



PHAEDRA II - IMPROVING PRACTICAL AND HELPFUL CO-OPERATION BETWEEN DATA PROTECTION AUTHORITIES II
<http://www.phaedra-project.eu/>

Warsaw, December 2015

Dear Sir or Madam,

On behalf of the PHAEDRA II Project Consortium, we would like to kindly invite you to the project's first roundtable, entitled "*Cooperation of data protection authorities, inside and outside Europe*", addressed to data protection authorities (DPAs) from the European Union (EU) and worldwide, policy-makers, advocates and academics.

Vrije Universiteit Brussel – Research Group on Law, Science, Technology & Society (VUB-LSTS), Trilateral Research & Consulting LLP, Inspector General for Personal Data Protection from Poland and Universitat Jaume I of Castellón have been conducting research for the European Commission's Directorate-General for Justice. The main goal of the PHAEDRA II project (*Improving Practical and Helpful Co-operation Between Data Protection Authorities II*) is to identify, develop and recommend measures for improving practical cooperation between European DPAs. The project is focused on the challenges for cooperation arising from the reform of the European data protection framework, and from the EU framework in force. It will tackle three of the biggest challenges facing European DPAs: ensuring consistency, sharing different types of information (including confidential information), and coordination and cooperation regarding enforcement actions. You may find additional details at <http://www.phaedra-project.eu>.

This roundtable will be split into two parts. **The first will discuss authorities' views on the impact of the data protection framework reform on their cooperation in the EU.** The PHAEDRA II project recently interviewed European DPAs regarding the main developments of the General Data Protection Regulation (GDPR) – including the consistency mechanism, one-stop shop, European Data Protection Board (EDPB) and their impact on cooperation between European DPAs; challenges to cooperation and coordination between European DPAs; cooperation on enforcement, and the perspectives of the DPAs on the activities of the PHAEDRA II project. The resulting report¹ provides an overview of the perspectives of European DPAs at this key stage in the data protection reform process, and in particular of areas where further work is required, and identifies issues that will need to be debated in more detail.

Therefore the first part will summarise the findings of PHAEDRA research thus far and move onto deeper discussion of key outstanding areas of debate, including the practical debate about the extent to which structure and formalisation are necessary or desirable for more effective cooperation and coordination between European DPAs, issues of language use and translation costs in cross-border cases, and the requirements for future tools and platforms.

The second part will be devoted to the notion of cooperation of European data protection authorities with their counterparts from outside the EU in the reformed framework. While the proposal for the GDPR regulates extensively the cooperation of EU DPAs, it devotes only a single provision to the cooperation of these authorities with their counterparts outside the EU. Art 45 GDPR is very open and vague in its wording, therefore leaving a number of "open questions", such

¹ Available at http://www.phaedra-project.eu/wp-content/uploads/PHAEDRA2_D1_20150720.pdf.





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as its rationale, planned action by EU DPAs and the European Commission or the prospects of such an approach.

While Art 45 of GDPR constitutes a starting point for the extra-EU DPAs cooperation, two recent developments deserve our attention too. First, in the aftermath of the recent invalidation of the Safe Harbour Agreement by the Court of Justice of the European Union, the Art 29 Working Party called “on the Member States and the European institutions to open discussions with US authorities in order to find political, legal and technical solutions enabling data transfers to the territory of the United States that respect fundamental rights”.² Second, after the conclusion of the 37th International Conference of Data Protection and Privacy Commissioners (Amsterdam 2015), a possibility for DPAs arrived to adhere to the Global Cross Border Enforcement Cooperation Arrangement, adopted at the 36th International Conference (Mauritius 2014).³ The said Arrangement, however, raises a number of practical problems worth debating and these concern its legal nature and efficiency, among others.

The roundtable will contribute towards the PHAEDRA II project’s recommendations and identification of best practice.

The said roundtable will take place in the framework on 9th Computers, Privacy and Data Protection (CPDP) Conference⁴ in Brussels on **Thursday 28 January 2016 from 12:00 till 14:00**. A light lunch during this meeting will be offered. Participation is free of charge. The working language is English. Please find the draft agenda attached.

Due to a limited number of places, **please register** by sending e-mail to the Inspector General for Personal Data Protection at desiwm@giodo.gov.pl prior to **15 January 2016**.

While registering, please write your title, first name, last name, organisation and e-mail address. You are also kindly requested to add the following statement: “*I hereby give consent for my personal data to be processed by Inspector General for Personal Data Protection (GIODO) for the purposes of the preparation, organizing, servicing and documenting the roundtable organised within PHAEDRA II project (Agreement number – JUST/2013/FRAC/AG/6068) under Act on the Protection of Personal Data of 29 August 1997 (restated text: Journal of Laws of 2014 No. 1182)*”.

We are looking forward to your active participation!

Yours sincerely,

Prof. Dr. Paul De Hert
Coordinator of the PHAEDRA II project
Vrije Universiteit Brussel & Tilburg University

Dr Edyta Bielak-Jomaa
Inspector General for Personal Data
Protection

² Art 29 Working Party, *Statement on the implementation of the judgement of the Court of Justice of the European Union of 6 October 2015 in the Maximilian Schrems v Data Protection Commissioner case (C-362-14)*, Brussels, 16 October 2015.

³ Available at <https://icdppc.org/wp-content/uploads/2015/02/Global-Cross-Border-Enforcement-Cooperation-Arrangement.pdf>

⁴ Cf. <http://www.cpdpcferences.org>



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PHAEDRA II Roundtable I

Cooperation of data protection authorities, inside and outside Europe

Thursday 28 January 2016, 12:00 – 14:00

Les Halles de Schaerbeek, Rue Royale-Sainte-Marie 22, 1030 Brussels
room: La Maison des Arts

in the framework of
9th Computers, Privacy and Data Protection (CPDP) Conference

Chairman:

Paweł Makowski (Bureau of the Inspector General for Personal Data Protection, Poland)

Agenda

12.00 Introduction to the Roundtable and housekeeping
Launch of the PHAEDRA I post-conference book
Paweł Makowski (Bureau of the Inspector General for Personal Data Protection, Poland)

12.05 *Tour de table* by participants

Part I: Authorities' views on the impact of the data protection framework reform on their cooperation in the European Union

12.10 Summary of PHAEDRA II's Deliverable D1: **Authorities' views on the impact of the data protection framework reform on their cooperation in the European Union**
David Barnard-Wills (Trilateral Research & Consulting, UK)

12.20 Discussion topic 1: **Language differences and issues**
moderator: Dariusz Kloza (Vrije Universiteit Brussel, Belgium & Peace Research Institute Oslo, Norway)

12.35 Discussion topic 2: **Platforms and communication tools**
moderator: David Barnard-Wills (Trilateral Research & Consulting, UK)

12.50 Discussion topic 3: **Technical and administrative mechanisms for collaboration under the General Data Protection Regulation (GDPR)**
moderator: Vagelis Papakonstantinou (Vrije Universiteit Brussel, Belgium)

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Part II: Cooperation of European DPAs with their counterparts from outside the European Union in the reformed framework

- 13.05 Discussion topic 4: **European DPAs, the European Commission and Art 45 GDPR: the state of play, the prospects and a to-do list**
moderator: Cristina Pauner (Universitat Jaume I de Castellón, Spain)
- 13.20 Discussion topic 5: **The Safe Harbour Agreement: from dusk till dawn**
moderator: Paweł Makowski (Bureau of the Inspector General for Personal Data Protection, Poland)
- 13.35 Discussion topic 6: **European DPAs and the Global Cross Border Enforcement Cooperation Arrangement (the Mauritius Arrangement)**
moderator: Dariusz Kloza (Vrije Universiteit Brussel, Belgium & Peace Research Institute Oslo, Norway)
- 13.50 Concluding remarks
Paul De Hert (Vrije Universiteit Brussel, Belgium & Tilburg University, the Netherlands)
- 14.00 Closure



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List of participants

[to be added later]

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