

[REDACTED]

From: [REDACTED]

Sent: 11 February 2019 14:02

To: [REDACTED]

Subject: Revision of Rules of procedures - deadline 18 February cob

Dear All,

New and charming exercise on the horizon! We need to jump into the revision of the Rules of Procedures... Sorry for the short notice, but we need to come up with a first draft by the end of next week. Please find attached the working document (the code for S&E is [REDACTED] :)) and see below all you need to know:

1. Practical details:

- A new task force lead by P&C had its first meeting last week.
- Revision to be concluded by July, first draft expected from the units by 22 February (approved by HoUs). I will send you an invitation for a short discussion for tomorrow after the fika.
- **Guiding principles: reflect the reality** and **cut** (both the red tape and the text)

2. **Your task** is to reflect on your respective part and **propose a draft text by 18 February cob**. You will see below the articles assigned to S&E, should you have any other comments on other articles or in general, feel free to share:

| No. | Article | Responsible | Comment from Task Force |
|-----|---|---------------------------|---|
| 1. | Article 16: Policy on activities | ALL (■) | Option to delete |
| 2. | Article 17 - 18: Monitoring compliance | ■ ■ | Ensure coherence with S&E vision |
| 3. | Article 18: Enforcement | ■ ■ | Ensure coherence with S&E vision |
| 4. | Articles 19-23 Prior checks | ■ | To be deleted |
| 5. | Article 24 -25: Administrative consultation | ■ | Add informal consultations, prior consultations |
| 6. | Articles 36 - 37: Inspections and visits | ■ | add AIP, need to refer to compliance visits? |
| 7. | Article 42 - 43: Cooperation with DPOs and DPO Register - | ■ ■ | better articulate, add EDPS- DPO meetings, role of S&E to supervise the EDPS |
| 8. | Article 31-35: Complaints | ■ | we need to cut, reduce details either by referring to the CMS or to other publically available document |
| 9. | Article 39: Actions against institutions | ■ ■ | Propose to delete, covered by Article 58 (4) |
| 10. | Article 40: Action against EDPS decision | ■ ■ | Propose to delete, covered by Article 64 (2) |
| 11. | Article 54: Active disclosure of documents | ALL (+ P&C) | Issue of taxonomy? |
| 12. | Article 56: Public access to documents | ■ (+ P&C) | To delete? Covered by Article 52(4) |
| 13. | Fines | ■ | Draft provisions |
| 14. | Europol, Eurojust | ■ ■ ■ | Reflect on the need to differentiate |
| 15. | Data breach | ■ ■ ■ ■ ■ in the lead, | Reflect on our needs |
| 16. | Supervision of other organisations, e.g. ESA? | ALL | Any need for a reference to MoU? |

3. Last, but not least **the guiding principles set by Giovanni** at the EMB (16/01):
- Preserve fundamental principles, EDPS's own identity, stabilize the institution
 - Reflect on level of details - leave details to CMS if possible
 - Reflect both current practices and novelties brought by Regulation 2018/1725
 - What is relevant from a 3rd party viewpoint?
 - Principle of good administration
 - Ensure security of data and systems

Many thanks for your cooperation and see you tomorrow.

Best regards,

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