



Bonn, Den Haag, Dublin, Madrid, Milan, Paris, Vienna, Warsaw

Brussels Declaration 2018:

A call for clarification and unification

With the application of the GDPR, new obligations have been introduced for controllers and processors, *inter alia*, the mandatory appointment of DPOs in certain cases and the communication of their contact details to the supervisory authority. Furthermore, the position and tasks of DPOs have been shaped, together with the introduction of new roles such as the “European DPO” by appointing one person with responsibility for several undertakings of a controller or processor in several Member States.

Also, with the introduction of the new regulatory scheme, CEDPO has noticed some practices, which are contrary not only to the GDPR requirements but also to the EU Charter’s fundamental principles.

1. The European DPO

One of the practices having been brought to CEDPO’s attention is the recommendation in some Member States **to only appoint local nationals as DPO** in addition to a duly appointed European DPO with regard to Art. 37.2 GDPR.

Such national approaches create distortions, contrary to the goal and promises of the GDPR, which were to provide a single European legal framework. Besides, such practice is against the fundamental principle of freedom of movement and establishment.

A practical consequence of local procedures as regards the GDPR’s requirements is that in Member States with restrictions concerning the appointment of a European DPO, a multinational could appoint a local DPO covering all its European operations, including France, Italy, Spain, Poland and all the other EU Member States without having to appoint a national DPO in these countries. On the other hand, a French, Spanish or Italian multinational, having designated a European DPO at their European headquarters respectively in France, Spain or Italy, would still be required to appoint a

national DPO in countries concerned with existing restrictions, even though they comply with the guidelines of WP29 which have been adopted by the EDPB.¹

2. Communication of DPO contact details

Regarding the communication of the contact details of the appointed DPO to the supervisory authority according to Art. 37.7 GDPR, national authorities have created several means for communicating such details, asking for different levels of information to be collected from the controller or processor. These range from the name of the notifying person to a variety of additional information related to the DPO and the organisation itself.

Such approach is also contrary to the goals and promises of the GDPR, which include unifying different national standards. Besides, fundamental principles such as the principle of data minimization are at stake.

In a recent letter to the EDPB², CEDPO also asked for a harmonized approach and a one-stop mechanism for communicating the DPO to the supervisory authority. In this regard, a European register for DPOs under a strong access control would help to reduce administrative burdens on the side of controllers and processors, especially having undertakings in several Member States.

CEDPO calls for clarification regarding the appointment of European DPOs.

Additionally, the Member States need unified standards regarding the communication of contact details of DPOs to their supervisory authorities.

October 25, 2018

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¹ WP29, Guidelines on Data Protection Officers ('DPOs'), WP243 rev.01, as endorsed by the European Data Protection Board on 25 May 2018.

² http://www.cedpo.eu/wp-content/uploads/2015/01/CEDPO-Letter_to_EDPB_One-Stop-Appointment_Final.pdf.