



Archives and Data protection

What does EDPS expect from EU institutions?

Preliminary considerations

45th ICA/SIO annual meeting
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What does EDPS expect from EU institutions?

EU context

**Data
protection
and
archiving**

**Towards
compliance**



EU context

Legal framework

Data Protection

Regulation (EU)
2018/1725

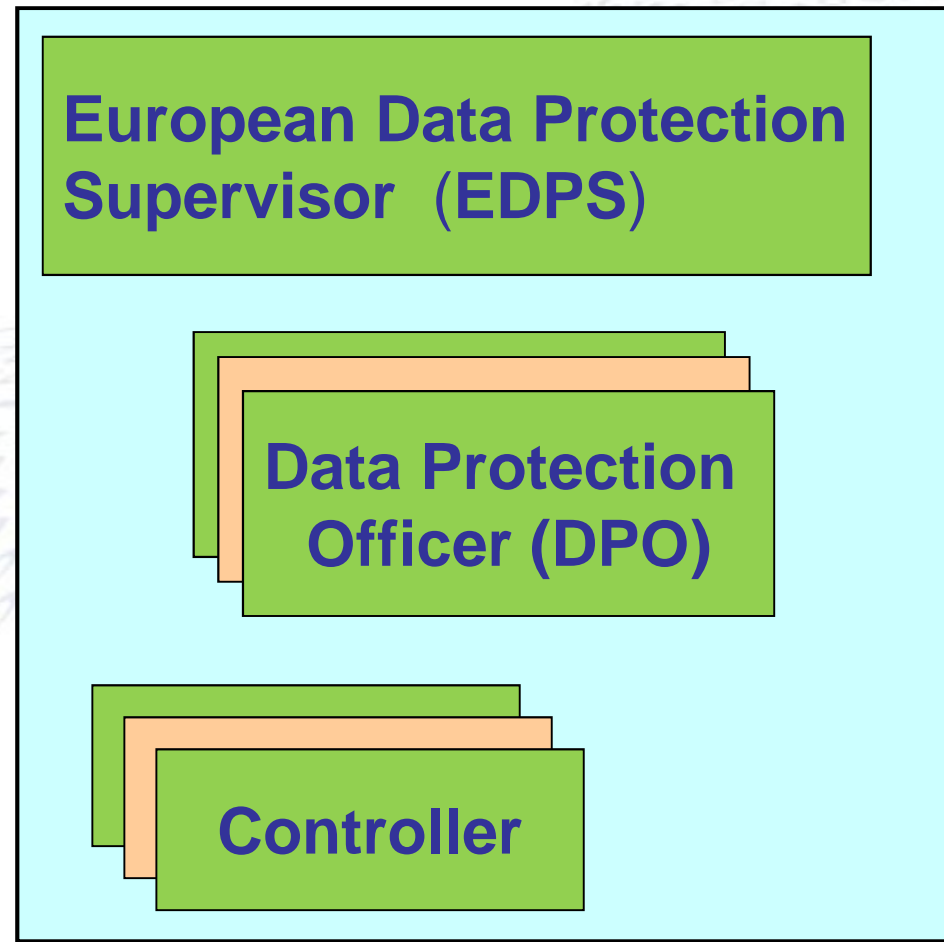
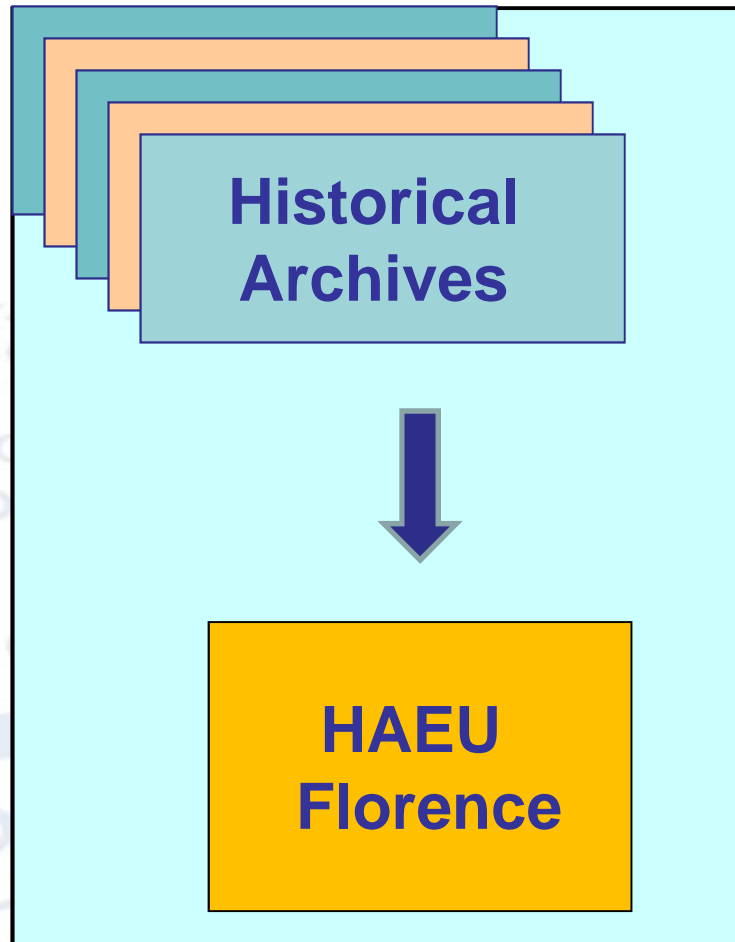
Archives

- Regulation (EEC, Euratom) 354/83
- Council Regulation (EC, Euratom) 1700/2003
- Council Regulation (EU) 2015/496



EU context

The players





EU context

The EDPS



**The EU's independent
data protection authority**

Supervise

EU institutions and bodies

Advise

the EU legislator

Monitor

technological developments

Cooperate

with other data protection
authorities

➤ member & secretariat of
EDPB



Archiving in Regulation (EU) 2018/1725

Article 13

- Processing for archiving purposes ... shall be subject to **appropriate safeguards**, ... for the rights and freedoms of the data subject. Those safeguards shall ensure that **technical and organisational measures** are in place in particular in order to ensure respect for the principle of **data minimisation** ...

Recital 33

- Union institutions and bodies should provide for appropriate safeguards ... in Union law, which may include **internal rules** adopted by Union institutions and bodies in matters relating to their operation.



Principles, rights, obligations

- Fairness, lawfulness, transparency
- **Purpose limitation**
- **Data minimization**
- Data accuracy
- **Storage limitation**
- Integrity, confidentiality
- **Accountability**

- **Transparency & information**
- **Access**
- **Rectification**
- **Erasure (right to be forgotten)**
- Restriction of processing
- Objection to processing
- Data portability
- Automated individual decision making

- **Accountability** of the controller
- **Security** of processing
- Data protection **by design and by default**
- Confidentiality of electronic communications
- Controllers – Processors

- **Records** of processing operations
- **DPIA**, Prior consultation of EDPS
- **Cooperation with the EDPS**
- Notification of **personal data breaches** to EDPS and communication to the data subject



Archiving purposes: specificities

▶ Further processing not incompatible with initial purposes

▶ Longer storage permitted, with conditions

▶ Individuals' rights: Union law (incl. internal rules) may provide for **derogations** (with conditions & safeguards)



Towards compliance (1)

Embed data protection in policies & practices

- establish internal rules to support defensible disposition and defensible preservation
- give clear information on derogations to individuals' rights

Risk assessment & balancing act

- identify and evaluate potential risks and mitigation actions
- balance data protection - preservation and access to information

Cooperate with DPOs and other relevant actors

- share specific expertise
- aim at consistent approach



Towards compliance (2)

Focus on security measures

- secure elimination
- secure preservation
- access proportionate to potential risks

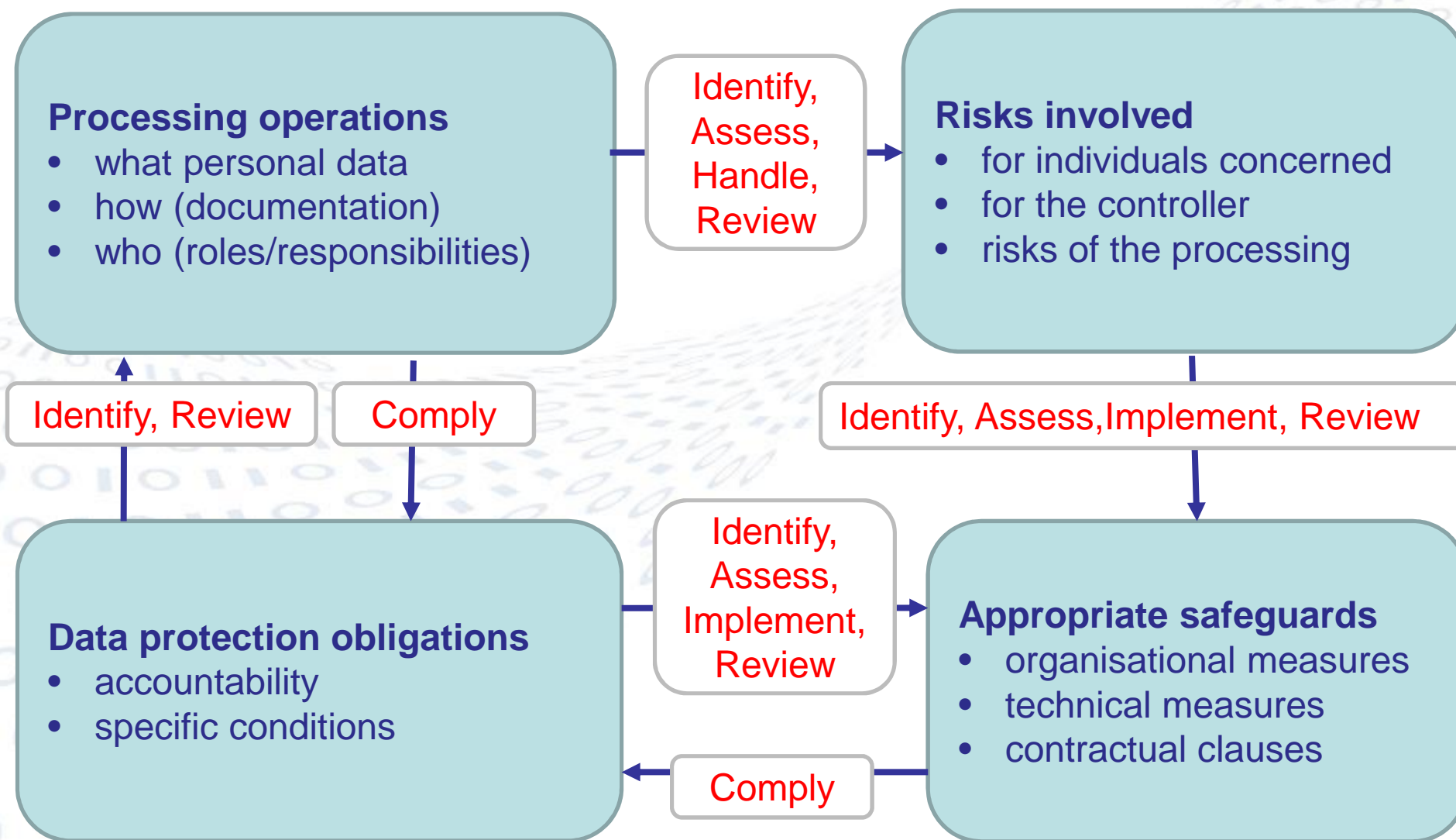
Document processing activities & approach to personal data handling

- demonstrate compliance
- documentation as basis for risk assessment

→ **Common sense + think data protection!**



Towards compliance (3)





thank you!



For more information:
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