

Privacy & Data Protection

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- Lawsuit seeking billions in damages filed against EasyJet, p.19
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GDPR anniversary marked by vitriol over top regulator's slow pace

Privacy campaigner Max Schrems has urged the European Commission to intervene after the Irish Data Protection Commission allegedly used 'Kafkaesque' tactics to delay investigations into Facebook's compliance with the GDPR.

In an open letter to European Supervisory Authorities, the European Commission and Parliament — which coincided with the GDPR's second anniversary — privacy campaign group Noyb.eu, said the Irish DPC had taken two years to complete the first of six stages in an investigation against Instagram and WhatsApp,

and to reach the second stage in its investigation into Facebook.

"At the current speed, these cases will easily take more than 10 years until all appeals are decided and a final decision is reached. These overly long durations expose the lack of any effective remedies for average citizens," the letter said.

The DPC has issued no penalties against private sector companies in over two years, despite more than 7,125 complaints in 2019 alone, the letter noted.

Schrems also claimed that the DPC and Facebook Group held a series of 10 private meetings before the GDPR came into law, to develop a way to continue its services without asking for consent from its customers to process their data.

According to the letter, Facebook relied on its submissions in the meetings with the DPC, as well as a whitepaper it shared with the regulator to legitimise its approach under the GDPR.

"Given these exchanges between DPC and Face-

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Belgian ruling prompts serious concerns about dual role DPOs

The Belgian Data Supervisory Authority has fined a company for having appointed its Head of Compliance, Audit and Risk as Data Protection Officer, finding that this combination of roles creates a conflict of interest and therefore constitutes an infringement of Article 38(6) of the GDPR.

The company had argued that there was no conflict of interest between the

roles, to the extent that the DPO was not involved in any decision-making around the processing of personal data.

However, the SA said that in its capacity of Head of Compliance, Risk and Audit, the DPO was the end-responsible for the processing of personal data in the context of the organisation's compliance, risk and audit activities. As a

result, it was impossible for the DPO to exercise any independent oversight on these processing activities.

On the basis of the fact that 'the concept of the DPO is not new' for many Member States and organisations, the regulator's Dispute Chamber concluded that in combining the roles, the defend-

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