



***CEDPO and National DPO Associations in Europe
Warsaw Declaration 2013:
Call for incentives to promote the appointment of DPOs***

On the occasion of the 35th International Conference of Data Protection and Privacy Commissioners “A Compass in a turbulent world” the Confederation of European Data Protection Organisations (CEDPO) emphasizes the increasingly important role of the Data Protection Officer (DPO) as a valuable “compass” for data protection compliance in practice. At a time when EU institutions seem to focus the debate on whether the DPO should or should not be mandatory, CEDPO suggests stakeholders to go beyond this discussion and urges the European legislator to include clear provisions which incentivise organisations to appoint DPOs.

In a new position paper CEDPO presents the following 6 incentives stimulating the appointment of more DPOs in the EU, resulting in better protection of personal data:

- Data protection claims should be first brought to the attention of the DPO to be resolved.
- Organisations with a designated DPO should be relieved from formalities, such as unnecessary prior consultations of DPAs.
- Organisations with a designated DPO should be exempted from notifying minor breaches to the DPA.
- Organisations should be given the opportunity to fast track the certification process, extend the period for which the certification is valid for, or, be provided with a certificate of higher value, in case they have a designated DPO.
- The proposed regulation should provide for the possibility to refrain from or reduce administrative sanctions, where a DPO is in charge.
- Before conducting their investigations, DPAs should inform the competent DPOs appropriately and involve them adequately.

Warsaw, 25th of September 2013

CEDPO, Stowarzyszenie Administratorów Bezpieczeństwa Informacji (SABI) of Poland, ARGE DATEN of Austria, and Latvijas sertificēto personas datu aizsardzības speciālistu asociācija (LFPDA) of Latvia

Note: CEDPO has released its First Position Paper on the proposal for an EU regulation on 30th of March 2012 and has made amendment suggestions in a redlined Text on 19th of October 2012. These papers, including the new paper on “Incentives” are available at <http://www.cedpo.eu>.

About CEDPO:

The Confederation of European Data Protection Organisations (CEDPO) was founded in September 2011 by European Data Protection Organisations, namely, AFCDP (Association Française des Correspondants à la Protection des Données à Caractère Personnel) of France, APEP (Asociación Profesional Española de Privacidad) of Spain, GDD (Gesellschaft für Datenschutz und Datensicherheit) of Germany, and NGFG (Nederlands Genootschap van Functionarissen voor de Gegevensbescherming) of the Netherlands. The main purpose of CEDPO is to promote the important role of the data protection officer (DPO) and balanced, practicable, and effective data protection in general. In addition, CEDPO aims to contribute to a better harmonisation of data protection law and data protection practices in the European Union / European Economic Area.

APEP

The Spanish Association of Privacy Professionals (Asociación Profesional Española de la Privacidad) was created in 2009 by and for different profiles related to data protection and privacy professional interests, of both the private and the public sectors: in-house lawyers and external legal counsels, IT, IS and CTI experts as well as academics. In 2010, it launches the APEP certification for accountable professionals in order to put in value the DP professional roles and thus to contribute creating trust in the dynamic and emerging privacy market. The APEP has established stable links with several DPAs as well as with privacy-related associations and institutions at the domestic, EU and international levels.

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GDD

The German Association for Data Protection and Data Security (Gesellschaft für Datenschutz und Datensicherheit e.V., GDD) was founded in 1977 and stands as a non-profit organisation for practicable and effective data protection. With more than 2400 – mostly company – members the GDD is Germany's leading privacy association. Besides offering various member services such as education, training and certification of Data Protection Officers, guides for practitioners and networking opportunities for data protection professionals all across Germany, the GDD also represents member positions at national and European level.

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AFCDP

AFCDP, Association Française des Correspondants à la Protection des Données, was created in 2004, following the modification of the Data Protection Act, which created the function of DPO («Correspondant à la protection des données à caractère personnel» also called CIL, «Correspondant Informatique & Libertés»). AFCDP is a wide forum which welcomes any person interested in the protection of personal data: CIL, data protection managers, lawyers, HR specialists, IT and IS experts, quality and compliance managers, professionals of the e-commerce and marketing sectors ... Over 1200 individuals have joined so far this non profit association. AFCDP promotes discussion and information sharing on the protection of personal data in order to facilitate exchange among its members and to promote best practices. AFCDP maintains relationship with the French National Data Protection Commission (CNIL) and other authorities at French and European level involved in the protection of personal data.

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NGFG

Het NederlandsGenootschap van Functionarissen voor de gegevensbescherming (NGFG) is the Dutch association of Data Protection Officers, a position specified in article 62 of the Dutch Personal Data Protection Act, the Wet beschermingpersoonsgegevens (WBP). WBP has a provision where businesses, branch organisations, governments and institutions are allowed to appoint an internal supervisor for protecting the rights of data subjects, i.e. Data Protection Officers. These individuals supervise the proper implementation, as well as ensuring compliance to applicable laws, regulations and professional codes of conducts, in the field of data protection within their organisation. Thanks to the statutory tasks, responsibilities and authorities, Data Protection Officers have the ability to act independently within their organisations. The appointment of Data Protection Officers is how WBP implemented the 'Data Protection Officials' as referred to in article 18, second paragraph of the Directive 95/46/EC.

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Germany



France



The Netherlands



Spain