

From: [REDACTED]
To: ZERDICK Thomas <thomas.zerdick@edps.europa.eu>
VUORIO Minna (EC) <Minna.VUORIO@ec.europa.eu>:
[REDACTED]
CC: [REDACTED] SUPERVISION
[REDACTED] EC DPO (EC)
Sent at: 22/12/23 14:05:11
Subject: RE: EDPS order to EPSO in complaint Case 2022-1189 - follow-up of the EDPS order required

Dear Thomas,

Thank you for putting me in copy of your message.

I just wanted to inform you that I have been following this up actively and indeed received a copy of [REDACTED] reply to Mr Wiewiorowski dated 30 November 2023 (Ares(2023)8196454), in line with the deadline the EDPS had set. I wonder therefore if there has been an administrative issue in relation to the transmission of this reply.

I will continue to be in touch with EPSO as of 3 January 2024 to ensure that your team receives the reply.

To avoid similar issues in the future, it would be very helpful if we could continue the discussion I opened with you last month on the need for clarity as concerns the EDPS's preferences for the use (or not) of Ares as a transmission mechanism. Ideally, a one-pager from your side setting out your approach would help our DPC colleagues here to ensure that we communicate with you as our supervisor in the most appropriate and effective manner. Potentially such a note could also be presented by your team/or mine at our next DPC meeting at the end of January?

In the meantime, I wish you a very happy end of year break and all the best for 2024.

[REDACTED]

[REDACTED]
Data Protection Officer of the European Commission
European Commission
[REDACTED]

From: ZERDICK Thomas <thomas.zerdick@edps.europa.eu>
Sent: Thursday, December 21, 2023 2:39 PM
To: [REDACTED]
Cc: [REDACTED]

DERI

SUPERVISION

<supervision@edps.europa.eu>:

EC DPO <EC-DPO@ec.europa.eu>

Subject: RE: EDPS order to EPSO in complaint Case 2022-1189 - follow-up of the EDPS order required

Importance: High

Dear [REDACTED]

On 31 October 2023, the EDPS communicated to EPSO his review decision following the complainant's request for review of the EDPS decision of 16 June 2023 on his complaint against EPSO (Case 2022-1189) (see attachment).

Paragraph 6.21 of the EDPS review decision states that '...in accordance with Article 59 of the Regulation, **EPSO is obliged to inform the EDPS** of the measures taken in response to the EDPS order and demonstrate to the EDPS within one month after receipt of the present decision that they have granted access to the complainant's request to be granted access to all his log data, the time and the purpose of each access ...'.

However, we've noticed a **lack of communication from EPSO** regarding the measures you have taken in response to this order. Surely this must be an oversight?

If it was otherwise, the EDPS would have to consider the exercise of our corrective powers under Article 58(2)(i) of the Regulation (EU) 2018/1725. This could potentially lead to imposing an administrative fine on EPSO, as per Article 66(3)(b) of the Regulation, which could amount to up to 50,000 Euros.

Your perspective on this matter would be appreciated.
Could you please share your thoughts on this, and the requested information, with the EDPS **by 8 January 2024**?
Your input will greatly assist in shaping our approach to ensuring compliance and upholding the standards set by the Regulation.

Looking forward to hearing from you.

In the meantime, I wish you a **Merry Christmas**, and a **Happy New Year 2024**!

Kind regards,

Thomas ZERDICK



thomas.zerdick@edps.europa.eu

European Data Protection Supervisor

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