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Data Protection & Challenges (of the Early Days)

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The early days...What is 'early'



EPPO from the EDPS perspective...

In its supervisory role at EPPO, the EDPS has been faced with a number of unparalleled questions due to EPPO's multi-layered legal framework and inhomogeneous structure. With its unprecedented scope, multiple references to national law and Regulation (EU) 2018/1725, Regulation (EU) 2017/1939 (the EPPO Regulation) presents a particular challenge for the supervision of personal data processing. Moreover, the unique investigative and judicial powers of EPPO in the area of criminal law may have profound impact on other fundamental rights.³

EPPPO (Early) Challenges

- 2 Different Data Protection Legal Frameworks
 - Operational & Admin PD
 - (23 National Processing Environments, IT to hardcopy only)
- No precedence – Nothing comparable
- Starting Budget...
 - No 'real' IT Budget, use of pre-existing system
- No 'gradual' roll-out / learning curve
 - Immediacy of start of operations
 - 'Best Estimate' on how we would work
- Dramatic Growth
 - Staff (incl EDPs) growth since 2020 (20 to approx. 400 in 3 years...)
 - Different Data Protection Experiences / Expectations – National vs EU level

DPO (Early) Priorities

- Positive Data Protection Culture
 - Establishing Trainings
 - Establishing 'Approachability', Assistance
 - Buy-In & (even if not, at least the WHY)
- Documentation culture of exceptional circumstances
 - No Timebombs
- Pro-active challenging of Data Protection as convenient scapegoat
- Strong relationship with EDPS
- Prioritization of limited resources in line with risk
- Regardless of 'uncertainty', no risk / detriment to data subjects, incl. exercise of rights
- Context, context, context – pioneers...

Things I learned ...

- Data Protection in the creation phase (data protection by design) is essential beyond data protection *strictu sensu*
- Independence is crucial - have someone ask 'awkward' questions, or simply 'why' & 'how exactly'
- Person(alities) matter
- Details matter – but often flow from principles
- Data Protection in law enforcement is evolving swiftly, and rightly so
- There is never enough time...

Summary...

- There is no place I would rather be...
- The EPPPO is a massive game-changer on many levels, and will continue to be so
- Many challenges, data protection is one of them
- The path is right, the direction is correct
- Continued dialogue and open exchanges are and remain essential



THANK YOU

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