



EUROPEAN DATA PROTECTION SUPERVISOR

EDPS SUPERVISORY OPINION 12/2025 ON THE DRAFT IMPLEMENTING RULES CONCERNING THE DATA PROTECTION OFFICER OF CEPOL (Case 2025-0519)

1. INTRODUCTION

1. This Supervisory Opinion relates to the draft decision of the Management Board of the European Union Agency for Law Enforcement Training ('CEPOL') on implementing rules concerning the Data Protection Officer ('DPO').
2. The EDPS issues this Supervisory Opinion in accordance with Articles 41(1) and 57(1)(g) of Regulation (EU) 2018/1725¹, ('the Regulation') as outlined by the [EDPS Position Paper on the role of DPOs of EUIs \(30 September 2018\)](#).

2. FACTS

3. On 10 June 2025, CEPOL submitted a consultation request regarding the update of its implementing rules concerning the Data Protection Officer of CEPOL ('the draft implementing rules') pursuant to Article 45(3) of the Regulation.²

¹ Regulation (EU) 2018/1725 of the European Parliament and the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ, L 295, 21.11.2018, pp. 39-98.

² Amending Decision 55/2021/DIR of 6 December 2021, on adopting implementing rules concerning the Data Protection Officer.

4. The EDPS has analysed the draft implementing rules and makes the following recommendations.

3. LEGAL ANALYSIS AND RECOMMENDATIONS

3.1. Legal basis

5. Recital 3 of the draft implementing rules states that ‘[t]he European Data Protection Supervisor was informed and consulted in accordance with Article 41(1) and (2) of Regulation (EU) 2018/1725’.
6. The EDPS notes that while Article 41(1) of the Regulation refers to consultations that EU institutions, bodies and agencies (‘EUIs’) shall carry out when drawing up administrative measures and internal rules, such as the present draft implementing rules, Article 41(2) of the Regulation refers specifically to consultations on draft internal rules regarding restrictions under Article 25 of the Regulation. Consequently, the latter provision does not constitute the adequate legal basis for the present consultation. The EDPS therefore recommends deleting the reference to Article 41(2) of the Regulation and keep only the reference to Article 41(1) of the Regulation (*Recommendation No 1*).

3.2. Definition of controller

7. Article 2 of the draft implementing rules (‘Controllanship’) states that ‘[f]or the purposes of the decision, CEPOL shall be considered to be the controller within the meaning of Article 3(8) of the Regulation (EU) 2018/1725. The controller is represented by its Executive Director.’
8. This provision seems redundant with the definition of data controller set out in Article 3(b) of the draft implementing rules, which provides that “(Data) controller’ means CEPOL, represented by its Executive Director. The Executive Director may delegate his or her tasks (“delegate controller”) to reflect the operational responsibilities to ensure compliance with the Regulation in relation to specific processing operations carried out by CEPOL’.

9. The EDPS therefore recommends merging the two provisions, by deleting Article 2, and adding a reference to Article 3(8) of the Regulation to the definition of data controller in Article 3(b) of the implementing rules (*Recommendation No 2*).

3.3. Records of processing

10. Article 5(3) provides that the DPO shall ‘keep the register of the Agency’s records of processing operations in a central register and shall make it publicly accessible’.
11. The EDPS recommends amending the paragraph to clarify that pursuant to Article 31(5) of the Regulation, and building on the records provided by the controller of the said operations, the DPO shall keep a register of the processing activities carried out by the institution and make the register publicly accessible. (*Recommendation No 3*).

3.4. Investigation procedure

12. The reference in Article 14 to Article 5(10) of the draft implementing rules is incorrect. The EDPS therefore recommends changing the wording to ‘[t]he request for an investigation mentioned in Article 5(11) of this Decision, shall be addressed to the DPO in writing’ (*Recommendation No 4*).

3.5. Restrictions under Article 25 of Regulation

13. Article 16(1) provides that ‘data subjects’ rights provided for in Articles 14 to 22, 35 and 36, as well as Article 4 of the Regulation, in so far as its provision corresponds to the rights and obligations provided for in Articles 14 to 22 of the Regulation, may be restricted on the basis of internal rules laid down by the Agency pursuant to Article 25(1) of the Regulation.’
14. Articles 35 and 36 of the Regulation concerning the communication of a data breach to the data subject, and the confidentiality of electronic communications, respectively, can indeed be restricted under Article 25 of the Regulation. However, the EDPS notes that these provisions contain obligations for the controller, rather than

data subject rights. The EDPS therefore recommends rewording Article 16 to reflect this difference, e.g. ‘the data subject rights and obligations for controllers that may be restricted under Article 25(1) of the Regulation are exclusively those provided for by Articles 14 to 22 of the Regulation as well as Articles 35 and 36 of the Regulation and Article 4 insofar as their provisions correspond to the rights and obligations provided for in Articles 14 to 22’³ (*Recommendation No 5*).

4. CONCLUSION

15. The EDPS has made several recommendations to ensure compliance with the Regulation. In light of the accountability principle, the EDPS expects CEPOL to implement the above recommendations accordingly and has decided to **close the case**.

Done at Brussels on 08/08/2025

(e-signed)

Wojciech Rafał WIEWIÓROWSKI

³ See [EDPS Guidance on Article 25 of Regulation 2018/1725 and internal rules restricting data subjects' rights](#), p. 7 to 9.