

Centre for Information Policy Leadership (CIPL) - GDPR Amsterdam Workshop

Ladies and gentlemen, good morning. On behalf of the WP29 I am happy to give you a few elements, insights on how we plan to act in the next months in order to prepare for the GDPR.

You know that we have been very active on the project because we believe it is a key milestone for Europe, it gives to our continent a common identity and common effective tools ; it allows us to regain some control on data of European citizens used by foreign companies. But it brings also huge changes in our regulation:

- Change of spirit
- Change of practices
- Change of rules
- Change of governance

So the legislators have done their jobs! But the result is a kind of cathedral, huge and a bit complex. We need then to go from the text to the practice and provide all the users with very clear indications; with clear requirements.

The task is huge, many subjects, many issues to take into consideration.

Therefore, with my WP29 colleagues, we have decided an action plan in order to prioritize the subjects. We need to put **“flesh on the bones”** and we want to do this in close cooperation with all the stakeholders.

For 2016 we have defined 4 subjects on which we want to publish guidelines very quickly. It our first choices, we will review the plan regularly and will define other objectives afterwards.

First: compliance obligations. The Regulation is a turning point for you, for the **business**: no more (or at least fewer) administrative paper work BUT more real compliance.

With the regulation, we go from static to **dynamic compliance**.

More real compliance through a wide range of tools that the company can **pick and choose** to ensure the best compliance possible.

Here, we believe the DPO is key levy of this compliance scheme; he/she is the **“chef d’orchestre” of the tool box**. The WP29 wants to support this function and will deliver guidelines in 2016.

Second: the notion of risk. The new tool box is driven by the concept of “risk”. It is a good thing to modulate compliance using **a risk based approach** (like a cursor). But let me be clear: this does not mean that if there is no risk, there is no compliance needed. It does mean either that the rights of the data subjects can be modulated depending on the risks.

Here as well, the WP29 is very keen to work on this key notion of “risk” and its practical consequences: list of risky processing, template for PIA, methodology for PIA...we have started to work on it and we hope to deliver our opinion in 2016.

Third, the **portability** right; it is a new right in the regulation. We will issue guidelines because it is a real effective way to empower the individuals and rebalance the relationships between him or her and the business.

Last but not least, certification, because there is a high expectation on that from the data controllers. They want something to translate the regulation into a simple-to-use tool, simple towards the end-users also. There are already discussions on the certification schemes. So we want to position the roles of the DPAs on this issue.

Of course, once we have defined our guidelines, with you and all the stakeholders, there will be room for market offers, providing data controllers with operational tools like dash board, accountability programs... But these offers have to be framed by the guidelines we will define.

In parallel with these guidelines, we need to build our new governance model along the rules developed by the regulation on the one-stop shop, the consistency mechanism and the EDPB. And this is maybe our top priority.

Because if the architecture and the process of cooperation between the DPAs is not efficient and does not work, the regulation will be a failure.

The **one stop shop** will bring you the possibility to have a **unique interlocutor** for all cross border processing. This lead DPA will be the DPA of the main establishment. We have to clarify this key concept.

We also have to work on the cooperation process between DPAs. For example (among others), we are analyzing joint investigation process, mutual assistance provisions, litigation part of the EDPB, timelines for adopting documents, process to issue common administrative fines...

Last, **we are building the future WP29, the EDPB**. The EDPB is the board of the 28 regulators. As you may know, the EDPS will ensure the secretariat of the EDPB. This will be done under the direct control of the EDPB, the chair and its vice chairs. The WP29 is right now assessing what needs to be done in terms of HR, budget, SLA and IT to prepare the secretariat and make this EDPB come into live in two years time.

Through this EDPB, the European privacy community will be empowered with a strong identity and efficient working methods. We are strongly awaited on that.

So, as you see, the action plan of the WP29 is quite **ambitious**.

DPAs are very committed to work on it. If you wish more information, you can find it on the web or consult directly the presidency team of the WP29 (Sophie Vannier can give you the right email address).

But we are not going to do all this alone. We need you and your inputs. And there I want to share with you an idea. I want to propose to the WP29 to organize a kind of Fablab on the GDPR.

The idea is to invite the stakeholders, business and civil society, to bring propositions, tools, innovations and also maybe critics on our action plan in order to build these guidelines in close cooperation.

Isabelle Falque Pierrotin's speech – 16 March 2016

Time is limited, subjects are delicate. We need to pool our efforts to able, collectively, to bring the expected results in 2018.

So come to the EDPB Fablab and participate actively. It should be in Brussels around the summer.

Thanks
