



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

European Data Protection Board
Rue Montoyer 30, B-1000 Brussels BELGIUM

Via email: edpb@edpb.europa.eu

June 5, 2018

Dear Madams and Sirs,

The General Data Protection Regulation (GDPR) has introduced the “One-Stop-Shop Mechanism”.

This mechanism shall apply to 'cross-border processing' (defined in Article 4 (23) GDPR), meaning that the processing comprises (i) processing of personal data by the same controller or processor through local operations across more than one Member State (e.g. local branch offices); or (ii) the processing of personal data by a controller or a processor established in a single Member State that "substantially affects or is likely to substantially affect" data subjects in more than one Member State.

In a majority of cases, the lead supervisory authority will act with the primary responsibility for dealing with a cross-border data processing activity, for example when a data subject makes a complaint about the processing of his or her personal data.

According to Recital 36 the main establishment of a controller in the Union should be the place of its central administration in the Union, unless the decisions on the purposes and means of the processing of personal data are taken in another establishment of the controller in the Union, in which case that other establishment should be considered to be the main establishment.

Neither the legal definitions nor the Guidelines in Working Paper 244 state if the One-Stop-Shop mechanism could also be made applicable to the obligation to communicate a designated Data Protection Officers (DPO) to the competent supervisory authority.

Moreover, while article 37.7 of the GDPR states that “The controller or the processor shall publish the contact details of the data protection officer and communicate them to **the supervisory authority**”, the Working Party’s guideline 243 indicates that the same article

requires the controller or the processor to “communicate the contact details of the DPO to **the relevant supervisory authorities**”.

CEDPO would welcome a clarification from the European Data Protection Board on whether the One-Stop-Shop mechanism applies to the designation of a DPO in the sense that the communication of contact details of an appointed DPO *only* to the lead authority of the main establishment of the controller is sufficient in view of Art. 37 para. 7 GDPR, even if the controller has several other local establishments across more than one Member State.

We would like to suggest to the Working Party to create and maintain an European registry of Data Protection Officers, updated by supervisory authorities, which could be consulted in the case where a DPO located in another Member State should be contacted by a supervisory authority.

Yours Sincerely,

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