data Protection Officer was given appropriate resources to carry out its duties, with complete independence. The degree of implementation of good practices within the organisation such as staff training, privacy policies, procedure for responding to requests (right of access, rectification and erasure), was further assessed.

A total of 89 responses were received. Overall, the results showed that while the Public Sector has taken measures to comply with its obligations steaming from the GDPR, additional efforts are required to reinforce the quality of integrated management systems and procedures and to respond effectively to requests from data subjects.

Following the outcome of the sectoral audit, the DPA plans on-the-spot inspections to verify the practical application of the measures taken and decide on corrective measures, where necessary.

CZECH REPUBLIC / REPUBLIQUE TCHEQUE

Major developments in the data protection field in the Czech Republic since June 2019

The Czech Republic has adopted a package of laws to implement the EU's new regulatory framework in the field of personal data protection. As a consequence of these laws, the previous single regulation of data protection has split up into the following segments:

1. The core which is enshrined primarily in the GDPR.
2. Provisions regulating the public order.
3. Provisions regulating the national security.

At the same time, the public sector has been, rather unsystematically, removed from the supervisory authority's competence to impose sanctions.

In 2020 the issue of personal data processing in relation to the fight against the COVID-19 pandemic became important.

EUROPEAN DATA PROTECTION SUPERVISOR (EDPS) / LE CONTRÔLEUR EUROPÉEN DE LA PROTECTION DES DONNÉES (CEPD)

EDPS: a year of changes

This past year has been synonym of change and adaptability for the European Data Protection Supervisor (EDPS).

In 2019, we reached the end of a five-year supervisory mandate held [by the late Giovanni Buttarelli, who sadly passed away in August 2019](#), leaving behind a legacy that will shape not only the future of the EDPS, but also the future of data protection globally.

Our work focused on consolidating the achievements of preceding years and defining the priorities for the years to come. It is in this context, that [we welcomed the appointment of Wojciech Wiewiórowski in December 2019 for the 2020-2024 mandate](#).

- **Providing Guidance and Advice to EU institutions, bodies, and agencies**

As the EU's independent supervisory authority, the EDPS continued to provide guidance and support to EU institutions, bodies, and agencies, to ensure the consistent application of the [Regulation 2018/1725](#) that came into force in December 2018.

Practically speaking, this involves working closely with [Data Protection Officers \(DPOs\)](#) in the EU institutions to assess the progress made and discuss how to overcome challenges encountered. To prepare fellow DPOs to carry out their roles, EDPS teams pursued their programme of data protection training activities for EU employees.

Additionally, we also stepped up our enforcement activities, making use of the powers granted to the EDPS under the Regulation. Over the course of the year, we were particularly active in conducting investigations into data processing activities of EU institutions. Our aim is for these investigations to leave a lasting, positive impact, strengthening cooperation between the EDPS and the institutions concerned, improving data protection practices of the EU institutions and ensuring the highest levels of protection for all individuals.

Our investigation into the use of Microsoft products and services by EU institutions is a particularly good example of this, having resulted in the establishment of The Hague Forum in August 2019. The Forum serves as a cooperation platform for public authorities in the EU, EU institutions and other international organisations to exchange information and strengthen their negotiation power with ICT services. On the occasion of its most recent meeting in July 2020, [the EDPS made its findings and recommendations to EUIs on the use of Microsoft products available to the public as a testament to digital solidarity and digital sovereignty in the EU](#).

The EDPS is now well established as the data protection supervisor for operational activities at Europol, the EU body responsible for supporting the law enforcement authorities of the Member States in the fight against serious international crime and terrorism. In late 2019, we also took over similar responsibilities at Eurojust, the EU agency responsible for supporting and improving coordination and cooperation between the competent judicial authorities in the EU Member States on matters relating to serious organised crime.

With public security certain to remain an important policy concern for the EU over the coming years, we are determined to ensure that the EU is able to achieve increased security without applying any undue restriction to individual data protection rights. Our roles at Europol and Eurojust therefore focus on

ensuring increased operational effectiveness while ensuring that fundamental rights, including the rights to data protection and privacy, are adequately protected.

Improving the security of EU borders is a priority for the EU legislator and will remain so over the coming years. The EDPS therefore continues to provide advice and guidance to the European Commission, the European Parliament and the Council on new initiatives in this area, while also working with national DPAs and EU institutions to ensure the continued security of EU information systems.

While we recognise the need for greater EU security, this should not come at the expense of data protection and privacy. EDPS Opinions on proposals such as [an EU-US agreement on cross-border access to electronic evidence](#) and [European Production and Preservation Orders for electronic evidence in criminal matters](#), all aim to ensure that both the personal data rights of individuals concerned and EU borders are protected.

We also continued our close cooperation with DPAs to ensure effective and coordinated supervision of the EU's large-scale IT databases, used to support EU policies on asylum, border management, police cooperation and migration.

In addition to this, we have endeavoured to provide policymakers with tools to help assess the compliance of proposed EU measures that would impact the fundamental rights to privacy and the protection of personal data with the Charter of Fundamental Rights. During the course of the year 2019-2020, we published a series of guidelines, such as the [Guidelines on assessing proportionality](#). Combined with our [Necessity Toolkit](#), these Guidelines provide practical guidance for policymakers helping to simplify the challenges they face in assessing the necessity and proportionality of certain policy proposals and therefore ensure that fundamental rights are adequately protected.

Our guidance is not limited to policymakers, however. We also issued Guidelines on the roles and concepts of controller, processor and joint controllership, in an attempt to clarify these concepts and help those working in the EU institutions to better understand their roles and comply with data protection rules.

In addition to this, a significant focus of our work was on developing and sharing technological expertise. With so much of our lives now reliant on the use of technology, this expertise is essential to ensuring effective data protection and the EDPS has consistently aimed to take the lead in sharing helpful analyses of new technological developments.

Through our [TechDispatch publication](#), launched in July 2019, we contribute to the ongoing discussion on new technologies and data protection. Focusing on a different emerging technology each issue, we aim to provide information on the technology itself, an assessment of its possible impact on privacy and data protection, and links to further reading on the topic. Our most recent editions explore the topics of [quantum computing, cryptography](#) and [contract tracing with mobile applications](#).

Following the first round of our remote inspections of EU institution websites, we also took the step of publicly sharing the Website Evidence Collector (WEC) tool developed by the EDPS. [The tool is available on the EDPS website](#) and on the [code collaboration platform GitHub](#) as free software and allows for the collection of automated evidence of personal data processing. By sharing the WEC, we hope to provide DPAs, privacy professionals, data controllers and web developers with the tools to carry out their own website inspections.

Lastly, we continued our work on developing the [Internet Privacy Engineering Network \(IPEN\)](#), which brings together experts from a range of different areas to encourage the development of engineering solutions to privacy problems. Five years on from when it was first established, IPEN is now in a position to move beyond more general discussion of the issues surrounding privacy engineering and towards a more targeted approach, focused on developing practical solutions to privacy engineering problems.

- **EDPS/EDPB Cooperation**

We continue to contribute to the [European Data Protection Board \(EDPB\)](#) through our membership and by providing its secretariat. The EDPB is made up of 28 EU Member State's [Data Protection Authorities \(DPAs\)](#) including the EDPS, and is responsible for ensuring the consistent implementation of the [General Data Protection Regulation \(GDPR\)](#) across the EU. In July 2020, two years after the GDPR came into force, the European Commission assessed its application, reinstating that its efficient enforcement remains a priority. In this respect, [the EDPS shares the idea of setting up a Support Pool of Experts within the EDPB to accompany DPAs in their work, especially with regard to complex and resource-demanding cases.](#)

As a member of the EDPB, we contributed to several initiatives in 2019-2020. This included working with the EDPB to produce the first [joint EDPS and EDPB Opinion](#) on the processing of patient data through the EU's eHealth network, as well as issuing joint advice to the European Parliament on the EU response to the US CLOUD Act, which gives US law enforcement authorities the power to request the disclosure of data by US service providers, regardless of where in the world this data is stored.

- **An international approach to data protection**

Over the past five years, the EDPS has dedicated significant time and energy to the development of greater data protection convergence globally. While data flows internationally, across borders, data protection rules are still decided on a largely national, and at best regional, basis.

During the course of 2019 and 2020, we have therefore continued to work with our regional and international partners to mainstream data protection into international agreements and ensure consistent protection of personal data worldwide. The outcome of [the judgement of the Court of Justice of the European Union on the Schrems II](#) that invalidated the privacy shield as a tool to transfer personal data to the US confirms these priorities. The EDPS will continue to strive, as a member of the EDPB, to achieve the necessary coherent approach among the European supervisory authorities in the implementation of the EU framework for international transfers of personal data. Against this backdrop, we have recently issued a [strategic document](#) aiming to monitor compliance of EUIs with the Judgement, building on the cooperation and accountability of controllers to assess whether the essentially equivalent standard of protection is guaranteed when data transfers are made towards third countries, with a particular emphasis on those made towards the United States.

Furthermore, the EDPS continued to play its part in exchanges on data protection with experts from across the globe. The EDPS actively participated in the yearly International Conference of Data Protection and Privacy Commissioners, now known as the [Global Privacy Assembly](#). Moreover, the EDPS also hosts regular workshops bringing together a number of [International Organisations](#) to share their knowledge, expertise and experiences on the enforcement of data protection laws.

- **Data Protection in times of COVID-19**

The COVID-19 pandemic has inevitably marked the EDPS both as a data protection supervisory authority and as an employer.

In March 2020, we established a [COVID-19 Task Force](#) to follow developments and prepare for the future of data and privacy after the health crisis. To this day, the EDPS continues to cooperate with EU

institutions and the EDPB to ensure that fundamental rights are respected and has issued a number of guidelines and opinions to support their work.

- **Shaping a Safer Digital Future: a new Strategy for a new decade**

In June 2020, the [EDPS published its Strategy for 2020-2024](#), which focuses on Digital Solidarity, to shape a safer, fairer and more sustainable digital Europe, particularly for the most vulnerable in our societies. Our aim is to continue to work with authorities and experts across different policy areas to address the digital asymmetries that have become more acute during the COVID-19 public health crisis. The three core pillars that will guide our actions and objectives for the next four years are **Foresight, Action and Solidarity**.

Foresight: The EDPS will continue to monitor legal, social and technological advances around the world and engage with experts, specialists and data protection authorities to inform its work.

Action: To strengthen the EDPS' supervision, enforcement and advisory roles the EDPS will promote coherence in the activities of enforcement bodies in the EU and develop tools to assist the EU institutions, bodies and agencies to maintain the highest standards in data protection.

Solidarity: While promoting digital justice and privacy for all, the EDPS will also enforce responsible and sustainable data processing, to positively impact individuals and maximise societal benefits in a just and fair way.

The strategic objectives under the three pillars express what we intend to achieve by 2024. A number of strategic initiatives will support the achievement of those objectives.

ESTONIA / ESTONIE

About major developments in data protection field in 2019-2020

1. Estonian Data Protection Inspectorate

In August 2019, a new Director General of the Inspectorate, Mrs. Pille Lehis, started her term of office. She has a law degree and has a long-time experience in Estonian Tax and Customs Board.

Although in 2018, the statistics about the requests and appeals to the Inspectorate was doubled, and in 2019, it decreased in some extent, there are some indicators, which are growing. For example, the General Data Protection Regulation (GDPR) implemented the obligation to notify about the data breaches. In 2019, the inspectorate received 115 notifications, from January until October 2020 the inspectorate has already received 114 notifications.

Estonian Public Information Act transposed the Directive (EU) 2016/2102 on the accessibility of the websites and mobile applications of the public sector bodies. Estonian Data Protection Inspectorate is mandated as a supervisory authority over this area. First control period started in 2020 and the inspectorate is making steps to make it happen.

In 2020, the inspectorate launched a new guideline about the legitimate interest and evaluating it. The guideline is available only in Estonian:

https://www.aki.ee/sites/default/files/dokumendid/oigustatud_huvi_juhend_aki_26.05.2020.pdf

2. Relevant trends

Using artificial intelligence (AI) in a public sector

In 2019, an expert group led by Estonian Ministry of Economic Affairs and Communications and Government Office presented Estonia's national AI strategy.

The strategy is a sum of actions that Estonian government will take to advance the take-up of AI in both private and public sector, to increase the relevant skills and research and development (R&D) base as well as to develop the legal environment.

It includes creating a #KrattAI, which is a vision of how public services should digitally work in the age of AI. It also would be an opportunity for people to use public direct and informational services by voice-based interaction with AI-based virtual assistants.

#KrattAI will be an interoperable network of public sector AI applications (agents, bots, assistants, etc.) as well as private sector ones, which would work from the user perspective as a single, united channel for accessing public direct and informational services.

About more detailed information and practices: <https://en.kratid.ee/>

COVID-19 app

COVID contact app was launched in Estonia in summer 2020. The app is called HOIA and the purpose is to inform the close contacts of those infected with the coronavirus and, therefore, to provide them with initial instructions on how to proceed. In this way, the users can quickly find out about possible close contact with a COVID-19 infected person, allowing them to take steps to protect their own health and the health of others. The app based on Bluetooth signals and is anonymous, users will never know the names of their contacts. Further information: <https://hoia.me/en/>

FINLAND / FINLANDE

Legislative developments

Finnish Parliament adopted on 23 October the proposed legislative acts with a view to ratifying the protocol amending Convention 108. Those legislative acts include amendments to the Data Protection Act (1050/2018) and the Act on the Processing of Personal Data in Criminal Matters and in Connection with Maintaining National Security (1054/2018). In particular, those amendments introduce new provisions to ensure effective cooperation between the Data Protection Ombudsman and the data protection authorities of countries that are not member states of the EU.

In the legislative act to implement the Protocol, that will be brought into force by Government decree once the Protocol enters into force, two data protection authorities are specifically designated as the competent supervisory authorities under the Convention, including the Data Protection Ombudsman and the Åland data protection authority (Datainspektionen). Finland aims at ratifying the Protocol by the end of 2020.

The reform of the data protection legislation has, since the summer of 2019, resulted in a series of amendments to special legislation. Those amendments include a new act on the processing of personal data by the Immigration Service. There are further amendments to special legislation pending, to align the legislation with the GDPR, including the legislation on credit information, and a new bill on the processing of personal data by the Prison Service will be soon submitted to Parliament. The Ministry of Justice has also initiated a legislative project on automated decision-making by public authorities.

During the second half of 2019, the Ministry of Justice also organised public consultation on the first national experiences of the application of the GDPR and the Data Protection Act, in parallel with the work carried out at the EU level.

Data Protection Ombudsman

The number of cases pending at the Office of the Data Protection Ombudsman has kept increasing in 2019, although the increase was more modest than in the previous year. The number of staff at the Office of the Data Protection Ombudsman increased to 46, including the two Deputy Data Protection Ombudsmen. The first steps were also taken in 2019 to apply the new corrective powers under the GDPR and the Data Protection Act. The Data Protection Act that specifies and supplements the GDPR and its national application entered into force in January 2019.

One third of the cases behind the increase consist of notifications of personal data breaches made to the Data Protection Ombudsman under the GDPR. A total of 3839 breaches were notified by controllers in 2019. The rules of procedure of the Data Protection Ombudsman have been revised with a view to strengthening customer service and creating harmonised supervisory practices both at the national level and with the data protection authorities of other EU Member States.

Another factor affecting the workload of the Data Protection Ombudsman is the increasing international cooperation. In particular, questions relating to the application of the GDPR are increasingly handled by the European Data Protection Board (EDPB). The Office of the Data Protection Ombudsman has continued to actively participate in the work of the EDPB and in the cooperation and consistency mechanisms introduced by the GDPR.

Those questions of data protection that have been high on the agenda at the national level and on which the Data Protection Ombudsman and Deputy Data Protection Ombudsmen have also been heard, are also visible in the work of the Council of Europe, including the use of artificial intelligence, facial recognition and profiling. In the field of internal security, it is worth noting the major developments of large-scale IT systems based on EU legislation, which are expected to affect the workload in the coming years.

The Data Protection Ombudsman will publish the annual report on its activities in 2019 shortly. The report will be made available in English at: <https://tietosuoja.fi/en>

GEORGIA / GEORGIE

State Inspector's Service

Major Developments in the Data Protection Field

June 2019- October 2020

Introduction

On 10 May 2019 the State Inspector's Service was established as a successor of the Office of the Personal Data Protection Inspector (operating since 2013) and the Service was empowered with a new function to investigate certain crimes committed by law enforcement officers and public officials. In July 2019 Londa Toloraia was elected as a State Inspector.

MAJOR ACTIVITIES OF THE STATE INSPECTOR'S SERVICE

2019 and 2020 have been active years for the State Inspector's Service in terms of providing adequate response to citizens' complaints as well as carrying out different activities aimed at improving data protection level and increasing awareness of citizens in Georgia.

The State Inspector's Service carries out preventive actions and responds to violations in order to control lawfulness of personal data processing: the Service delivers consultations on personal data protection to the interested persons, contributes to public awareness-raising, reviews citizens' complaints and monitors lawfulness of personal data processing by conducting inspections.

In comparison to 2018, In 2019 the number of citizens' applications/complaints increased by 10% (382 in 2018, 422 in 2019) and the number of inspections increased by 5% (148 in 2018 and 156 in 2019).

Despite the COVID-19 pandemic, which hindered the usual course of the activities of the Service, some systemic and complex activities were put in place to address new challenges.

Some major achievement in this regard include:

- ✓ Having personal data protection as a separate direction in the Human Rights Action Plan developed by the Administration of the Government of Georgia;
- ✓ Playing an active role in a new multi-sectoral research concerning protection of personal data of migrants which was initially conducted in 2014 and will enable the Service to measure the progress achieved and plan future activities accordingly;
- ✓ Given global technological developments, focus was made on modern challenges and artificial intelligence was identified as a new priority to work on (interagency group was created and a meeting held);
- ✓ the Service took an active part in GPA Covid-19 taskforce etc.

The main directions in terms of challenges related to data protection were the following: data processing in healthcare sector; electronic data bases; processing minors' data; processing data for direct marketing purposes; video-surveillance in public space, processing data in labor relations etc.

In order to address these challenges, in addition to providing legal response, the Service also focused on preventive activities and enhancing standards.

Healthcare Sector

Protecting health-related data acquired more importance following COVID-19 outbreak.

In this regard the State Inspector's Service developed a training module in processing personal data in the healthcare sector, which is specifically designed for this sector with due respect to its specificities. The training module aims at ensuring high standard of personal data protection in the healthcare sector and at eradicating existing shortcomings. This module was already presented to the relevant authorities and is expected to be introduced in a distance learning format.

Apart from the training module, in order that the society is better informed about modern challenges and to ensure that the relevant institutions have adequate standard of data protection, the Service held a video lecture on processing data in healthcare sector.

In addition, recommendations were issued for healthcare sector regarding processing personal data related to the information concerning persons infected/possibly infected.

The Service also issued a compilation of the State Inspector's decisions concerning protection of personal data in healthcare institutions.

Protecting Data of Minors

Controlling lawfulness of minors' data is one of the main directions of the Service. The Service carried out a number of activities aimed at protection of minors' data.

Recommendations with respect to processing minors' data in schools, as well as recommendation for children and parents concerning means of protection from cyber bullying were issued.

In addition, online discussion via Facebook was held concerning protection of personal data of pupils as well as recommendation for educational institutions concerning distance learning was developed.

The State Inspector's Service also issued a compilation of the State Inspector's decisions on protecting minors' personal data.

Elections

Given that 2020 was an election year for Georgia, protection of data in electoral setting became one of the main priorities for the State Inspector's Service.

The Service carried out a number of activities in respect of election-related data. It conducted trainings for the employees of the Election Administration and hotline as well as for non-governmental organizations acting as observers and prepared recommendations concerning processing personal data in the election process.

The Service also started examining **the lawfulness of voter identification and photo-taking using a special application (used for the first time) during the 2020 parliamentary elections.**

Raising Public Awareness

One of the priorities of the State Inspector's Service is to raise public awareness on issues of personal data protection which encompasses conducting trainings, developing recommendations, launching awareness raising projects etc.

The COVID-19 outbreak and the related challenges necessitated moving to an and carrying out activities in a different regime. In this regard, the Service started offering interested citizens and target groups and institutions online trainings and video lectures adjusted to their needs and developed a number of recommendations intended to assist organizations in managing personal data and confidential information.

Trainings and Learning Courses

The State Inspector's Service continued offering free training courses on personal data protection to interested citizens and organisations. The training courses were held every month and continued to be conducted online following the COVID-19 outbreak in 2020.

Two video lectures on Facebook – one regarding protection of healthcare data with a total of 7300 viewers and one regarding data protection security in internet space with a total of 125000 viewers were conducted.

In cooperation with the CoE distance learning platform (HELP) a training course on Personal Data Protection and the right to Privacy was implemented in Georgia for the first time. The employees of the State Inspector's Service underwent 7-months training course on personal data protection and privacy.

Also with the support of the CoE a new HELP course was launched for the representatives of different law enforcement agencies on personal data protection issues.

Meetings with Non-governmental Organisations and State Institutions

In order to raise awareness on personal data protection and the activities of the State Inspector's Service, to expand the regional coverage and enhance cooperation with non-governmental sector, the Service conducted a series of meetings with the representatives of non-governmental organisations and the state institutions. This was the first cycle of cascade meetings to be conducted in all regions of the country.

The State Inspector informed the organisations about the activities of the Service and provided them with the information concerning challenges related to personal data protection in their respective institutions and the means of improving personal data protection.

Data Protection Ambassadors

In the reporting period the State Inspector's Service launched a number of awareness-raising projects.

20 students in different regions of Georgia were selected from educational institutions within the project "Personal data protection Ambassadors". The young ambassadors were trained by the representatives of the State Inspector's Service and are involved in raising awareness concerning data protection throughout Georgia.

Informing Society in Targeted Public Institution

The State Inspector's Service started new public awareness raising campaign on the importance of data protection in Public Service Halls. Informational booklets which are designed for citizens who address Public Service Halls on data protection topics related to children birth registration, for taking ID cards or passports is displayed at the Public Service Halls in fourteen cities.

International Cooperation

One of the priorities of the State Inspector's Service in 2019 was an effective cooperation with international organisations and its counterparts in foreign states.

The State Inspector's Service actively supports acceleration of the process of signature of the Convention 108+, a modernized version of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data and hopes that in 2020 Georgia signs its third additional protocol. Signing it, Georgia will be making an additional step towards implementation of international human rights standards.

The State Inspector's Service participated in various international platforms and conferences. The Service was also actively engaged in the process of development of various types of international documents. Specifically, the Service was involved in the development of the Guidelines on Artificial Intelligence and Personal Data Protection by the consultative committee of the Convention 108 of the Council of Europe. The State Inspector's Service also became a representative of Georgia and represented the country in Strasbourg at the first meeting of the Ad hoc Committee on Artificial Intelligence (CAHAI).

The State Inspector's Service is actively involved in working process of developing EU-Georgia Association Agenda for 2021-2027

LEGISLATIVE ACTIVITY

Following the submission of the draft law on Personal Data Protection in 2019 to the Parliament of Georgia, the State Inspector's Service discussed the draft law with non-governmental organisations. Also with the support of the Council of Europe, a legal opinion concerning compatibility of the draft law with the modernized 108+ Convention was prepared which was discussed by the working group of the State Inspector's Service and further activities to bring the draft law in line with European standards have been taken.

In addition, based on the requests of various institutions, the State Inspector's Service provided its legal opinion on 33 legislative packages, incorporating over 70 draft laws and by-laws. The reviewed legislative drafts mainly related to social, education, financial, taxation, money laundering, public security, trade and competition, and state procurement sectors

LUXEMBOURG

Information sur les développements récents intervenus dans le domaine de la protection des données

Le 1er août 2018, le Luxembourg a adopté un ensemble de lois sur la protection des données :

- [Loi du 1er août 2018 portant organisation de la Commission nationale pour la protection des données et du régime général sur la protection des données](#) : cette loi adapte le droit luxembourgeois au nouveau cadre de l'Union européenne en la matière afin d'en assurer la pleine effectivité pour les citoyens, les responsables de traitement et les sous-traitants.
- [Loi du 1er août 2018 relative à la protection des personnes physiques à l'égard du traitement des données à caractère personnel en matière pénale ainsi qu'en matière de sécurité nationale](#) : cette loi transpose la Directive (UE) 2016/680 relative à la protection des personnes physiques à l'égard du traitement des données à caractère personnel par les autorités compétentes à des fins de prévention et de détection des infractions pénales, d'enquêtes et de poursuites en la matière ou d'exécution de sanctions pénales, et à la libre circulation de ces données.
- [Loi du 1er août 2018 relative au traitement des données des dossiers passagers](#).

Suite à l'application de la récente législation européenne en matière de protection des données, le Gouvernement luxembourgeois a décidé de préciser le cadre légal entourant le traitement des données à caractère personnel aux fins de la prévention, de la détection et de la poursuite des infractions par les autorités judiciaires et de police.

Par ailleurs, la Ministre de la Justice a récemment déposé un Projet de loi définissant et délimitant les procédures de vérification des antécédents ou enquêtes administratives actuellement d'application dans divers domaines.

De manière générale, ces changements législatifs introduiront plus de transparence en faveur des citoyens quant aux finalités des traitements et à l'utilisation effectivement faites de leurs données par les autorités compétentes.

Le Premier ministre a également chargé le Commissariat du gouvernement à la protection des données auprès de l'Etat de lui faire rapport sur l'état des lieux de l'application fidèle du règlement (UE)2016/679 (RGPD) dans la pratique des administrations étatiques.

MAURITIUS / MAURICE

1. The Data Protection (Fees) Regulations 2020 came into force on 01 August 2020 and repealed the Data Protection Regulations 2009. The purpose of the new Regulations is to assist in the effective implementation of the Data Protection Act 2017 (DPA) and to cater for the fees payable for:
 - The registration/renewal of registration certificates as controllers and processors under sections 16(2) and 18(2) of the DPA on a three-year validity period.
 - A certified copy of, or an extract from, an entry in the register under section 20(3)(b) of the DPA.
 - The right of access for manifestly excessive requests under section 37(7) of the DPA.
 - Appeal under section 52(4) of the DPA.

2. **Ratification of the Council of Europe Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data by Mauritius.**

Mauritius has signed and deposited, on 4 September 2020, its instrument of ratification of the Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, also known as modernised Convention 108 or Convention 108+. Mauritius has thus become the 6th State after Bulgaria, Croatia, Lithuania, Poland and Serbia as well as the first country in Africa to ratify Convention 108+.

3. **EU Adequacy**

Upon recommendation from the representative of the Delegation of the European Union to the Republic of Mauritius and the Republic of Seychelles, the Mauritian Data Protection Office has drafted and submitted the Terms of Reference (ToR) in 2020 to our parent Ministry for inviting proposals through restricted international bidding for the services of an expert consultant to carry out a complete assessment and evaluation of the existing data protection law in Mauritius, its application and provide an opinion on the adequacy of Mauritius with the European Union. We are currently awaiting the finalisation of the consultancy nominations.

4. Publication of an Information Sheet on Privacy and Virtual Currency. This information sheet assists in understanding the definition of virtual currencies, the applicability of the DPA to the processing of virtual currencies, the privacy risks and data protection issues with virtual currency systems, the principles of processing and recommendations for virtual currency systems in compliance with data protection laws.

A copy is available on the Mauritian Data Protection Office's website at the following URL:
<https://dataprotection.govmu.org/Pages/Downloads/Guidelines-Data-Protection-Act-2017.aspx>

5. Publication of a Code of Practice for the operation of the Safe City System(s) operated by the Mauritius Police Force (MPF). The code of practice has been prepared in collaboration with the MPF to assist the latter to follow the operating procedures and protocols necessary to assure the appropriate use of the Safe City system(s) by respecting the privacy of individuals and protecting against any possible misuse of personal data. A copy is available at the following URL:
<https://dataprotection.govmu.org/Pages/Downloads/Guidelines-Data-Protection-Act-2017.aspx>

MEXICO / MEXIQUE

MEXICO INFORMATION (4 NOV 2020)

40th plenary meeting of the Committee of Convention 108

1. AGREEMENT with amendment to the annex to Agreement ACT-PUB/25/11/2015.06 is approved, by which the GUIDELINES OF THE PROCEDURES FOR THE PROTECTION OF RIGHTS, INVESTIGATION AND VERIFICATION AND IMPOSITION OF SANCTIONS are approved.

On December 9, 2015, the Guidelines for the protection of rights, investigation and verification procedures, and the imposition of sanctions entered into force. On October 14, 2020, the addition of the Third Transitory Article was approved, which indicates the suspension, as of October 15, 2020, of the provisions contained in these Guidelines.

In the procedures regarding the protection of personal data in possession of individuals that are in process, or whose processing begins as of October 15, 2020, will be applied directly the provisions contained in the Federal Law on Protection of Personal Data held by Private Parties, the Regulations of the Federal Law on Protection of Personal Data Held by Private Parties and, where appropriate, the supplementary application legislation.

The foregoing, given that with the entry into force of the Guidelines of the procedures for the protection of rights, investigation and verification, and the imposition of sanctions, their applicability and constitutionality have been questioned in various lawsuits, either through indirect protection, trial of nullity, or direct protection; Trials that have already been studied by the Supreme Court of Justice of the Nation.

Available only in Spanish: http://dof.gob.mx/nota_detalle.php?codigo=5602762&fecha=14/10/2020

2. AGREEMENT by which the Registry of Best Practices Schemes Operation Rules are approved.

The objective of the Registry of Best Practices Schemes Operation Rules is to define and describe the operational aspects and procedures necessary for the operation of the Registry of Best Practice Schemes regarding the protection of personal data in the public sector, provided for in article 73 of the General Law for the Protection of Personal Data Held by Obligated Subjects, hereinafter General Law, and Chapter VII of the Parameters of Best Practices in the Protection of Personal Data of the Public Sector, hereinafter, the Parameters.

The purpose of the Registry of Best Practice Schemes is to organize, administer, manage, facilitate access and disseminate information of general interest related to the following aspects:

- a. The rules to adapt the regulations on the protection of personal data, referred to in Chapter IV of the Parameters;
 - b. The management systems validated by the Institute referred to in Chapter V of the Parameters;
 - c. The accreditation entities authorized by the Secretariat, empowered to accredit certification bodies regarding the protection of personal data in terms of Chapter VI, Section II of the Parameters;
 - d. The certification bodies accredited to grant certifications regarding the protection of personal data in terms of Chapter VI, Section III of the Parameters, and
- and. The certificates issued by the certification bodies referred to in the previous section.

Available only in Spanish: http://dof.gob.mx/nota_detalle.php?codigo=5595498&fecha=24/06/2020

3. AGREEMENT by which the Parameters of best practices in the field of personal data protection of the public sector are approved.

The objective of the Parameters of Best Practices in the Protection of Personal Data of the Public Sector is to define the system of best practices, including certification, as well as to establish the general rules and criteria for the recognition and validation of best practice schemes related to personal data protection referred to in Articles 72 and 73 of the General Law for the Protection of Personal Data held by Obligated Subjects and 119 of the General Guidelines for the Protection of Personal Data for the Public Sector.

Likewise, the Parameters may serve as criteria for the guarantor bodies to issue their own parameters of best practices regarding the protection of personal data in the public sector of the national states and to establish the certification system of which they may be part.

Available only in Spanish: <http://www.dof.gob.mx/2019/INAI/ACT-PUB-11-09-2019-07.pdf>

MOLDOVA

Main developments in the field of data protection in Moldova

With regard to the main developments in the field of data protection in the Republic of Moldova, since the 38th plenary meeting of the Consultative Committee of the Convention for the Protection of Individuals with regard to Automated Processing of Personal Data STE 108 (T-PD) held in June 2019, we communicate the following:

Even if the reference period was a complicated one, the Republic of Moldova tried to continue the progress regarding the dimension of personal data protection. During this period, emphasis was placed on the tendency to harmonize the legislative framework of the Republic of Moldova with the acquis communautaire on personal data protection, awareness of data subjects, and information of personal data controllers, establishing institutional partnerships with the national authorities in order to develop a fruitful cooperation regarding personal data protection dimension.

Thus, we highlight the fact that the Authority for Personal Data Protection has continued to develop the segment of information, communication, and awareness raising by proactively providing information and awareness to the public regarding the principles of personal data protection. Such way, the Center ensured a continuity of the trainings organized for the civil servants from the central and local public administration.

Also, within the European Union Twinning Project "*Capacity Building of the National Center for Personal Data Protection*", the Center's representatives participated jointly with European experts, as trainers, in training courses for: private companies of the Republic of Moldova, public officials, representatives of the Mass Media and Non-Governmental Organizations, etc.

It should also be mentioned, that the Center has won and would implement at the end of 2020 the TAIEX Project "***Processing and protection of personal data in the field of public health in the context of possible global challenges! (COVID pandemic - 19)***".

The aim of the project is to present examples of good practice and innovative solutions in order to strike a balance between the processing, storage, disclosure of personal health data and the right to privacy.

International cooperation

On the aspect of international cooperation, in the reference period, the activity of the Center was focused on boosting bilateral relations with external partners and multilateral cooperation within international organizations, whose meetings were regularly attended. The promotion of international cooperation took place through participation in study visits, exchange of experience, taking over good practices, as well as training provided by European Union experts.

In the period from 23 to 27 September 2019, within the EU Twinning Project "*Strengthening the capacities of the National Center for Personal Data Protection*", a study visit was organized in Germany and Latvia, for a group of deputies from the Parliament of the Republic of Moldova. The study visit was organized in order to familiarize the deputies of the Republic of Moldova with the legal framework in the field of personal data protection in European countries, in the context of the new draft law on personal data protection, voted in first reading by the Parliament of the Republic of Moldova.

On 18 December 2019, the Latvian State Data Inspectorate and the Authority for Data Protection from Moldova signed a Cooperation Agreement in the field of personal data protection. The agreement provides for the development of cooperative relations between the two institutions in terms of achieving steady progress in the field of data protection, as well as promoting good practices that will create favorable conditions for ensuring effective protection of personal data of citizens of Moldova and Latvia.

Data protection activities organized within the Twinning project "Strengthening the Capacity of the National Center for Personal Data Protection"

In the second half of 2019, the Center continued the implementation of the Twinning project, as a beneficiary. The project was funded by the European Union and implemented in the period October 2, 2017 - January 2, 2020, by the German Foundation for International Legal Cooperation (IRZ) and the Ministry Justice of the Republic of Latvia. The project made an important contribution to the implementation of the provisions of the EU-Moldova Association Agreement and the EU Single Support Framework for the Republic of Moldova. Numerous activities carried out during the reporting period were implemented in order to achieve the general objective of the draft harmonization of the national legislation of the Republic of Moldova in the field of personal data protection with that of the European Union - especially with Regulation EU / 2016/679 and EU Directive 2016/680. Thus, the planned actions were carried out with the support of European Union experts, and amongst them we can mention:

- organizing the Training of Trainers course in the field of personal data protection. The course was attended by 12 employees of the Center as well as representatives from the Ministry of Internal Affairs, the General Prosecutor's Office, the National Anticorruption Center, the Customs Service and the General Inspectorate of Police;

- organization of training entitled "*Legislation and requirements in the field of personal data protection*" for state institutions in the following sectors: justice - 64 people were trained; education - 84 people; financial - 60 people; medical / social - 60 people; State Chancellery / local public authorities - 63 people; law enforcement agencies - 62 people. In total, about 400 people were trained at these trainings;

- assistance in the elaboration of the Communication and Awareness Plan for the Center;

- assistance in the elaboration of the National Strategy on personal data protection;

- assistance in the elaboration of a new web page of the Center;

- elaboration of an ex-post survey on the perception of the law and the application of personal data protection in the Republic of Moldova;

The main goal in the field of data protection pursued by the Republic of Moldova is the gradual connection of its legislation in the field of personal data protection with that of the European Union, which would be a major step towards the recognition of the Republic of Moldova as a state that ensures an adequate level of personal data protection.

MONACO

Développements majeurs intervenus sur les 12 derniers mois en matière de protection des données personnelles

juin 2019/novembre 2020

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LOIS

- Loi n° 1.483 du 17 décembre 2019 relative à l'identité numérique
- Loi n° 1.482 du 17 décembre 2019 pour une Principauté numérique
- Loi n° 1491 du 23 juin 2020 relative aux offres de jetons et son Ordonnance Souveraine d'application n° 8.258 du 18 septembre 2020.

ARRÊTÉS MINISTÉRIELS

- Arrêté Ministériel n° [2019-791](#) du 17 septembre 2019 portant application de l'article 2, a) de l'Ordonnance Souveraine n° 5.664 du 23 décembre 2015 créant l'Agence Monégasque de Sécurité Numérique, modifiée, relatif aux systèmes d'information sensibles
- Arrêté ministériel n° [2020-461](#) du 6 juillet 2020 portant application de l'article 13 de l'Ordonnance Souveraine n° 8.099 du 16 juin 2020 fixant les conditions d'application de la loi n° 1.383 du 2 août 2011 pour une Principauté numérique, modifiée, relative aux services de confiance et notamment son article 13
- Annexe de l'arrêté ministériel n° [2020- 462](#) du 6 juillet 2020 portant application de l'article 36 de l'arrêté ministériel n° [2020-461](#) du 6 juillet 2020 portant application de l'article 13 de l'Ordonnance Souveraine n° 8.099 du 16 juin 2020 fixant les conditions d'application de la loi n° 1.383 du 2 août 2011 pour une Principauté numérique, modifiée, relative aux services de confiance, notamment aux points 2.4.1. *Dispositions générales* et 2.4.4. *Conservation d'informations*
- Annexe de l'arrêté ministériel n° [2020-463](#) du 6 juillet 2020 portant application des articles 21, 22 et 30 de l'arrêté ministériel n° [2020-461](#) du 6 juillet 2020 portant application de l'article 13 de l'Ordonnance Souveraine n° 8.099 du 16 juin 2020 fixant les conditions d'application de la loi n° 1.383 du 2 août 2011 pour une Principauté numérique, modifiée, relative aux services de confiance notamment dans *l'appendice 4 - engagements relatifs au suivi de sécurité du produit*.

DÉCISION MINISTÉRIELLE

- Décision ministérielle du 20 mai 2020 relative à la mise en œuvre d'un traitement d'informations nominatives destiné à permettre le suivi de la situation épidémiologique, prise en application de l'article 65 de l'Ordonnance Souveraine n° 6.387 du 9 mai 2017 relative à la mise en œuvre du Règlement Sanitaire International (2005) en vue de lutter contre la propagation internationale des maladies.

**AUTORITÉ DE CONTRÔLE
COMMISSION DE CONTRÔLE DES INFORMATIONS NOMINATIVES
C.C.I.N**

Au cours des mois écoulés la CCIN a adopté deux « Fiches pratiques ».

La première concerne les **recommandations relatives à l'archivage numérique** et papier des documents, avec les questions liées à la durée de conservation des informations, aux différentes catégories d'archives, aux mesures de sécurité devant être prises afin de préserver l'intégrité des documents dans le temps. Cette Fiche pratique fait suite à de nombreuses questions qui ont été posées à la Commission par des responsables de traitements de secteurs très variés ne sachant comme procéder pour conserver leurs documents, lorsqu'une raison précise et légitime justifie une conservation plus ou moins longue.

La seconde énumère et détaille les **recommandations à l'attention des responsables de traitements offrant des services en ligne à des enfants**. Cette fiche pratique a été élaborée sur la base du document de travail adopté en avril 2019 par le Groupe de Travail international sur la protection des données dans les télécommunications, dit « Groupe de Berlin » dont la CCIN fait partie depuis de nombreuses années. Sont notamment exposés les risques et les facteurs aggravants de l'utilisation des réseaux sociaux par un jeune public, ainsi que les grands principes liés à cette utilisation.

Par ailleurs la CCIN a été amenée à publier des **Bonnes pratiques liées à la crise sanitaire**, afin de répondre à de nombreuses préoccupations dont elle a été saisie au cours des mois écoulés. Ces Bonnes pratiques portent sur les mesures à mettre en œuvre en matière de travail distant et s'adressent aussi bien aux employeurs qu'aux salariés, et sur les principes à respecter s'agissant de collecte de données de santé (prise de température, questionnaire sur l'état de santé des salariés, ...)

PROJETS DE LOI

Deux projets de lois ont été déposés sur le bureau du Conseil National :

- Projet de loi n° 1007 relative à la fin de vie qui prévoit des conditions spécifiques en matière de consentement
- Projet de loi n° 1008 renforçant le dispositif de lutte contre le blanchiment de capitaux, le financement du terrorisme et la corruption, qui contient également des dispositions en matière de protection des données.

Par ailleurs, un avant-projet de loi portant sur le partage d'informations couvertes par le secret médical et le dossier médical partagé est en préparation.

PROJET D'ORDONNANCE SOUVERAINE

- Projet d'Ordonnance Souveraine relative aux données de santé à caractère personnel produites ou reçues par les professionnels et établissements de santé, qui fixe les durées minimales de conservation des dossiers médicaux et les conditions d'hébergement des données.

Ce texte devrait être adopté avant la fin de l'année 2020.

PHILIPPINES

Despite the unprecedented global pandemic, the National Privacy Commission (NPC), as the Philippine's Data Protection Authority, has been vigilant in keeping its role as the country's data privacy watchdog. Locally, the NPC continues to act as an adviser for data privacy matters in the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF-EID), the inter-governmental body tasked to address the spread of COVID-19 in the country. The Commission continues to issue guidance through bulletins, advisories and advisory opinions on issues relating to the processing of personal data in relation to contact tracing, online learning and activities and transactions in the new normal. In order to continue building the capacity of Data Protection Officers and stakeholders, the Commission has adopted a training program called DPO ACE (Accountability, Compliance and Ethics) where DPOs learn the basic of data privacy, the intricacies of the Data Privacy Act of 2012 and practical application of concepts learned within their own organizations. Because of the quarantine restrictions, the DPO ACE program was made available online to various stakeholders. In order to broaden its reach and to raise even greater awareness, the Commission recently launched the T3 program or "Training The Trainers" program, where interested individuals and organizations may apply and get accredited as external trainers of the public.

Globally, the NPC has been actively participating in the Global Privacy Assembly acting as Chair of GPA COVID-19 Taskforce from April to October 2020 and Chair of GPA Working Group on COVID-19 Related Privacy and Data Protection Issues. Last May, Commissioner Raymund E. Liboro presented on the Inter-Agency Collaboration and Joint Efforts during the COVID-19 Pandemic in the Global Privacy Enforcement Network Pacific Call for May. Finally, the Philippines has been approved and accepted as the 9th participating economy in the APEC CBPR System.

POLAND / POLOGNE

Country report on major developments in the data protection field

The Personal Data Protection Office (UODO)

2019/2020

Country report on major developments in the data protection field

The Personal Data Protection Office (UODO)

2019/2020

I. The Personal Data Protection Office (UODO)

From December 1st, 2019, new departments were created to replace the existing thematic teams. For example, complaints are now dealt with by one department, while inspections and violations or case law and legislation are dealt with by other ones. In these departments, there are separate divisions that deal with matters from specific sectors. And so, in the **Case Law and Legislation Department**, three divisions were established: Legislation Division, Division of Cooperation with Data Protection Officers, and Codes and Certifications Division. In the **Inspections and Breaches Department** there are: Inspections Division and Breaches Division, while in the **Complaints Department** – the Public Sector Division, the Private Sector Division, the Health, Employment and Education Sector Division and the Financial, Insurance and Telecommunication Sector Division. The implemented changes will make it possible to respond to breaches of personal data protection without prejudice to other tasks of the authority. This will streamline the activities of the Office and translate into better protection of citizens' personal data.

II. Events

National conferences organized by the Personal Data Protection Office in the period from June 2019 until now:

- **11th Scientific Conference "Safety on the Internet". Warsaw, 6-7.06.2019**
During the conference, the subject of data analytics in the context of ensuring the protection of personal data was discussed – in the aspect of risk analysis related to the processing of personal data, as well as the principles of accountability and purposefulness of personal data processing. The UODO and the Cardinal Stefan Wyszyński University in Warsaw were organizers of the event.
- **Conference "Summary of the first year of application of the GDPR in local government units". Warsaw, 10.06.2019**
As part of the event, representatives of the Office encouraged controllers in local government units to organize staff education (including management) in the field of personal data protection and the creation of codes of conduct by organizations associating them. The conference was organized by the Personal Data Protection Office, the Parliamentary Committee of Local Government and Regional Policy and the National Institute of Local Government (NIST).
- **Conference for postgraduate students of the Faculty of Law and Administration at the Jagiellonian University. Krakow, 14.06.2019**
"Practical problems in the application of the General Data Protection Regulation - reflections after a year of experience" was the title of the Scientific Conference organized at the Jagiellonian University. The panel discussion was held on the problems related to the implementation of the

GDPR, based on the lectures of the speakers and the professional experience of the students of these studies.

Conferences and debates organized as part of the 14th Personal Data Protection Day

- 10.01.2020, Scientific Conference "**Digital Twin**", organized by: UODO and the University of Wrocław
- 24.01.2020, Scientific Conference "**Challenges of data protection**", organizer: UODO, Crime Research Center and Nicolaus Copernicus University in Toruń
- 28.01.2020, **Open Day at UODO** (Debates with the participation of UODO experts and invited guests: The most common problems in the DPO's activities, Sharing children's data on the Internet)
- 30.01.2020, **DPOs Day - Conference on the Practice of Performing the Function of Data Protection Officer**, organized as part of the 2nd DPOs Day and the 14th Personal Data Protection Day. Organizers: Association of Data Protection Officers (SAB), Faculty of Management of Warsaw University of Technology.
- 07.02.2020, **4th Open Day of UODO 2020** at the WSB University in Dąbrowa Górnicza
- 8.07.2020 "**Drones and Privacy**", online conference. Organizer: UODO

Conferences, webinars, training sessions attended by representatives of the Personal Data Protection Office from June 2019 until now:

- **EIT Health Think Tank Roundtable. 15.09.2020, online**
The main objective of the expert meeting at the Round Table was to set directions for the development of artificial intelligence (AI) in healthcare, by identifying the impact of AI on healthcare professionals and the challenges and consequences of introducing and scaling AI for healthcare organizations and systems in Europe.
- **Conference entitled "More Than Just a Game". Warsaw, 28.02.2020**
The conference raised the legal and cultural aspects of the video game and interactive entertainment industry. Linklaters Warsaw and Queen Mary University of London invited a representative of the Personal Data Protection Office to participate in this event and present issues related to the safe processing of personal data.
- **6th Congress of Local Government Administration Management. Wrocław, 05.05.2019**
The representative of the UODO was taking part in the panel devoted to the GDPR and disclosure of public information, where he presented issues related to the refusal to disclose information, in particular in the context of the right to privacy and personal data protection. He also presented practical problems related to the performance of the DPO function in the local government. The event was organized by the editors of the local government magazine "Wspólnota" and the company Municipium.
- **Conference on the application of the GDPR in financial institutions. Warsaw, 27.06.2019**
Amendments to the acts adjusting national regulations to the GDPR, including those relating to the financial institutions sector, were the main reason for organizing the Conference. The issue of meeting the requirements of the GDPR in financial institutions, from the point of view of the regulator, was presented by a representative of the Personal Data Protection Office. The event was organized by Puls Biznesu, and the content partner was Kancelaria Traple Konarski Podrecki i Wspólnicy.
- **7th Data Protection and Information Convention. Łódź, 19.11.2019**
The theme of this year's edition of the Convention was "GDPR will indicate new directions for data protection in business", while the lectures and discussions focused mainly on four issues: GDPR in marketing, GDPR in HR, Cybersecurity and risk analysis. As part of this event, the first Personal Data Protection Fair in Poland was held.
- **Conference "Analysis and security of information resources – legal, scientific and technical problems". Warsaw, 26.11.2019**

The conference was organized by the Social Insurance Institution (ZUS) in cooperation with the Military University of Technology and the Central Statistical Office (GUS). The President of UODO became a member of the Honorary Committee of the Conference, the organization of which coincided with the celebration of the 85th anniversary of the existence of the Social Insurance Institution. The representative of the UODO presented the issues related to the design of personal data protection in public registers, during the session devoted to the security of personal data from the perspective of the experiences of the first year of GDPR implementation.

- **24th Congress of Data Protection Officers. Siła near Olsztyn, 3-5.12.2019**

The congress was devoted to problems related to the implementation of the provisions of the GDPR and national provisions supplementing the GDPR. The Deputy President of the UODO participated in the panel called "Main problems of implementing the obligations of the GDPR". The panel focused on four basic issues related to the security and protection of personal data in the activities of the DPO.

- **Meeting of the Team for the ECHR. Warsaw, 10.12.2019**

A representative of the Personal Data Protection Office participated in the meeting of the Team for the European Court of Human Rights (ECHR), organized by the Ministry of Foreign Affairs.

International conferences from June 2019 to date:

- **Case Handling Workshop. Brussels, 28-29.11.2019**

The representative of UODO participated in the annual Case Handling Workshop. In 2019, it was held in Brussels.

- **Conference "Governing the Game Changer – Impacts of artificial intelligence development on human rights, democracy and the rule of law". Helsinki, 26-27.02.2019**

The Conference was co-organized by the Finnish Presidency of the Committee of Ministers of the Council of Europe and the Council of Europe. The aim of the event was to engage in a critical, open and pluralist debate on how to address the development of artificial intelligence to maximize benefits for society and minimize threats to human rights, democracy and the rule of law.

- **29th Conference of European Data Protection Authorities. Tbilisi, 8-10.05.2019**

In the panel "Review of Data Protection Sub-Group Activities" the representative of UODO presented a summary of the activities of the Central and Eastern Europe Data Protection Authorities (CEEDPA) initiated and coordinated by the Polish SA. During the panel, the activities of UODO in the field of protection of child's data, prevention and counteraction of cyberbullying were presented as well. All the speakers agreed that readymade teaching aids for teachers and students in the field of data protection for the youngest are still missing. In this context, the 'ARCADES' project initiated in 2014 by the Polish SA, which resulted inter alia in publication 'The European Handbook for Teaching Privacy and Data Protection at Schools'¹, aroused great interest. The event was organized by the Office of the Personal Data Protection Inspector of Georgia.

- **IAPP Data Protection Intensive. Munich, 18.09.2019**

The IAPP Data Protection Intensive conference was organized by the International Association of Privacy Professionals. The representative of UODO took an active part in the discussion panel entitled "Legislator's point of view" together with representatives of other data protection authorities from the European Union.

- **41st International Conference of Data Protection and Privacy Commissioners ICDPPC. Tirana, 21-24.10.2019**

¹ http://arcades-project.eu/images/pdf/arcades_teaching_handbook_final_EN.pdf

The Director of the International Cooperation and Education Team represented the UODO at the event. As a result of the sessions, the Resolution on the Conference's Strategic Direction 2019-2021 was created. It is based on three pillars: the evolution towards global frameworks and standards, enhanced law enforcement cooperation and the identification of priority international policy themes.

- **Conference "Data is value - protect it." Riga, 26.11.2019**
The organizer of the conference "Data is a value - protect it!" Was the Latvian DPA. The aim of the conference was to summarize the activities to date in the field of education of the SME sector, within the first part of the project co-financed by the European Commission, called "General Data Protection Regulation - possibilities and responsibilities for small and medium-sized enterprises; rights and risks for minors (DPSME) ". The speakers at the conference were both local and foreign, including: a representative of the UODO and the Vice-President of the European Data Protection Board.
- **33rd International Red Cross and Red Crescent Conference. Geneva, 9-12.12.2019**
The representative of UODO, as a member of the Committee on International Humanitarian Law at the Ministry of Foreign Affairs, was a member of the Polish delegation to the 33rd International Conference of the Red Cross and Red Crescent (MK), which took place in Geneva, with over 190 national delegations.

III. Educational activities

The Polish DPA continued its diversified educational activities addressing different groups. The main focus was on data protection officers. In the reporting period, the Polish SA held several seminars including:

- 30.09.2020 **Online training for data protection officers from the education sector**
- 08.09.2020 **International online lesson "Remote work of teachers and personal data protection - advice for teachers"**. Organizer: UODO in cooperation with the Hungarian and French supervisory authorities (NAIH and CNIL) and the British foundation DefendDigitalMe
- 20.05.2020 **The online lesson for Polish teachers entitled "Remote work of teachers and personal data protection - advice for teachers"**. Organizes: UODO in cooperation with the Foundation for the Development of the Education System
- 04.2020 **10th edition of the UODO competition for an essay for students: The performance of the service depends on consent to the processing of personal data for marketing purposes**
- 5.09.2019 **Training for voivodes, management staff and DPOs operating in Voivodship Offices**. Organizer: Ministry of Interior and Administration.
- 2-3.10.2019 **Training conference for participants of the 10th edition of the Your Data – Your Concern Programme**. Organizers: UODO.
- 8.10.2019 **Training workshop for DPO from education superintendents**. Organizers: UODO and The Ministry of Education.
- 20.11.2019 **Training of the management and DPO of independent public health care centers of the Ministry of Interior and Administration**. Organizer: Health Department of the Ministry of Interior and Administration.

In 2019, UODO prepared and published on its website a series of educational films helpful in the proper understanding and application of the provisions of the GDPR, in selected areas of activity of various entities.

The following educational films have been released so far:

- ID. Check how to protect it².

² <https://uodo.gov.pl/pl/384/710>

- In the eye of the camera. Video surveillance – the President of the Personal Data Protection Office explains how to apply it now³
- The patient comes to the doctor ... and what must he pay attention to in order to protect his data?⁴
- The school learns and teaches on how to protect data⁵.

Within its educational activity, the Polish DPA is involved in national project "**Your Data - Your Concern**"⁶. The main objective of which is to include the issues related to personal data protection and the right to privacy in the curricula of teachers vocational training centers, primary and middle schools in Poland. From 2010 the program has its continuation at schools and is realized repeatedly till now. This school year already the 11th edition of the program is conducted.

IV. Decisions and others

In the reporting period, the President of the Personal Data Protection Office issued 67 decisions, including inter alia:

- **24.08.2020** Decision of the President of the Personal Data Protection Office (UODO) regarding a fine for violating the principle of compliance with the law of processing personal data and disclosing personal data intentionally without a legal basis on the GEOPORTAL2 portal in the form of land and mortgage register numbers obtained from the land and building records. (DKN.5112.13.2020)
- **30.06.2020** Decision of the President of the Personal Data Protection Office (UODO) on reprimanding the school head for processing students' data in the school survey. (DKN.5112.7.2020)
- **18.02.2020** Decision of the President of the Personal Data Protection Office stating violation of the legal provisions by processing children's biometric data while using the services of the school canteen (ZSZS.440.768.2018)
- **16.10.2019** Decision of the President of the Personal Data Protection Office stating a breach of the legal provisions by failure to implement appropriate technical and organizational measures and by processing data of persons without a legal basis and imposing a fine (ZSPR.421.7.2019)
- **8.10.2019** Decision of the President of the Personal Data Protection Office on irregularities in the processing of the Complainant's personal data by a court bailiff as the debtor's data. (ZSPU.440.296.2019)

V. Agreements on cooperation

- **Lech Kaczyński National School of Public Administration (KSAP), 07.11.2019.**
The main objectives of the concluded agreement are to raise the level of knowledge about the protection of privacy and personal data and to exchange experiences. The cooperation will include research, education and training, promotion, publishing and organizational activities. The agreement provides, inter alia, for implementation of joint projects, exchange of analytical and information materials, initiation of scientific and research work in the field of personal data protection and co-organization of seminars, scientific conferences and training. The educational value of the agreement was emphasized in particular by the declaration of cooperation in the organization of training studies in the field of personal data protection for KSAP students. With the substantive support of the Office, the third edition of the Studies for Data Protection Inspectors in the public sector was launched in the 2019/2020 academic year. The inauguration ceremony of

³ <https://uodo.gov.pl/pl/384/723>

⁴ <https://uodo.gov.pl/pl/384/738>

⁵ <https://uodo.gov.pl/pl/384/742>

⁶ <https://www.uodo.gov.pl/en/520/933>

the 3rd edition of this Studies took place on December 9, 2019 with the participation of UODO representatives.

VI. Working visits

- **Professor Dieter Kugelman's visit to UODO. Warsaw, 1-5.07.2019**

Prof. Kugelman, Ph.D. was at the Personal Data Protection Office as part of the work shadowing visit. He has been fulfilling the function of the Data Protection and Freedom of Information Commissioner for Rhineland-Palatinate since October 1, 2015. The purpose of the visit was to gain insight into the structures and working methods of the Personal Data Protection Office and to exchange common experiences of both offices.

- **A study visit of representatives of Belarusian public authorities at the seat of the Personal Data Protection Office. Warsaw, 16-17.10.2019**

The meeting took place with the participation of 8 representatives of Belarusian public bodies and institutions of the National Assembly of the Republic of Belarus, the president's administration and government administration and the statistical office. The meeting was organized as part of the "Improving data protection in the Republic of Belarus" program implemented by the Council of Europe. During the visit, representatives of the UODO familiarized the Belarusian delegation with the functioning of the Polish supervisory authority, the principles of the GDPR and the role of DPOs and their tasks.

PORTUGAL

In what the legislative news are concerned we would like to inform you that no modifications have been made to our legislation on personal data protection.

Previous information

Law No. 31/2018, of 18 July

Rights of persons in the context of advanced disease and end-of-life

Article 5

Informed consent

1 - Persons in the context of advanced disease and end-of-life are entitled to consent, contemporaneous or anticipated, to the clinical interventions they are subject to, provided they have been previously informed and clarified by the attending physician and by the accompanying multidisciplinary team.

2 - The consent foreseen in the preceding paragraph shall be provided in writing in the case of interventions of a more invasive nature or involving a greater risk to the patients' well-being, and must be provided in writing and before two witnesses when there is the possibility of an intervention that could jeopardize their lives.

3 - Persons in the context of advanced disease and end-of-life, provided that they are adequately informed of the foreseeable consequences of this option by the attending physician and the accompanying multidisciplinary team, are entitled to refuse, under the law, artificial support of vital functions and to refuse to receive treatments that are not proportionate or adequate to their clinical condition and treatments of any nature, which do not aim solely at reducing suffering and maintaining the patient's comfort or which prolong or aggravate such suffering.

Law No. 44/2018, of 9 August

Reinforcing the legal protection of privacy on the Internet (the forty-sixth amendment to the Criminal Code, approved by Decree-Law no. 400/82 of 23 September)

«Article 152

[...]

1 —

2 — In the case provided for in the preceding paragraph, if the agent:

a) Practices the act against a minor, in the presence of a minor, in the common domicile or in the domicile of the victim; or

b) Disseminates, through the Internet or other means of widespread public dissemination, personal data, such as image or sound, relating to the privacy of one of the victims without their consent; shall be punished with imprisonment from two to five years.

3 —

4 —

5 —

6 —

Article 197

[...]

The penalties provided for in Articles 190 to 195 shall be increased by one third in their minimum and maximum limits if the fact is practiced:

a); or

b) Through the media, or through the Internet, or through other means of widespread public dissemination.»

SAN MARINO / SAINT-MARIN

On 21 December 2018 the “Consiglio Grande e Generale”, which is the Parliament of the Republic of San Marino, promulgated the Law no. 171 of 21 December 2018 on the protection of individuals with regard to the processing of personal data. The Law no. 171/2018 provides for the establishment of the Data Protection Authority named “Garante per la protezione dei dati personali” which is an independent public authority.

The Law no. 171/2018 is a GDPR-oriented law, i.e. very close to the content of the European Regulation 2016/679 (GDPR).

The Law mentioned above 171/2018 came into force on 5 January 2019.

Article 52 of the Law as mentioned earlier established the Guarantor Authority for the protection of personal data, a collegial body composed of the Collegiate body and the Office, which is responsible for monitoring the application of the Law to protect the fundamental rights and freedoms of individuals with regard to the processing of personal data.

In January and in March 2019 the Consiglio Grande e Generale (the Parliament) appointed the three members of the Collegiate body, and precisely the President, the Vice President and the member.

The Office of the San Marino Data Protection Authority took office on 1 February 2019 and the Board of Auditors on 2 April 2019.

It is the first Data Protection Authority in the Republic of San Marino.

Once established, the Authority began to carry out its tasks and exercise its powers as provided for by Law no. 171/2018.

The Data Protection Authority participated as Observer at the Spring Conference 2019 held in May 2019 in Tbilisi (Georgia), applying to become a member.

In October 2019 the San Marino DPA was accredited as a full member at the 41st International Conference of Data Protection and Privacy Commissioners (ICDPPC) now Global Privacy Assembly (GPA).

The Republic of San Marino is a member of the Council of Europe and participates in meetings on data protection, reporting the activities to the Authority for the protection of personal data.

The San Marino DPA, among other activities, organises meetings and training courses. On 28 January of each year, the San Marino DPA celebrates the Data Protection Day organising an event to discuss the main topics related to the data protection and privacy issues. The first Data Protection Day was celebrated on 31 January 2019 by organising an event.

The San Marino Data Protection Authority, in cooperation with the Council of Europe, organised the “Data Protection and Privacy Rights” course within the HELP Programmes. The “launch event” of the course held on 9 October 2020.

SERBIA/ SERBIE

Commissioner for Information of Public Importance and personal data protection

The Report on Developments in the Field of Data Protection January 2019 - November 2020

I. Legal Framework

The application of the new Law on Personal Data Protection ("Official Gazette of RS", no. 87/2018) began on 22 August 2019. In accordance with the need to complete the internal legal framework, based on his obligations and powers set out in the new Law, the Commissioner for Information of Public Importance and Personal Data Protection enacted seven bylaws that regulate in more detail the area of personal data protection, including: Rulebook on the form and manner of keeping record on Data Protection Officers; Rulebook on the form and manner of keeping internal records on violations of the Law on Personal Data Protection and measures taken in the course of inspection supervision; Rulebook on the form of notification on personal data breach and manner of notifying the Commissioner for Information of Public Importance and Personal Data Protection on personal data breach; Rulebook on the complaint form; Rulebook on the form of identification card of the person authorized to perform inspection supervision under the Law on Personal Data Protection, as well as the Decision on the list of types of personal data processing operations for which an assessment of the impact on the personal data protection must be performed and the opinion of the Commissioner for Information of Public Importance and Personal Data Protection must be sought and the Decision on determining standard contractual clauses.

In addition to bylaws enacted by the Commissioner, one bylaw was adopted and published by the Government of the Republic of Serbia - Decision on the List of Countries, Parts of Their Territories or One or More Sectors of Certain Activities in Those Countries, and International Organizations where it is Considered That an Adequate Level of Protection of Personal Data is Ensured.

II. Statistical overview of the Commissioner's activities related to personal data protection

Supervision over LPDP enforcement	In 2019 the Commissioner completed 701 supervisions, and in the first 10 months of 2020 a total of 176 supervisions.
Inspection powers	Based on Art. 77-79 of the new LPDP, the Commissioner performs inspection supervision over the enforcement of this Law. The Commissioner has compiled and published the following checklists on his website: <ul style="list-style-type: none">• a checklist for controllers being public authorities• a checklist for controllers other than public authorities Since the beginning of the implementation of the new LPDP, the Commissioner has forwarded checklists to 1,554 controllers. In 2019, 1,055 checklists were processed, and in the first 10 months of 2020, 489 checklists.
Acting on petitions	The new LPDP has introduced the institute of petition. In 2019, the Commissioner acted on 60 petitions submitted in accordance with the new LPDP and on 159 complaints submitted in accordance with the old LPDP. In 2019, the Commissioner issued a total of 52 binding and final decisions. In the first 10 months of 2020, the Commissioner decided on nine complaints and 115 petitions.
Data transfer	In 2019, a total of nine requests for data transfer were decided, and in the first 10 months of 2020, three.

Opinions on laws and other regulations and general acts	In 2019, from the point of view of the right he protects, the Commissioner issued 85 opinions on drafts and proposals of laws and other regulations and general acts, and in the first 10 months of 2020, 17 opinions.
Initiatives and motions	In 2019, the Commissioner submitted seven initiatives and motions to the competent state authorities, including to the Government of the Republic of Serbia for signing the Protocol amending the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Convention 108+). The Republic of Serbia ratified the Protocol on 25 May 2020. In the first 10 months of 2020, the Commissioner submitted 5 initiatives to state bodies.

III. Activities of the Commissioner related to the promotion of the right to protection of personal data

Since the beginning of the implementation of the new LPDP, the Commissioner has organized and implemented a large number of trainings in the field of personal data protection. In 2020 trainings have been organized online.

In November 2019, the Commissioner and the Prime Minister held a meeting dedicated to updating and activation of the National Strategy for Personal Data Protection.

In 2019, the Commissioner continued the established practice of student internships aimed at acquiring practical knowledge in the field of personal data protection. Within the cooperation between the Faculty of Law of the University of Belgrade and the Commissioner, two 15-day internships were organized for two groups of third and fourth year students of the Legal Clinic for Environmental Law.

Within his activities related to the promotion of rights, the Commissioner placed special emphasis on the capacity building for concrete and specific tasks in the field of personal data processing and protection. To that end, the Commissioner signed an Agreement with the Faculty of Security Studies of the University of Belgrade on long-term educational, scientific, technical and business cooperation in the field of education of personnel in charge of personal data processing and protection. The subject of this Agreement is the organization and implementation of a short study program entitled "Training of managers for personal data protection", designed to provide vocational training and education required for performing personal data protection tasks. The implementation of the Agreement is in progress.

IV. Cooperation with state bodies, civil society organizations and business associations

In 2019, the Commissioner cooperated with state bodies, civil society organizations and business associations, as well as other institutions, by participating in numerous events, including conferences, round tables, professional gatherings, as well as in meetings directly organized with these entities. In 2020, the Commissioner participated in numerous online events.

V. International and regional cooperation

In 2019 and 2020, the same as in previous years, the Commissioner had successful international and regional cooperation. The Commissioner has maintained cooperation with the representatives of international and transnational organizations in Serbia (OSCE, United Nations Development Program

- UNDP, Delegation of the European Union to the Republic of Serbia, Council of Europe, USAID Responsible Government Project), and has established cooperation also with other entities.

The Commissioner participated in the 41st International Conference of Data Protection and Privacy Commissioners (ICDPPC), held in Tirana (Albania), from 21-24 October 2019, "Tenth International Conference on Personal Data Protection" held in Moscow (Russian Federation) on 7 November 2019, as well as at this year's on line GPA Closed Session 2020- At your desk, held from 13 to 15 October 2020.

VI. Cooperation with the media

In 2019 and 2020, much the same as in previous years, the Commissioner maintained intensive cooperation with the media and journalists' associations.

In 2019, the Commissioner published 61 press releases on his website. Open Data Portal and the official Twitter account of the Commissioner have greatly contributed to open and transparent work and help journalists to get information about the work of the Commissioner in a faster and easier way. In the first 10 months of 2020, the Commissioner issued 44 announcements and news.

VII. COVID-19 pandemic – Commissioner's activities during the state of emergency from 16 March to 8 May 2020

The decision to declare a state of emergency in the Republic of Serbia was made four days after the World Health Organization had *declared the COVID-19 coronavirus outbreak a pandemic*.

Before the pandemic and a state of emergency were declared, on 9 March 2020, the Commissioner issued an announcement on the protection of personal data of persons suffering from the COVID-19 coronavirus.

After the declaration of the state of emergency, which lasted from 16 March until 8 May 2020, there was an evident decrease in the volume of work at the level of the entire service of the Commissioner, both in terms of the number of received and the number of decided cases. Exceptions to this conclusion are two sectors - the Sector for Protection of Rights of Data Subjects and Transfer of Personal Data and the Sector for Harmonization, in which the number of resolved cases during the state of emergency was higher than it was in the same period in 2019 and 2018.

During the state of emergency, the Commissioner issued numerous announcements such as: Commissioner's appeal regarding the processing of data related to the health status of students; Commissioner's communication with all persons interested during the state of emergency; Commissioner's appeal to the citizens of Serbia for combatting the COVID-19 virus; urgency of coronavirus information; welcome to the joint statement by the Chair of the Committee of Convention 108 and the Council of Europe Data Protection Commissioner, setting out their position on the protection of personal data during the COVID-19 pandemic; processing of personal data during the state of emergency.

SLOVAK REPUBLIC / RÉPUBLIQUE SLOVAQUE

We have new national law:

Act no. 18/2018 on Personal Data Protection and Amending and Supplementing Certain Acts

Unofficial translation of above mention act can be found here:

https://dataprotection.gov.sk/uouu/sites/default/files/2019_10_03_act_18_2018_on_personal_data_protection_and_amending_and_supplementing_certain_acts.pdf#overlay-context=sk/content/182018#overlay-context=sk/content/182018%22

The Office for Personal Data Protection of the Slovak Republic has organised The Data Protection Day 2019 in form of conference open for public. The conference tackled important topics, such as data protection in school environment, duties of processors when using CCTV systems etc. We are also included in ongoing debates on Protection of Children in Online Environment, Online Strategic Plans for Slovakia and e-health debate, in which we are in the position of data protection watchdog. Also, we participate in other debates with public bodies and cooperate with them in order to achieve data protection environment in Slovak Republic compatible with high legislative standards. Our employees attend various conferences and seminars, where they give presentations on data protection topics. In the near future, we plan to organise seminars on Data Protection at Schools and Kindergardens. Beside above mentioned activities, we support our employees in self- education, we organise internal seminars in our Office with data protection topics as well as soft skills mostly used in their professional life. Currently, work on project, which should improve our Office (better services such as webpage, more financial and persnal resources...).

SLOVENIA / SLOVENIE

MAJOR DEVELOPMENTS IN THE DATA PROTECTION FIELD (2020)

Report by the Information Commissioner of the Republic of Slovenia

The Information Commissioner of the Republic of Slovenia (hereinafter "IC") is the inspection and offence authority in the area of data protection as provided by the Personal Data Protection Act of Slovenia and the Information Commissioner Act.

The work of the IC in the field of personal data protection in 2019 and 2020 was largely marked by the GDPR, which expanded the scope of tasks and competencies of the IC in accordance with the Personal Data Protection Act. The scope of activities of both personal data controllers and the IC has increased. The biggest challenges in 2019 and 2020 in this area were related to the fact that Slovenia has still not transposed the Law Enforcement Directive to its legislation and has not adopted rules for the implementation of the GDPR. However, drafts of new Personal Data Protection Act and the Law on the protection of personal data in the field of criminal proceedings have been prepared. The latter is currently pending in the National Parliament. The draft of the new Personal Data Protection Act has been published on August 14th 2019 by the competent Ministry and submitted for expert consultation. It is envisaged that the Law on the protection of personal data in the field of criminal proceedings will be adopted shortly, while the timing of the adoption of the new Personal Data Protection Act is very difficult to envisage at the time.

In 2019, the IC initiated 1.183 inspection cases (337 in the public and 846 in the private sector) and 139 offence proceedings on suspicion of violating the provisions of Personal Data Protection Act. However, the IC issued only 65 fines and 10 admonitions because of the absence of procedural rules for imposing administrative fines under the GDPR in the Slovenian legal order. Both, complaints and offences mainly concerned unlawful processing of personal data, unlawful video surveillance, unlawful direct marketing and unlawful access to personal data files.

In 2019, the IC received 181 complaints from individuals regarding violations of the right of access. It is alarming that it received 71% than in 2018. It can be concluded that many data controllers do not fulfill their obligations and do not allow individuals to exercise the rights guaranteed to them by various regulations.

In addition, in 2019 the IC also received and dealt with nine self-reports regarding the unauthorized processing of personal data of patients and 137 notifications of personal data breaches under Article 33 of the GDPR. These reports concerned in particular: the loss or theft of personal data medium, an attack on an information system or an attack with malicious code and the transfer of personal data to unauthorized or incorrect persons. Reports and breaches of the GDPR often occurred because the controllers did not provide the individual with appropriate or complete information. These infringements are still among the most frequently identified infringements.

In 2019, the IC received six applications for authorization to introduce biometric measures and 24 applications for authorization to link personal data files. As part of the pre-consultation process, the IC issued opinions on impact assessments in seven cases. In 2019, the IC also issued 73 opinions on proposed amendments to laws and on proposals for new laws and other regulations.

The IC also continued to strengthen its activities in the field of compliance and prevention, advising 3.284 individuals and legal entities, which approached with questions in the field of personal data protection, through opinions and telephone on-call services. 1.261 written opinions were issued and 2.023 consultation calls made. The IC publishes all opinions on its website.

In 2019, the IC successfully continued the implementation of the RAPiD.Si project, the main purpose of which is to educate and raise awareness of small and medium-sized enterprises and individuals on the reform of the legislative framework in the field of personal data protection. In 2020, the IC launched a new

project iDECIDE, aimed at raising awareness of the reform of the personal data protection framework, especially among minors and the elderly and working population.

The IC also actively participated in cross-border cases on a "one-stop-shop" basis according to the GDPR. In 2019, the IC carried out 148 cooperation procedures under Articles 60 and 61 of the GDPR in respect of controllers carrying out cross-border processing of personal data, and in 77 procedures identified itself as the supervisory authority concerned.

Also in 2019, the IC was very active in the field of education and awareness, namely through its website (www.ip-rs.si) and through various materials, it organized various events and free lectures, it was present on social networks, it has also collaborated with other organizations and in various projects. In 2019, the IC issued several different materials. In addition to opinions, the guidelines are among the most important. In 2019, the IC conducted 102 free lectures for various chambers, associations and other publics on various activities in the public and private sectors.

In the context of the European Data Protection Day 2019 the IC hosted a round table. Together with interesting guests, the IC presented the experiences of individuals and companies with the GDPR, highlighted good and bad practices in ensuring that the individual is properly informed, and checked whether the GDPR in practice means adequate protection of the individual. At the event, as per tradition, the annual awards for Privacy Ambassador and ISO/IEC 27001 (information security standard) were presented to selected data controllers.

On the occasion of the anniversary of the application of the GDPR, the IC organized a press conference on 24 May 2019, at which it presented to the media and the general public a cross-section of his work and the situation in the field of personal data protection, explaining how companies and institutions implemented the GDPR.

The IC also participated in a number of international events and bodies such as: European Data Protection Board and its expert subgroups, Schengen Information System II Supervision Coordination Group, Europol Cooperation Board, Visa Information System Supervision Coordination Group and Customs Supervision Coordination Group, EURODAC Supervision Coordination Group, International Working Group on Data Protection in Telecommunications (IWGDPT), Council of Europe's Consultative Committee under the Convention 108 (T-PD).

Furthermore, the IC attended the third meeting of the »Initiative 2017« in Budva in May of 2019. At this meeting, the chairs of the supervisory authorities for the protection of personal data from Croatia, Serbia, Bosnia and Herzegovina, Montenegro, Kosovo, Macedonia and Slovenia discussed the challenges that arise at the national level regarding the implementation of the new European standards for the protection of personal data.

The experience of year 2019 shows that the direct application of GDPR provisions presents a major challenge, which will require considerable attention also in the coming years. In particular, given that Slovenia has not yet transposed the Law Enforcement Directive to its legislation and has not adopted rules for the implementation of the GDPR. In practice this means a number of legal uncertainties for companies and other organizations, for the exercise of individual rights as well as for exercising supervision and imposing administrative fines under the GDPR.

SPAIN / ESPAGNE

Major developments in the data protection field

1. Spanish Data Protection Agency's Help line

368.428 Questions have been made by citizens; 723 made by minors, 1558 on EU GDPR related matters. By kind of processing activities, 211.012 were on general matters and the rest of the questions related to labour, minors and education, personal solvency, and CCTV.

2. Events and awareness raising

Given the current sanitary crisis events were celebrated on-line. The following events took place:

- On-line encounters with DPOs from national and regional education authorities to address doubts relating to the modalities of on-line education during the sanitary crisis.
- On-line encounters with the health sector both public and private, national, and regional including the health insurance sector and the Pharma sector.

Website: 3.635.984 visitors.

Transparence e-Portal 68.965

Annual session: 20th of September 2020

Annual Seminar (International Menéndez Pelayo University)

COVID-19 information event: 2nd to 4th de September de 2020.

[Information campaign 'all that lies behind – Priority Channel – 28th January \(event celebrated at the Spanish Senate\).](#)

The campaign is intended to foster the use of the AEPD Priority Channel to limit the broadcasting of sexual or violent content published without legal consent relating to bullying, gender violence, minors etc.

Participants: Mediaset, RTVE, ATRESMEDIA, Mutua Madrileña, ANAR Foundation, Municipal Transport Public Company, Más móvil, Clear Channel o GOOGLE. @Desdelamoncloa (Presidency of the Government of Spain), @GDTGuardiaCivil, @minecogob, @educaciongob, @educalNTEF @InjuveSpain o @060gobes.

(Several Spanish National Ministries)

AEPD Awards 2020, convened in June. Deadline for nominations: November 15, 2020.

The following initiatives have been awarded:

Personal Data Protection Communication Award

Recognized journalistic works that contribute to the promotion and dissemination of the principles of the right to the protection of personal data or contribute to raising awareness of those who handle personal information. Work will be prioritized that have helped disseminate the actions contained in the LAA Sustainability Plan, its guides, materials, and tools.

Good Educational Practices in Privacy and Protection of Personal Data for Safe Internet Use by Minors

Adoption of good practices that promote and disseminate the right to the protection of personal data among students of Primary Education, Compulsory Secondary Education, Baccalaureate and Vocational Training; and contribute to raising awareness. Priority has been given to good educational practices that schools have carried out to overcome the difficulties that the suspension of on ground teaching caused by COVID has produced.

Emilio Aced Personal Data Protection Research Award

Data protection work and projects carried out in the context of scientific-technical research. Of greater interest are those activities related to the application of proactive responsibility established in the GDPR and the management of risks to rights and freedoms in solutions related to disruptive technologies, solutions for the fight against the COVID-19 pandemic, those dealing with special categories of data, high risk data processing activities or those affecting a significant part of society or more exposed groups such as situations of gender-based violence or other harassment situations.

Proactivity and good practices in compliance with the General Data Protection Regulation and the Organic Law on the Protection of Personal Data and guarantee of digital rights.

Proactivity and good actions for GDPR and LOPDGDD compliance by private sector companies, associations and foundations and public sector bodies and entities, which contribute to strengthening guarantees of the fundamental right to the protection of personal data.

Entrepreneurship Award in Personal Data Protection "Angela Ruiz Robles"

Development of a business activity, product or services that have as its main characteristics the original, creative, innovative, and social impact in relation to the protection of data and the guarantee of the rights and freedoms. Of greater interest are those activities related to the application of proactive responsibility established in the GDPR and the management of risks to rights and freedoms in solutions related to disruptive technologies, dealing with special categories of data, high risk processing activities or processing activities affecting a significant part of society or groups which are more exposed to situations of gender-based violence or other situations of harassment.

Good practices in relation to public and private initiatives aimed at greater online protection of the privacy of women victims of gender-based violence

Development of an activity, product or services that, from the public or private sphere, has as its characteristics the originality, creativity, innovation and social impact in relation to the protection of data and the guarantee of the rights and freedoms of people. Activities, products, or services aimed at raising awareness and prevention of different forms of gender-based violence in the internet environment are considered of greater interest. As an example of good practices, the apps, guides, tools, or materials developed by public or private entities to prevent gender-based violence on the Internet, both in the field of minors and adults, will be particularly valued.

3. Tools

INTEF (Spanish National Institute for Educational Technologies and Teachers' Training), INCIBE (Spanish National Institute for Cybersecurity) and AEPD worked together to publicize guidelines, tools, and strategies to avoid risks of inappropriate use or not very secure in the network, to guide and accompany minors in the digital environment and safeguard your privacy and personal well-being.

Aimed at the educational community, especially parents, families and teachers, tutors and management teams of educational centers, who are responsible for the work of accompanying children and adolescents in the progressive acquisition of digital skills that allow them to make a safe use and navigation in digital environments.

7,211 students 2,847 teachers and 4,214 other citizens. 1,219. Information can be found:

<https://www.pinterest.es/aprendeintef/menorseguroenred/>

<https://aprende.intef.es/aprendiario/nano-experiencias/menores-y-seguridad-en-la-red-trabajos->

[YouTube \(a 27 de junio\)](#)

- 3.119 subscribers.
- 21 % de increase in the number of subscribers.
- 80,426 visits.
- +3.450 hours of streaming
- 1.992 shared videos

4. Legal service

- General inquiries: 53 (as of July 1)
- Mandatory reports: 15 (as of July 1)
- National Court Sentences: 41 Featured Reports (excluding COVID 19):
 - 0049/2020: consultation raises the possible transfer to the CIS, by the National Commission of Markets and Competition (CNMC) of the lists of telephone number by province for the exclusive purpose of conducting the Basque pre-electoral surveys and Galician.
 - 0036/2020: request for a report on the use of facial recognition techniques in conducting online assessment tests.
 - 0035/2020: Request for a National Centre for Sociological Research's report on mobility monitoring through mobile phones.
 - 0029/2020: Draft Organic Law on the protection of personal data processed for the purposes of prevention, detection, investigation or prosecution of criminal offenses and the execution of criminal sanctions, as well as protection and prevention against threats to public safety.
 - 0019/2020: RD project. of modification of the regulation of plans and pension funds.

4. International Division

Since March 1, 2020, due to COVID-19, the plenary meetings of the CEPD and subgroups were held by videoconference. Increase in meetings of the Supervisory Authorities of the European Economic Area, together with the European Data Protection Supervisor and the European Commission:

- Plenary sessions of the European Data Protection Committee: 16 Meetings of the Expert Subgroups of the European Data Protection Committee:

- COVID-19 working group: 2 meetings.
- Meeting of Subgroup Coordinators: 1 meeting.
- Strategic advisory subgroup: 1 meeting.
- Compliance supervision (Enforcement): 5 meetings.
- Fines: 3 meetings.
- Financial matters: 4 meetings.
- Users of CEPD information systems (IT Users): 1 meeting.
- Cooperation: 7 meetings.
 - Borders, Travelers, and Legislative Enforcement (BTLE): 4 meetings.
 - International transfers: 9 meetings.
 - Key Provisions: 11 meetings.
 - Digital Social Media (Social Media): 4 meetings.
 - Technology: 5 meetings.
 - Compliance, e-Government and Health (Compliance, E-government & Health): 16 meetings.
- Common Authorities of the Large EU Information Systems:
 - CIS Coordinated Oversight Group: 1 meeting.
 - SIS II Coordinated Supervision Group: 1 meeting.
 - VIS + EURODAC Coordinated Supervision Group: 1 meeting.
- Other meetings:
 - International Forum for the Protection of Personal Data: Privacy within the Persecution of Crime and Accountability. From January 27 to 30.

5. Covid19 pandemic relating activities

Reports issued in relation to Covid-2019:

March 12, 2020 Report 0017/2020 in relation to the processing activities resulting from the current situation derived from the spread of the covid-19 virus (at the request of the director).

March 18, 2020 Report 0020/2020 on data processing by Covid-19 (at the request of the Ministry of Health).

March 20, 2020 Report 0021/2020 draft order entrusting the Secretary of State for Digitalization and Artificial Intelligence of the Ministry of Economic Affairs and Digital Transformation with the urgent development and operation of an covid-19 tracking app (at the request of the Secretary of State for Digitalization and Artificial Intelligence).

April 2, 2020 Report 0028/2020: report of the General Secretary for Digital Administration and Telefónica Digital Spain agreement for the operation of the assistancecovid-19 app, as well as the privacy policy texts and conditions of use (at the request of the Secretary of State for digitization and intelligence artificial).

April 6, 2020 Report 0030/2020 report of the general secretary agreement for digital administration and the regional autonomous communities on the transfer of use of the assistancecovid19 app (at the request of the secretary of state for digitization and artificial intelligence).

April 7, 2020 Report 0032/2020 report new text of the agreement of the secretary general for digital administration and the autonomous communities on adhering to the use of the assistancCOVID19 app (at the request of the secretary of state for digitization and artificial intelligence). May 8, 2020 Report 0042/2020 queries about the Spanish system of laboratory results for sars-cov2 diagnostic tests (at the request of the general technical secretariat of the Ministry of Health).

May 9, 2020 Report 0043/2020 draft order... of... May 2020 on epidemiological surveillance measures for sars-cov2 infection during the transition phase towards the “new normality” (at the request of the Undersecretariat of the Ministry of Health).

6. Technological Innovation Unit. UEET

The UEET has been published:

Recommendations to protect personal data in situations of mobility and telework (15,500 downloads).

Note on the use of technologies in the fight against COVID19 (12,400 downloads).

Guide to “Protection of minors on the Internet” (4,000 downloads). Recommendations for the deployment of mobile applications to control access to public spaces (850 downloads since June 22).

Other published material has been:

Post in the blog of the AEPD on Notification of security breaches of personal data during the alarm state (6,500 downloads).

Post on the AEPD blog on Personal Data Processing in Emergency Situations (5,990 downloads).

Post in the AEPD blog on Phishing campaigns on COVID-19.

Infographic: Protection of minors on the Internet. Through the participation of the Technologies subgroup of the European Data Protection Committee (EDPS), we have worked on the preparation of the documents: 04/2020 Guidelines on the use of location data and contact tracing tools in the context of the COVID-19 pandemic. Taken on April 21, 2020.

Statement on the data protection impact of the interoperability of contact tracing apps. Adopted on 16 June 2020

7. Corporate Social Responsibility

2019-2023 AEPD Framework for Corporate Social Responsibility Actions: 103.

Actions developed in 2019

- Total or partially actions accomplished in 2019

Total level of compliance in 2019: 51 %.

Axis 1 (Society)

34 Completed actions out of 72 (47 %)

Axis 2 (Good governance)

4 Completed actions out of 7 (57 %)

Axis 3 (Employees)

8 Completed actions out of 14 (57 %)

Axis 4 (Environment)

5 Completed actions out of 10 (60 %).

Prioritary actions:

- **Gender:** combating “digital violence”.
- **Technological Innovation:** privacy as a positive factor for the development of digital economy and new business models.
- Promoting compliance in the public sector: strenghtening the principles and values of ethics, integrity, transparency, and accountability.
- Fostering actions in favour of conciliation (teleworking).

Improving environmental protection: **a free of emissions DPA.**

8. **Deputy Direction General**

Tools

Facilita_RGPD. A tool designed to facilitate business adequacy to the al GDPR. Operativa desde sept. 2017.

- Accesss to Facilita_RGPD: 66.093.
- Questionnaires sent to Facilita RGPD: 15.291.

Facilita-Emprende: a tool designed to help entrepreneurs and start-ups whose processing activities are characterized by a strong innovation character in the use of new technologies.

Started operation in 9th 2020.

- Access to Facilita_Emprende: 1.970.
- Finalized questionnaire Facilita Emprende: 174.

Gestiona EIPD. Help line for risk analysis and data Protection impact assessments. Privacy impact assessments (EIPD):1573 finished. Risk analysis; 1620 finished.

Virtual encounters:

With DPD of the Ministry of Education of CC. AAs. and with representatives of the employers' associations in the education sector to resolve doubts about online teaching, in particular the performance of evaluation tests. May 14.

With the DPDs of the health sector of the CC. AA. and from the private sector, the Spanish Private Health Alliance, which includes the health centres of large medical insurers, and Farmaindustria to address doubts raised by the treatment of health data and the coronavirus.

May 29. Protocols and agreements: Protocol with the ANAR Foundation signed on February 21, 2020. Protocol with the Mutua Madrileña Foundation signed on February 21, 2020. Protocol with the Spanish Union of Insurance and Reinsurance Entities (UNESPA) signed on January 22, 2020. Protocol with the Spanish Association of Foundations. Protocol with the Andalusian Institute for Women (pending).

Codes of conduct: The accreditation criteria for the supervisory bodies of the codes of conduct adopted by the AEPD were made public in accordance with the provisions of article 41.3 of the RGPD. The promoters were informed of the registered type codes, requesting adaptation. February 27.

Minors and Education. NOOC “Menores y seguridad en la red” ". #MenorSeguroEnRed

Collaboration between INTEF, INCIBE and AEPD to publicize guidelines, tools, and strategies to avoid risks of misuse and unsafe social networks' access by the underage and to guide and accompany minors in the safeguard of their privacy and personal well-being.

Aimed at the educational community, especially parents, families and teachers, tutors and management teams of schools, who are responsible for the work of accompanying children and adolescents in the progressive acquisition of digital skills that allow them to make safe use and navigation in digital environments.

7,211 students (2,847 teachers and 4,214 who did not declare to be). 1,219 (16,91 %) participants exceeded the plan of activities. 1,177 challenges or final work were presented and shared. Selected accessible in:

- <https://www.pinterest.es/aprendeintef/menorseguorenred/>
- <https://aprende.intef.es/aprendiario/nano-experiencias/menores-y-seguridad-en-la-red-trabajos-destacados>

January 10th. Publication of version 1.4 of the Data Protection Officers' Certification Scheme (AEPD-DPD SCHEMA).

It introduced improvements, including the incorporation of an ethical code applicable to certification and training authorities that expresses the values and principles that, based on applicable regulations and the requirements of the Scheme, should preside over and guide their behaviour.

The number of persons who have obtained data protection delegate certification under the Scheme is 470.

During the COVID-19 state of alarm certification authorities suspended the holding of evaluation tests for DPOs candidates.

9. Publications

The Strategic Plan 2020-2024 is an initiative that will allow the Agency to confront decisively, in said period, the challenges in terms of privacy and data protection; reinforce the identity and internal cohesion of the institution and its external image; to make the Agency known from a global and inclusive perspective all the actions that have been tried to start; enable the updating of internal management procedures and systems through Electronic Administration and, as an essential factor, enable the greatest possible participation of citizens, managers and privacy professionals. An important public commitment has thus been established on the part of our institution, which has marked in this document its priority lines of work, establishing the bases on which the Agency's actions is intended to be established in these next four years.

SWEDEN / SUÈDE

Swedish contribution to the annual report 2019-2020 on major developments in the data protection field

Data Protection Authority

Educational activities

The Swedish Data Protection Authority has continued its work with providing guidance on the rules of the General Data Protection Regulation in different ways. Since March 2020, the activity has had to adjust to recommendations related to the Covid -19 pandemic and, as an example, the second annual conference on application of the GDPR was replaced with a digital event in May 2020. Similarly, training events and a conference for Data Protection Officers were held in digital format.

Publications and reports

The Swedish DPA has published several reports; on data breaches and cyber attacks, childrens' rights on social media platforms and individuals' complaints on data protection issues. In May 2019, a report was published where the DPA evaluated the state of play so far regarding implementation of the GDPR and knowledge about data protection issues in Sweden – *Nationell integritetsrapport 2019*. The general annual report on the Swedish DPA's activity for 2019 was also adopted and published in January 2020.

Guidance on more specific issues was also published such as guidelines on data protection in work life, guidelines on processor agreements and general, continuous guidance on the effects of the CJEU decision in the Schrems II-case.

The DPA has also taken active part in several of the drafting teams within the EDPB to produce guidelines, such as the guidelines on concepts of controller/processor, on facial recognition in law enforcement, the data subjects' right of access and on data protection in scientific research.

Other actions

In August 2019, the Swedish DPA issued its first decision involving administrative sanctions. This was addressed to a public school using face recognition technology for administration of the students' attendance. Since then other decisions on administrative sanctions have been issued, including a decision regarding Google and the right to remove information in search results and a decision regarding a public authority who provides administrative services for other public authorities, *Statens Service center*, and their failure to notify a data breach in time.

Name change

As of January 1st, 2021, the Swedish DPA will change its name. The Swedish name will be *Integritetsskyddsmyndigheten*, in English *the Swedish Authority for Privacy Protection*.

SWITZERLAND / SUISSE

Développements majeurs survenus dans le domaine de la protection des données

Information sur les développements majeurs survenus dans le domaine de la protection des données en Suisse

Signature de la Convention 108+

La Suisse a signé le Protocole d'amendement à la Convention 108 du Conseil de l'Europe pour la protection des données à caractère personnel (Convention 108+) le 21 novembre 2019. Suite à la signature, l'Assemblée fédérale a approuvé l'arrêté fédéral portant approbation du protocole le 19 juin 2020. (Feuille fédérale [FF] 2020 5559 : <https://www.admin.ch/opc/fr/federal-gazette/2020/5559.pdf>; pour les travaux préparatoires, cf dossier 19.068: <https://www.parlament.ch/fr/ratsbetrieb/suche-curia-vista/geschaeft?AffairId=20190068>). La ratification sera coordonnée avec l'entrée en vigueur de la nouvelle LPD (cf. ci-après) afin qu'elle puisse intervenir avant 2023.

Adoption de la révision totale de la loi fédérale sur la protection des données

Le Parlement fédéral a adopté le 25 septembre 2020 la nouvelle loi sur la protection des données (LPD). Le délai référendaire court jusqu'au 14 janvier 2021. Cela nonobstant, les travaux en vue de son entrée en vigueur ont été entamés. La nouvelle LPD renforcera la protection de la sphère privée et l'autodétermination informationnelle et l'adaptera à la réalité numérique. Ainsi, une disposition réglera explicitement la Protection des données dès la conception (privacy by design) et par défaut (privacy by default). La nouvelle LPD prévoit entre autre le devoir d'informer en cas de décision individuelle automatisée ainsi que l'analyse d'impact relative à la protection des données personnelles et l'annonce des violations de la sécurité des données. Le Préposé fédéral à la protection des données et à la transparence (PFPDT) pourra également rendre des décisions contraignantes (cf. le projet de loi publié dans la Feuille fédérale, FF 2020 7397 : <https://www.admin.ch/opc/fr/federal-gazette/2020/7397.pdf>).

Décision d'adéquation de la législation suisse toujours attendue

La Suisse fait partie des pays dont la Commission européenne est en train de réexaminer ses décisions d'adéquation en vertu de l'art. 97 du règlement (UE) 2016/679. La procédure a subi des retards en raison de la pandémie 2019.

Système de traçage de proximité

L'assemblée fédérale, à la suite d'une intervention du PFPDT, a adopté en date 19 juin 2020 une modification urgente de la loi sur les épidémies face à la crise de COVID-19 (Système de traçage de proximité) (cf. Recueil officiel [RO] 2020 2191 : <https://www.admin.ch/opc/fr/official-compilation/2020/2191.pdf> ; et le site de l'Assemblée fédérale dossier 20.040 : <https://www.parlament.ch/fr/ratsbetrieb/suche-curia-vista/geschaeft?AffairId=20200040>). La disposition ainsi adoptée respecte entre autre le principe fondamental la protection des données dès la conception (privacy by design).

Prise de position suite à l'arrêt Schrems II

La CH étant ni membre de l'Union Européenne, ni de l'Espace économique européen, le PFPDT a néanmoins accordé toute attention à l'arrêt Schrems II de la CJUE du 16 juillet 2020. Après une analyse circonstanciée dudit arrêt il a constaté que le manque de transparence et, partant, l'absence de garanties en cas d'ingérence des autorités américaines dans la sphère privée et le droit à l'autodétermination informationnelle des personnes en Suisse est incompatible avec plusieurs dispositions de la LPD. Du fait de l'absence de mécanisme garantissant aux personnes concernées en Suisse une protection comparable à celle prévue par le droit suisse, le PFPDT a considéré que les États-Unis ne répondent pas aux exigences d'une protection des données adéquate au sens de l'art. 6, al. 1 LPD, même lorsque les entreprises américaines qui traitent les données sont certifiées sous le régime du bouclier de protection des données (Privacy Shield) Suisse - États-Unis (cf. la prise de position du Préposé fédéral à la protection des données et à la transparence du 8 septembre 2020 :

https://www.edoeb.admin.ch/dam/edoeb/de/dokumente/2020/Positionspapier_PS_%20ED%C3%96B_FR.pdf.download.pdf/Positionspapier_PS_%20ED%C3%96B_FR.pdf)

TURKEY / TURQUIE

INFORMATION NOTE ON THE ACTIVITIES IN PERSONAL DATA PROTECTION FIELD

Data Protection Authority

Personal Data Protection Authority of the Republic of Turkey has been established as an independent regulatory authority which is a public legal entity and has administrative and financial autonomy in order to fulfill the duties assigned by the Personal Data Protection Law No.6698. The Authority is composed of two main bodies: the Personal Data Protection Board (the Board) and the Presidency. The decision-making body of the Authority is the Board.

Personal Data Protection Authority's mission is to ensure the protection of personal data and develop awareness in this respect in the public eye in line with the fundamental rights related with privacy and freedom stated in the Constitution as well as to establish an environment to enhance the capability of competition of the public and private organizations in the data-driven world. Its vision is to be a globally recognized competent authority which is influential in the protection of personal data and raising the public awareness in this regard. In order to reach its corporate objectives, Authority increase its capacity, in particular qualified human resources capacity, since its foundation.

Legal Framework

Turkey was one of the first countries that signed the ETS 108. This Convention was transposed to domestic law by being published in the Official Gazette dated 17 March 2016 and numbered 29656. In addition, Turkey signed ETS 181 on 8 November 2001. The Additional Protocol was transposed to domestic law by being published in the Official Gazette No. 29703 on May 5, 2016.

The Personal Data Protection Law No. 6698 entered into force by being published in the Official Gazette numbered 29677 and dated 7 April 2016. In 2018 and 2019, various secondary legislation including By-law on Data Controllers Registry, By-law on Erasure, Destruction or Anonymization of Personal Data, Communique on Principles and Procedures to be Followed in Fulfillment of Obligation to Inform, Communique on Principles and Procedures for the Request to Data Controller are published.

Board takes Decisions and Resolutions as a result of examination of complaints, notices and personal data breach notifications. Recently, as a result of the evaluation of the complaints which were submitted to the Authority about the searches made by the name and surnames of the data subjects through search engines and which are requested to be evaluated within the scope of the "right to be forgotten" the Personal Data Protection Board concluded the decision dated 23 June 2020 and numbered 2020/481. With this decision, the search engines are defined as data controllers and the activity of the search engines as "data processing" according to the Law No.6698. Moreover it is declared that the data subjects should first request to the search engines regarding their demand to remove the search results from the index. If the request is declined, the response is found unsatisfactory or the response is not given in due time, the data subject may lodge a complaint with the Board within thirty days as of he or she learns about the response of the data controller, or within sixty days as of the request date, in any case. The criteria determined by the Board take into account when assessing requests to delist the results displayed following a search made based on person's name and surname from a search engine's index.

Besides, working groups are set up in order to provide legislative alignment between the Personal Data Protection Law No. 6698 and General Data Protection Regulation (GDPR) and those working groups continue their work.

Complaints, Personal Data Breach Notifications and Administrative Fines

There has been a rapid increase in complaints and notices made to the Authority over the years. The number of complaints and notices Authority received is 59 in 2017, 310 in 2018, 1120 in 2019, and 1456 as of September 2020. 1657 of these complaints and notices were concluded. In addition, 2295 of the 2310 complaints received by our citizens living abroad were concluded. Also, online complaint module for data subjects put into service on Authority's website by January 9, 2020.

The number of personal data breach notifications reported to the Authority is 1 in 2017, 28 in 2018 and 139 in 2019. 74 of these notifications were concluded. In order to prevent possible adverse outcomes for the data subjects, 41 of them was published on the Authority's website in accordance with Board Decision.

As of September, the Board has decided to impose an administrative fine of 30,820,828 TL on data controllers due to unlawful practices. About 16 million TL of these figures are fines imposed this year and 13 million TL in 2019.

Transfer of Personal Data Abroad

In Article 9 titled as "Transfer of Personal Data Abroad" of the Personal Data Protection Law No. 6698, the principles and procedures related to transferring personal data abroad are regulated. In this respect, according to Article 9(1) personal data shall not be transferred abroad without explicit consent of the data subject. However, in case of the existence of one of the conditions set forth in Article 5(2) and Article 6(3) with regard to special categories of personal data, the personal data may be transferred abroad without explicit consent of the data subject; either adequate protection is provided in the foreign country where the data is to be transferred, or where adequate protection is not provided, the data controllers in Turkey and in the relevant foreign country (where the data is to be transferred) committed an adequate protection in writing (which is called as "*Commitment*") and the Board has authorized such commitment. Also, in Article 9(3), it is regulated that the countries where adequate level of protection is provided will be determined and announced by the Board.

In this respect, the Authority has published two commitment documents named as "***Transfer from Data Controller to Data Controller***" and "***Transfer from Data Controller to Data Processor***" and Board Decision numbered 2019/125 dated 2 May 2019 on The Criteria to be Taken as a Basis for Determining the Countries Having Adequate Protection on the official web site (<https://www.kvkk.gov.tr/en/>)

In addition, the Commitment method is not practical enough for data transfers between multinational corporate communities. For this reason, "Binding Corporate Rules" were determined by the Board to be used in international data transfers between these companies. It is also published on the website on April 10, 2020. (<https://www.kvkk.gov.tr/Icerik/6730/PUBLIC-ANNOUNCEMENT-ON-BINDING-CORPORATE-RULES>)

International Activities

Authority has actively participated to the meetings (face to face or online), exchange information and make contribution to various document on personal data protection organized by international organizations as OECD, G20, GPA, EU. Also, the Authority has been granted membership of European Conference of Data Protection Authorities since May 2019, besides the membership of GPEN and GPA.

Awareness raising and training activities

Authority organized, co-organized or participated to approximately 300 various awareness raising and training activity including seminars, meetings, workshops, training sessions, conferences, etc. in order

to raise awareness and knowledge level of public and private sector about personal data protection in the country during 2019-2020 period.

Publication Activities

Guidelines such as Practical Guide on The Personal Data Protection Law, Guideline on Preparing Personal Data Processing Inventory, Guideline on Personal Data Security, Guideline on Fulfillment of Informing Obligation, Guideline on Erasure, Destruction or Anonymization of Personal Data, Guideline on Data Controllers Registry Information System was prepared and published on the website. Recently - April 2020 - the guide named as "Protection of Personal Data of Children" has been published to inform children and their families about the protection of children's personal data due to the over use of the internet and social media for many needs of children such as education, socialization, entertainment, communication.

Turkish Journal of Privacy and Data Protection - a peer-reviewed, scientific/academic journal where the research and review articles on personal data protection - is published twice a year since June 2019.

A public service announcement on personal data protection and various animation videos on the issues such as personal data security, malicious softwares, social media accounts, shopping websites were published on the official web site.

Activities Regarding COVID-19 pandemic process

The world is under the influence of the pandemic. In order to control the COVID-19 outbreak, a number of personal data processing activities may be required. In Turkey, announcements were published on the Authority's official website regarding personal data processed during the epidemic period. The announcements are titled as follows:

- Explanation regarding the durations for the data controllers responsible for the complaints to be taken into consideration by the Authority due to the pandemic
- Notices and data breach notifications received by the Authority ,
- Distance Learning Platforms,
- Regarding Processing Of Location Data And Tracking Mobility Of Individuals To Combat Covid-19.

In addition, Authority participated to the meetings and exchange information about the protection of personal data and privacy by COVID-19 process.

UNITED KINGDOM – OVERSEAS TERRITORIES / ROYAUME-UNI – TERRITOIRES D’OUTRE-MER GIBRALTAR

Gibraltar Regulatory Authority

The Data Protection Act 2004 (the “DPA”) designates the Gibraltar Regulatory Authority (“GRA”), as Data Protection Commissioner (the “Commissioner”), to be the supervisory authority in Gibraltar. The general functions conferred on the Commissioner in relation to the tasks and powers of the supervisory authority are assigned under Part V and VI of the DPA.

The DPA alongside the EU General Data Protection Regulation 2016/679 (the “GDPR”), provide a comprehensive and modern framework for data protection in Gibraltar. The legislation includes a set of principles that organisations including public bodies and businesses have to adhere to, as well as a series of rights for citizens over their information.

The following summarises key developments in Gibraltar’s data protection arrangements from June 2019 to October 2020.

Transition and Brexit preparations

At the end of the Brexit transition period i.e. 31st December 2020, the European Union’s GDPR will no longer apply in Gibraltar. However, there will not be any substantive changes to data protection law in Gibraltar as Her Majesty’s Government of Gibraltar (“HMGOG”) is committed to continue to ensure that Gibraltar applies the highest standards of data protection. In particular, the GDPR will be “transposed” into local law to create the “Gibraltar GDPR”.

International

- (a) C108 (November 2019): The Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data⁷ (“Convention 108”) was extended to Gibraltar on 1st November 2019. The GRA participated in the Council of Europe’s Convention 108 39th Plenary Meeting, held in Strasbourg in November 2019.
- (b) GPA – International Enforcement Cooperation Working Group: The GRA became a permanent member of the Global Privacy Assembly’s Working Group on International Enforcement Cooperation.

Regulatory matters:

- (a) Guidance notes: The GRA released or updated ten Guidance Notes: CCTV, Subject Access Requests, Data Protection Impact Assessments, Blockchain, Privacy Notices, Data Security, COVID19, Temperature screening (COVID19), Exemptions and Regulatory Action.
- (b) Awareness: In addition to arrangements previously in place (i.e. campaign in schools to include a [survey amongst students and presentations](#), [social media campaign](#), and annual data protection day in town), the GRA conducted an [online survey aimed at the general public](#) with the survey results published on Data Protection Day. The GRA has also enriched its social media and general outreach activities with the creation and use of short video clips ([example](#)).
- (c) Enforcement: During the period reported on the GRA issued four enforcement notices, one information notice, seven reprimands and one penalty notice.

⁷ European Treaty Services No 108

URUGUAY

L'Uruguay a mis en place l'application des modifications introduites dans la législation nationale en ce qui concerne la désignation d'un DPO, les évaluations d'impact pour la protection des données personnelles, et les obligations établies dans les articles 37 à 40, N° 19.670.

Le 21 février 2020, l'Exécutif a édicté le Décret N° 64/020, qui régleme les nouvelles obligations établies par Loi 19.670, éclairant les aspects liés à l'extraterritorialité, les conditions de communication des atteintes à la sécurité et des mesures de responsabilité proactive, entre autres.

L'URCDP a résolu sur les exigences nécessaires pour être désigné délégué à la protection des données personnelles, Resolution N°32/2020 du 19 mai 2020. Également, comme résolution complémentaire, il a décidé sur la désignation d'un délégué personne juridique, Resolution N° 44/2020 du 21 juillet 2020 et les conditions que ces personnes doivent avoir pour être désigner DPO.

Ainsi l'URCDP a établi que chaque responsable qui fait un traitement de données biométriques, doit effectuer une analyse d'impact à la protection des données personnelles, dans les conditions et délais prévus à l'article 7 du décret N° 64/020. Ceci est sans préjudice des mesures à prendre conformément aux dispositions de l'article 5 du décret précité (Resolution N° 30/2020 du 12 mai 2020).

D'une autre part, la moderne législation uruguayenne s'adapte à la nouvelle situation mondiale d'urgence sanitaire. D'accord à cette situation, l'URCDP a émis l'opinion N° 2 du 20 mars 2020 qui a été la première sur cet objet, et a résolu sur l'application des règles de protection des données à caractère personnel et leur harmonisation avec d'autres droits, devoirs et garanties, lorsque des données de santé sont traitées en cas d'urgence nationale.

D'autre part, l'URCDP a résolu sur les lignes directrices pour l'utilisation des systèmes de recherche des contacts via les applications mobiles (Contact-tracing), Resolution N° 35/2020 du 9 juin 2020.

Pour que l'information atteigne la population générale, toutes les résolutions sont publiées sur la page web de l'URCDP : www.gub.uy/urcdp