



ARCHIVES AND DATA PROTECTION

EDPS-DPO MEETING, FLORENCE, 07-11-2019

LUISA PALLA - EDPS



Etaient présents :

- Président
- Vice-Président
- Vice-Président
- Vice-Président
- Vice-Président

Le secrétariat était assuré par [redacted], assisté de
 [redacted] Chef de division.



Definitions and context

Data protection and archiving

Towards compliance



DEFINITIONS

Archiving in the public interest

Historical archives

Public access (30 years)

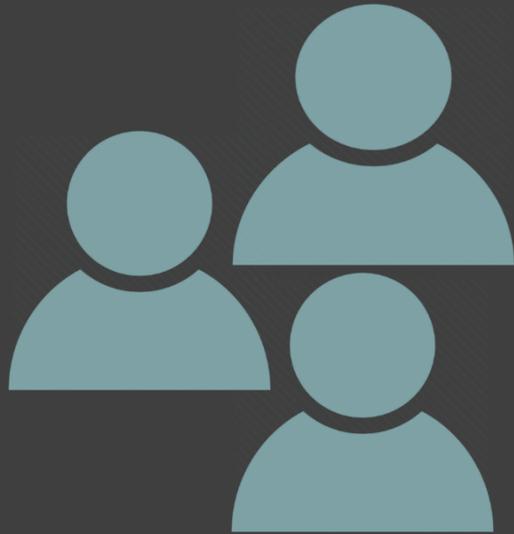
Integrity, authenticity

Appraisal

Records Lifecycle



CONTEXT - ACTORS



Institutions, bodies, agencies

Historical Archives of EUIs

Historical Archives of the EU

DPOs

EDPS



CONTEXT - LEGAL FRAMEWORK

Regulation (EEC, Euratom) 354/83

Council Regulation (EC, Euratom) 1700/2003

Council Regulation (EU) 2015/496

Regulation (EU) 2018/1725

Regulation (EU) 2016/679



CONTEXT - OBLIGATIONS ON ARCHIVES



- Establish historical archives
- Open them to the public after thirty years



- Transfer paper archives to HAEU
- Preserve electronic archives



- Adopt internal rules on the opening of archives to public

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ARCHIVING IN REGULATION (EU) 2018/1725

Art. 13

Processing subject to appropriate safeguards
Technical & organizational measures
Data minimisation

Rec. 33

Assessment on on keeping personal data
Safeguards ... internal rules



SPECIFICITIES

- ✓ Further processing not incompatible with initial purposes
- ✓ Longer storage permitted, with conditions
- ! Individuals' rights: law may provide for **derogations** (conditions & safeguards)

DEROGATIONS AND CONDITIONS

Restrictions to data subjects rights – Art. 25 (4) list

Right to **erasure** (“to be forgotten”) – Art. 19

Right to **information** – Art. 16



DATA PROTECTION IN COUNCIL REGULATION 2015/496



- DP Regulation applies to deposited archives
- Institutions = controllers
HAEUI = processor



- EDPS is the supervisory authority for institutions over deposited archives



- Internal rules: preservation, opening to the public, protection of personal data kept in the historical archives

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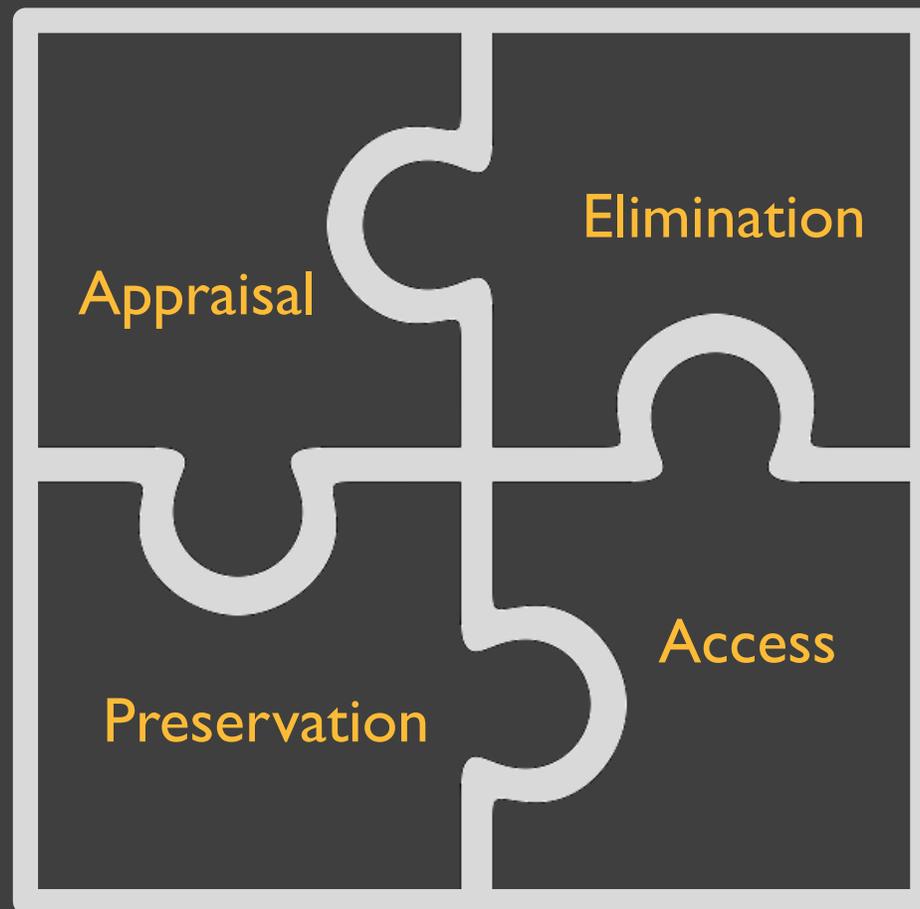
TOWARDS COMPLIANCE: A BALANCING ACT

Access – further use
Integrity - Authenticity
Long term preservation



Rights and freedoms
Data minimisation
Storage limitation

TOWARDS COMPLIANCE PUTTING PIECES TOGETHER



TOWARDS COMPLIANCE HIGHLIGHTS

Implementing rules, policies, procedures

Cooperation with relevant actors

Risk assessment and safeguards in specific
context of archiving

Access to archives and responsibilities



TO WRAP UP

-  Archiving in the public interest: new concept and explicit reference in the law
-  Specific context and challenges
-  Specific safeguards and exemptions
-  Shared roles and responsibilities
-  Need for a coordinated inter-institutional approach



thank you!

For more information:

www.edps.europa.eu
edps@edps.europa.eu



@EU_EDPS



EDPS



European Data
Protection Supervisor

