



EU Data Protection Reform:

ensuring its enforcement

Fact sheet | January 2018

The General Data Protection Regulation provides for a single set of rules directly applicable in all Member States as of 25 May 2018. This means that it can be directly relied on by citizens, businesses, public administrations and other organisations processing personal data. As enforcers of the Regulation and direct contacts for stakeholders, data protection authorities — particularly the new European Data Protection Board — will play a crucial role to ensure a uniform application of the new rules across the EU.

Enforcement of the General Data Protection Regulation will be facilitated by a new body — the European Data Protection Board — as well as the new binding decision-making by the Data Protection Authorities, including a possibility to adopt decisions with fines.

COMPOSITION OF THE EUROPEAN DATA PROTECTION BOARD

EU: European Data Protection Supervisor

28 Member States: head of each national Data Protection Authority

EU: European Commission
(attends meetings without voting rights)

elect by simple majority

MANAGEMENT

Chair
Deputy Chair Deputy Chair

ROLE

Ensure that the data protection law is applied consistently across the EU

Ensure effective cooperation amongst Data Protection Authorities

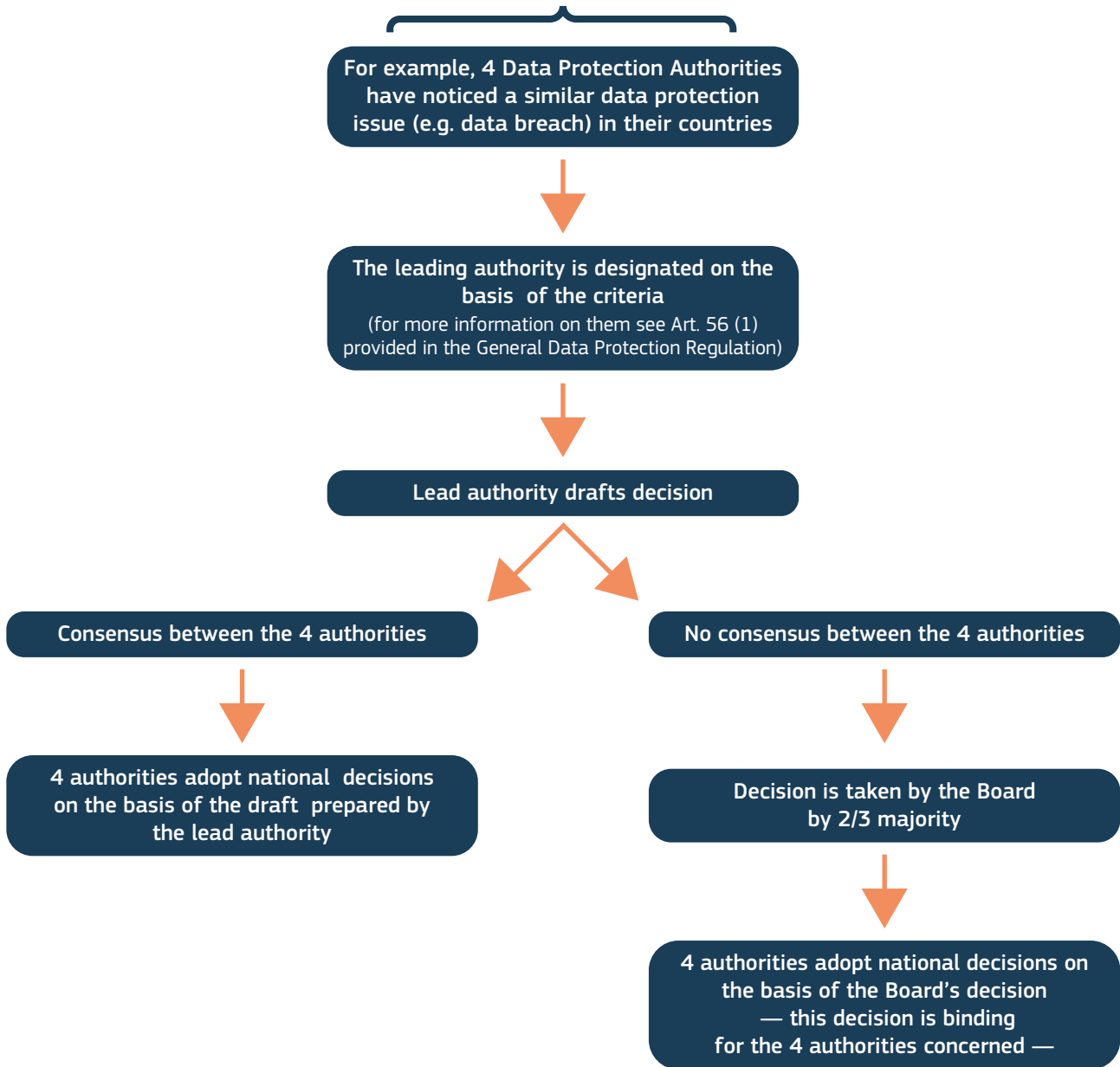
through

> binding decisions,
for instance settling disputes between countries regarding cross-border processing of data. The binding decision is a new mechanism introduced by the General Data Protection Regulation

> opinions,
e.g. on whether a draft Code of Conduct proposed by industry complies with the Regulation

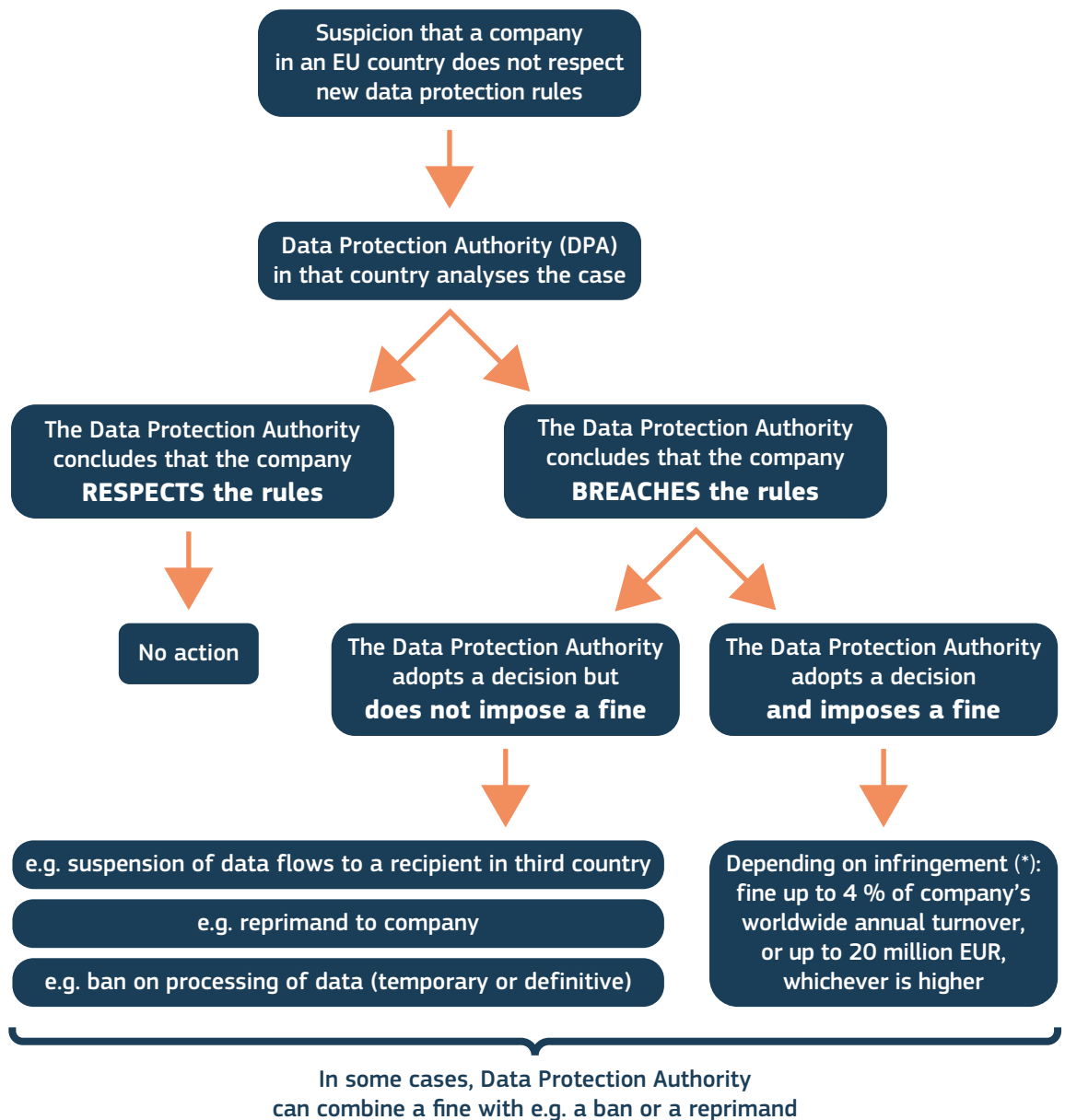
> guidelines,
for instance on the interpretation of data protection law. Issuing guidelines will work in a similar way it does today. Data Protection Authorities will be able to work on guidelines which will then be validated by the full Board by a simple majority

BINDING DECISION MAKING BY THE BOARD (Art. 65) — IN PRACTICE



One example of a case that could have been treated through this new binding decision making (if the new Regulation was in place) is the Google Street View case - on which national authorities received complaints from citizens and on which the authorities worked separately adopting different decisions and approaches. This led to legal uncertainty for the company operating in different Member States.

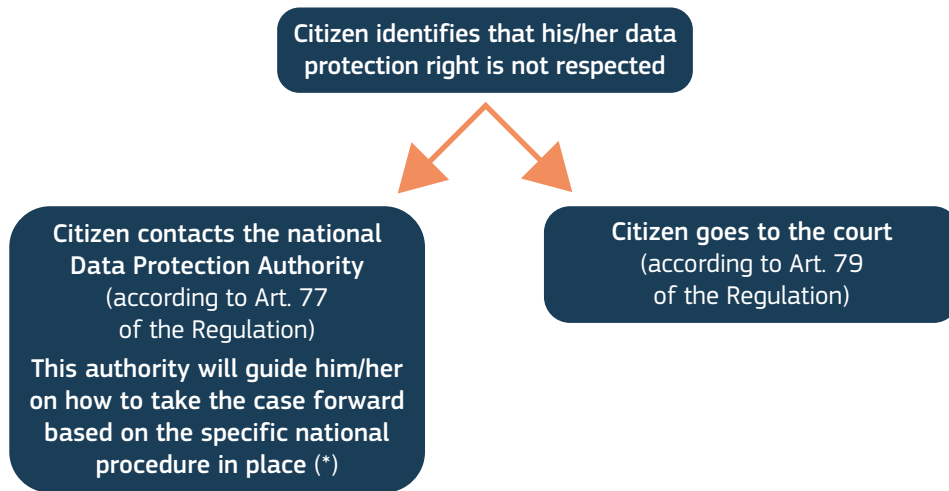
HOW WILL THE SANCTIONS MECHANISM WORK IN PRACTICE?



(*) Data Protection Authorities take into account the following elements to determine the fine:

- nature of the infringement done by company (see articles 5, 6, 8, 9 of the GDPR)
- actions taken by company to mitigate the damage suffered
- relevant previous infringement done by the same company

COMPLAINT MECHANISM FOR CITIZENS



(*) Full list of national Data Protection Authorities:
http://ec.europa.eu/justice/data-protection/bodies/authorities/index_en.htm