

Data Protection Ireland

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Headlines

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- DPC threatens to take legal action against EDPB for overreaching its authority, p.18

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Commission proposes new Regulation to fix GDPR enforcement

The European Commission is calling for evidence on proposals for a new law aimed at improving how EU Supervisory Authorities ('SAs') enforce the GDPR.

The law, which will take the form of a regulation, will set clear procedural rules for SAs dealing with cross-border investigations and infringements.

"This initiative will streamline cooperation between national SAs when enforcing the GDPR in cross-border cases," the Commission said. "To this end, it will harmonise some aspects of the administrative procedure the national SAs

apply in cross-border cases. This will support a smooth functioning of the GDPR cooperation and dispute resolution mechanisms."

The opportunity to comment on the proposals expires on 24th March 2023; to provide feedback, see the relevant page on the Commission's website, also available through the following [link](#). The regulation is expected to be published in the second quarter of 2023.

News of the planned regulation comes following several other related developments last year.

In October 2022, the European Data Protection Board sent the Commission a 'wishlist' of procedural law changes to improve enforcement.

Among the ideas were setting deadlines for different procedural steps in the handling of a case and harmonising the rights of different parties involved in investigations across the EU.

In January 2023, the Commission ordered national SAs to report to it on a bi-monthly basis with an overview of large-scale cross-border investiga-

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Recommendations for use of cloud-based services by the public sector

The European Data Protection Board ('EDPB') has made a series of determinations regarding the use of cloud-based services by the public sector.

The recommendations, compiled into a report, ([view full report](#)), result from an investigation that the EDPB carried out as part of its first coordinated enforcement action under the Coordinated Enforcement Framework, the structure for coordinating

recurring annual activities by EDPB Supervisory Authorities.

The report recommends that public authorities conduct a risk assessment or data protection impact assessment to ensure adequate knowledge about personal data provided to the cloud-based service (and potentially third parties). This assessment should include identifying the categories

of data, the processing purposes, the entities to which the data are transferred, and the third countries involved.

Authorities should also ensure that cloud-based services operators implement adequate technical and organisational measures to protect personal information processed through their services. This includes

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