

From: SUPERVISION [REDACTED]
To: [REDACTED]
Sent at: 11/12/24 16:43:27
Subject: Our ref. 2022-0997 - D(2024) 4182 - Status of your complaint to the EDPS

Dear [REDACTED],

We are writing to you in the context of your complaint against Frontex concerning Google trackers on Frontex's website (case 2022-0997).

We would like to inform you that we are still investigating your complaint and express our apologies for the delay in handling your case. As we have informed you on 19 August 2024, we are doing so in the wider context of the EDPS' supervision and enforcement activities concerning Frontex's compliance with Regulation (EU) 2018/1725 and Article 5(3) of Directive 2002/58/EC.

Your case concerns a complex topic and various allegations of potential infringements of Regulation (EU) 2018/1725 and Directive 2002/58/EC, necessitating several evidence collections to gather relevant information. As such, a detailed analysis is required of whether Frontex has complied with the relevant rules pertaining to the issues raised in your complaint and any broader issues with privacy and data protection on Frontex's website.

As you are certainly aware, the issue of use of third party components in websites is of paramount importance not only for Frontex, but for all EU institutions and website operators in the EEA Member States. Between 2022 and 2024, the European Data Protection Board, composed of representatives of the EU national data protection authorities and the EDPS, was discussing a common understanding and approach to the use of third party components by website operators in the EEA, how cookie banners should be presented, and how consent should be requested. In this respect, the EDPS was cooperating with other data protection authorities in the context of the European Data Protection Board in analysing, among other issues, in which situations the relevant rules, such as Article 5(3) of Directive 2002/58/EC, would apply (For further information, see: [EDPB Report of the work undertaken by the Cookie Banner Taskforce](#) (January 2023), [EDPB Report of the work undertaken by the supervisory authorities within the 101 Taskforce](#) (April 2023), and [EDPB Guidelines 2/2023 on Technical Scope of Art. 5\(3\) of ePrivacy Directive](#) (October 2024)).

This also contributed to the delay in handling your complaint and completing our investigation.

As we have informed you on 19 August 2024, we are preparing our preliminary assessment of the case in line with (amended) Article 18 of the [EDPS Rules of Procedure](#) to be issued to Frontex. If the EDPS would wholly or partially dismiss your complaint, a preliminary assessment will also be issued to you.

Please be assured that the EDPS is committed to handling your complaint and will keep you informed of any developments.

Yours sincerely,

S&E Secretariat on behalf of Thomas Zerdick, Head of Unit

SUPERVISION & ENFORCEMENT UNIT



| Tel. (+32) 228 31900 | Fax +32(0)22831950 | >

Email Supervision@edps.europa.eu

European Data Protection Supervisor

Postal address: Rue Wiertz 60, B-1047 Brussels

Office address: Rue Montoyer 30, B-1000 Brussels

@EU_EDPS www.edps.europa.eu

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Data Protection Notice

According to Articles 15 and 16 of Regulation (EU) 2018/1725 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, please be informed that your personal data will be processed by the EDPS, where proportionate and necessary, for the purpose of investigating your complaint. The legal basis for this processing operation is Article 57(1)(e) of Regulation (EU) 2018/1725. The data processed will have been submitted by you, or from other sources during the inquiry of your complaint, and this may include sensitive data. Your data will only be transferred to other EU institutions and bodies or to third parties when it is necessary to ensure the appropriate investigation or follow up of your complaint. Your data will be stored by the EDPS in electronic and paper files for up to ten years (five years for prima facie inadmissible complaints) after the case closure, unless legal proceedings require us to keep them for a longer period. You have the right to access your personal data held by the EDPS and to obtain the rectification thereof, if necessary. Any such request should be addressed to the EDPS at edps@edps.europa.eu. Your data might be transferred to other EU institutions and bodies or to any third parties only where necessary to ensure the appropriate handling of your request. You may also contact the data protection officer of the EDPS (DPO@edps.europa.eu), if you have any remarks or complaints regarding the way we process your personal data. You can find the full version of our data protection notice on complaint handling at: https://edps.europa.eu/data-protection/our-role-supervisor/complaints-handling-data-protection-notice_en.