



R11.D1

# **EVALUATION ON THE RECENT AND CURRENT INTERNATIONAL CO-OPERATION OF DPDP AND PROPOSAL ON PARTICIPATION IN DIFFERENT BODIES**

**(Activity 11.1)**

**Draft v.1.3**

**Prepared By: ENDRE GYŐZŐ SZABO, Senior Expert on international Cooperation**

**Date: 09 September 2016**



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## LIST OF ABBREVIATIONS

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ABBREVIATION	DESCRIPTION
DPDP	Directorate for Protection of Personal data
ToR	Terms of reference
CEEDPA	Conference of Central and Eastern European Data Protection Authorities
DPA	Data Protection Authority
EDPB	European Data Protection Board
EDPS	European Data Protection Supervisor
Eurojust	Agency of the European Union dealing with judicial co-operation in criminal matters
Europol	European Police Office
GPEN	Global Privacy Enforcement Network
NAIH	National Authority for Data Protection and Freedom of Information in Hungary
T-PD	Consultative Committee for Personal Data Protection of the Council of Europe

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## LIST OF ANNEXES

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Annex No.	Name
1	Travels planned (according to suggested priorities):



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## **1. CURRENT FORMS, RESULTS AND PERSPECTIVES OF INTERNATIONAL COOPERATION**

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### **1.1. INTRODUCTION**

It is a strategic priority for the Republic of Macedonia to join the European Union and Euro-Atlantic Organizations. It is therefore a priority of the DPDP to actively participate in various forms of international and European cooperation, including bilateral relations, joint investigations, conferences, professional networks, working groups, questionnaires, newsletters, mailing lists etc. It is expected that the project contributes to the enhancement of DPDP's endeavor to broaden and intensify international and European cooperation with all possible stakeholders.

### **1.2. STATUS OF THE SECTOR IN CHARGE OF INTERNATIONAL MATTERS**

The activity of Sector for European Integration, Projects and International Cooperation is in charge of international relations of the DPDP. Three staff members are working for the Departments within the Sector. The Departments are also in charge of public relations (covering press matters, publicly available materials, relations to the general public).

The Sector is headed by a senior official of the DPDP with more than ten years of experience within the office. Other staff members are also well-qualified for legal activities and are most committed to the protection of individuals with regard to the protection of privacy and personal information. The highly qualified team and their experience is crucial in making the Sector ready to cope not just with ongoing activities but also new challenges like issues related to the use of new technologies.

International cooperation shall be regarded as an area where new and new challenges appear from time to time. My experience within the offices of the DPDP confirmed that the Sector and its staff is ready to actively cooperate with its international counterparts outside and within the European Union. The cooperation with the Sector has been a positive and successful experience.

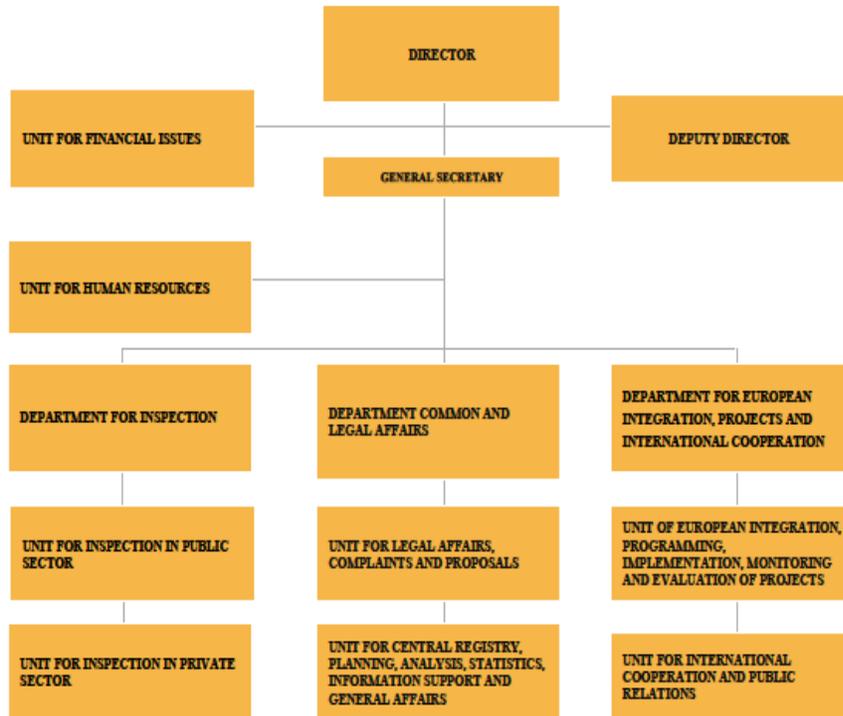
It is also to mention that according to the decision of the DPDP's management the Sector also covers tasks related to public relations. This is an organizational choice that reflects the working method of the Directorate. This composition of tasks is not unique at the international stage, NAIH in Hungary also follows exactly the same model. On the same footing the Hungarian counterpart of the Sector also takes care of the protection of children's' rights projects. This



model proved to be very fruitful in Hungary and Macedonia, therefore it can be encouraged that this is followed in the future as well.

It has been identified that international cooperation is absolute necessary in order to enforce data subjects' right efficiently. It is an imperative for authorities in charge of following and enforcing privacy-related rights to closely cooperate with each other, otherwise enforcement of data protection may become illusionary in the era of globalization and new technologies.

**Organizational chart of the Directorate for Personal Data Protection**





### 1.3. INVENTORY OF EXISTING FORMS OF COOPERATION WITH SUGGESTIONS OF IMPROVEMENT

#### **Council of Europe Convention No 108 (T-PD)**

The Consultative Committee for Personal Data Protection of the Council of Europe (T-PD) is the forum for Parties to facilitate and improve the application of the Convention. The DPDP is part of this network, since Macedonia joined the Convention. The T-PD is an important working group for Council of Europe members in order to apply the Convention in a harmonized and efficient manner. As the provisions on data protection have been amended within the European Union, the Council of Europe plays an ever important role regarding the protection of private life and personal data at international level in order to provide an adequate and a high level of protection to privacy and to personal data which also converging with the provisions applied in the European Union.

**Suggestion:** participation in the activities of the T-PD is a priority; costs related to these travels are borne by the Council of Europe.

#### **Europol and Eurojust**

Based on previous experience and working relations the DPDP has direct relations to Europol. The DPDP is in a position to follow developments in the field of Europol activities.

There is an active working relation with Eurojust regarding ongoing inspections (stated irregularities). The DPDP is in a regular contact with Eurojust officials.

The DPDP would benefit from attending a visit organized by Europol and Eurojust open for third countries. It would also offer the chance to further develop relations with officials of the said institutions.

**Suggestion:** the Hungarian DPA would assist the participation of DPDP officials in a meeting. Travelling to the annual meeting may be combined with other consultations / joint inspections.

#### **Article 29 Working Party – Plenary meetings**

Representatives of the DPDP have been attending the Article 29 Working Party meeting on a regular basis for many years as observers. It is an important first-hand forum for the DPDP to follow ongoing discussions about current issues within the European Union. Issues being discussed within the Working Party clearly impacts and correlates with activities carried out by DPDP.

**Suggestion:** attending the meetings on a regular basis remains a priority and costs are covered by the annual budget of the DPDP



### **Article 29 Working Party – Subgroup meetings**

Documents submitted for discussion and adoption for the Article 29 Working Party Plenary meeting are drafted by different subgroups set up along with sectorial subject matters. The Working Party has specific subgroups for Technological matters, Transfer of personal data to third countries, Border, travel and law enforcement matters, E-government issues, Cooperation among Authorities, Key provisions of the data protection directive / regulation, Financial matters.

It needs to be explored whether internal rules of the Working Party make it possible for third countries to take part in subgroup meetings.

**Suggestion:** in the light of the answer from the Presidency of the Working Party, participation at specific meetings may be considered.

### **Workshops related to the new data protection provisions**

The European Union passed completely new rules on data protection in 2016. Authorities are organizing a series of workshops in order to be prepared for the smooth application of the new provisions by 25 May 2018. It would be useful and helpful for the DPDP to attend those workshops in order to learn about current issues on new institutions of the new framework and be ready to apply them. European Union Data Protection Authorities are in a period of studying and practicing the new set of rules. It needs to be explored whether the DPDP, as observer in the Working Party 29 may attend workshops organized by the Presidency of the Working Party or any subgroups of it.

**Suggestion:** in the light of the answer from the Presidency of the Working Party, participation at specific workshops should be considered.

### **Joint investigations**

The DPDP has experience and good examples in joint investigations with partner Data Protection Authorities. They carried out joint investigations with the Bulgarian Authority in various fields and share experience with them.

Other Authorities in the region (Albania, Kosovo, Serbia, Greece, Bulgaria, Slovenia, Croatia etc.) are also available for joint actions. Geographical closeness also clearly facilitate the good environment of cooperation.

**Suggestion:** it is suggested that the DPDP continues close cooperation within the region and remains an active member of the network of Authorities



### **Membership in the Global Privacy Enforcement Network**

The DPDP is part of the world-wide Global Privacy Enforcement Network (GPEN). GPEN embraces dozens of Data Protection Authorities around the world and contributes to sharing of information and provides a platform for joint actions along with priorities of Authorities concerned, either on a bilateral or a multilateral basis. Conference calls are set up on a regular basis. Meetings are organized generally as a side event of another global events, like the International Conference.

**Suggestion:** it is suggested that the DPDP continues to participate in the activities of the Network. Further steps may be considered in light of actual activities.

### **Following developments in the field of one-stop-shop cooperation (Working Party 29 related activities)**

The new Regulation creates the framework of the protection of personal data ensured by a very close cooperation among European Union Authorities. In the frame of the so-called one-stop-shop cooperation Authorities act as a 'single' Authority towards the data controller (and processor). The DPDP would be interested in having access to decisions to be passed under one-stop-shop mechanism. Such a register would be most helpful not just for the Authorities participating in the one-stop-shop cooperation but also for third parties, including the DPDP to be prepared for a harmonized application of the Regulation in the pre-accession period.

**Suggestion:** it will be proposed to consider the availability of decisions made in the framework of the one-stop-shop mechanism. The future structure and rules regarding the EDPB is under consideration and discussion currently. Therefore no immediate steps may be suggested at this stage.

### **Bilateral relations on preparations for the General Data Protection Regulation**

National Data Protection Authorities are working on the preparations of the Regulation not just on multilateral level. They are also dealing with their own to-do-list at domestic level and they face their own difficulties (which differ from country to country). The DPDP is interested in consultations / joint inspections with Authorities in the European Union to learn first-hand experience in this regard. Learning about ongoing national projects is also useful for commenting on any draft amendments to the Data Protection Law in Macedonia.

**Suggestion:** it is suggested that at least one consultation / joint inspection is planned in cooperation with an EU DPA. The visit might be combined with other visits to European institutions or other meetings.



### **International Conference of the Personal Data Protection Authorities**

The International Conference is the most important global forum for Data Protection Authorities. It convenes all interested DPAs from all around the world and gives the opportunity to meet business stakeholders as well. The DPDP is a member of the Conference. The upcoming Conference will be held in October 2016 in Marrakesh, Morocco.

**Suggestion:** it is suggested that the representatives of the DPDP continue to attend the International Conference and costs related to this event are covered by the annual budget of the Directorate.

### **Spring Conference**

The Spring Conference of European Data Protection Authorities convenes all European DPAs. The Spring Conference has been convened on an annual basis for more than 20 years already, providing a forum for internal discussions among Authorities. The DPDP attends the Spring Conference regularly and contributes to the discussions.

**Suggestion:** it is suggested that the DPDP remains active participant of the Spring Conference and continues to contribute to the discussions. Costs related to the Spring Conference should be covered by the annual budget of the DPDP. It needs to be explored whether the cost of the Spring Conference 2017 in Cyprus may be covered by the budget of the project.

### **Case Handling Workshop**

Case Handling Workshops (CHW) are organized every year, with the main purpose for exchange of experience by presenting case studies dealt with by the DPAs. The DPDP hosted the event already and is an active member of the forum. The CHW reports to the Spring Conference.

**Suggestion:** it is suggested that the DPDP remains active member of this network



### **Conference of Data Protection Authorities from the Central and Eastern European region (CEEDPA)**

This forum has been established around 15 years ago in order to discuss matters relevant for DPAs in a pre-accession period. The Conference has been open for all DPAs from this region, the DPDP has been a member for many years. It is one of the events that is organized on a regional basis (like Nordic DPAs' conference) therefore a useful forum for regional cooperation.

**Suggestion:** it is suggested that CEEDPA remains in the focus of DPDP's interest and contributes to discussions at the Conference

### **International Working Group for Personal Data Protection in the Telecommunication sector (Berlin group)**

Confidentiality of communications has become one of the most relevant issues in recent years globally. That tendency highlights the need for updated knowledge about new technologies in communications and sharing of experience by participating Authorities. Biannual meetings and related materials are important sources of data protection in this specific field worldwide. One of the meetings in the year is convened in Berlin, the other meeting generally takes place outside Europe.

**Suggestion:** it is suggested that the DPDP continues to closely follow the activities of the Berlin group and possibly attend meetings at least the ones in Berlin.

### **European Data Protection Supervisor**

The DPDP follows the activities of the European Data Protection Supervisor (EDPS). Colleagues of the DPDP are subscribers of the EDPS Newsletter which reports about relevant developments at European level (handling of complaints, consultations, events, opinions on draft legislations etc.). The EDPS is the supervisory authority for a number of data processing operations managed at European Union level (Eurodac, Europol, VIS, CIS, SIS central processing). The supervisory activity of the EDPS is valuable for other Authorities. The Hungarian DPA is ready to assist the DPDP in the preparations of the visit to Brussels.

**Suggestion:** it is suggested that the DPDP continues to closely follow the activity of the EDPS. It is suggested that one or two joint inspection(s) is / are scheduled from the budget of the project, preferably combined with other visits.



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## 2. NEEDS OF THE DPDP

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It is suggested that any development in the field of international cooperation is shared with the DPDP and analysed within the organization.

During the discussions the needs of the DPDP have been identified. It would be useful to explore further forms of forums for cooperation and possible participation of the DPDP in them. An annual program/calendar for all international conferences and other relevant meetings and participation of the colleagues of the DPDP could provide a helpful overview to plan travels properly and allocate human and financial resources in advance.

An annual calendar shall be prepared on regular basis in December for the upcoming year and regularly updated with necessary information by the Sector for EU integration. The example for calendar of the travels planned by the project is in attachment of this document as **Annex 1**.

It has been discussed that it is crucial that DPDP's internal organization reflects the need and the tasks stemming from international cooperation. Cooperating with international stakeholders should not be regarded as an 'island' within the organization, but an activity in the heart of the basic tasks of the Directorate. This is an issue intensively discussed among European Union DPAs.

Based on international experience it is recommended that units dealing with national and international matters mutually inform each other about ongoing activities. That is not just about sharing information but also provides for a more efficient working environment and avoid any duplication of internal activities. That goal may be achieved by regular internal meeting, internal trainings.

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## 3. TRAVELS FORESEEN:

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Europol, Eurojust, Interpol: 3 visits, altogether 8 persons

Consultations / joint inspections: 3 visits, 12-15 persons altogether

Relations with new bodies: 4 travels, 8 persons altogether



**Annex 1. Travels planned (according to suggested priorities):**

Date	Forum	Number of participants	Costs covered
	T-PD (Council of Europe)	1	Council of Europe
	Consultations / joint inspections to Europol and Eurojust	8 persons in 3 visits	Project
	Consultations with the EDPS (preferably combined with visits to Europol)	2 visits to the EDPS, 2 or 3 persons	Project
	Joint inspections / consultations to NAIH (DPA in Hungary)	3 or 4 persons	Project
	Attending international events hosted by EU DPAs / Article 29 Working Party	4 travels, 2 persons	Project

Costs related to the mission are covered by the organization indicated  
Costs are covered by the project