



Amsterdam Declaration 2015:

The DPO: A "hot topic" in view of the trilogue

On June 15th, the Council reached a general approach on the general data protection regulation ("the Regulation") which enabled the Commission, the Council and the Parliament to start the ongoing trilogue negotiations. Since tasks, status and powers of DPOs are still subject to discussion, the Confederation of Data Protection Organisations wants to refresh stakeholder's minds about the importance of giving the DPO a pivotal role in the Regulation.

The incorporation of the DPO into the new data protection regime, as foreseen by all participants of the trilogue, is a big accomplishment, regardless of the question whether a DPO will have to be appointed mandatory or not. Also supervisory authorities, recently the Conference of the Data Protection Commissioners of the Federation and of the States of Germany, recognise the need to point out again that data protection officials in public and private bodies are of great importance for an effective supervision of data protection and therefore a vital instrument within the Regulation. Also the Article 29 Working Party advocates, within its recent opinion on the draft Regulation in view of the trilogue, to appoint DPOs as a "cornerstone of accountability and a real tool of competitiveness for companies" even as a mandatory obligation.

CEDPO has expressed several times, inter alia by proposing draft amendments to the Commission's Regulation proposal on October 19th 2012, the necessity not only to incorporate the DPO into the Regulation, but also to precise his/her key role concerning the various processes required under the proposed law and the business trends of the digital economy, making public and private bodies realise the advantages of having experts to properly design and manage appropriate privacy practices.

CEDPO therefore takes the opportunity to remind the trilogue's stakeholders, especially the Council, to emphasize the DPO's usefulness by further specifying tasks, strategic status, resources, and powers of DPOs, and by giving him/her a pivotal role for not only complying with the requirements set out in the Regulation as a possible new data protection regime for Europe but also building a balanced privacy culture within the organisations.

Amsterdam, 27th of October 2015

Note: CEDPO documents – including the new Comparative Analysis of the Right of Access in 6 Member States – are available at <http://www.cedpo.eu>.