

# Vision, strategy and enforcement by Belgian DPA



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5th of November, 2019



# Overview



- **Belgian Data Protection Authority (APD - GBA)**
- **1 year of GDPR in Belgium**
- **Vision and strategy**
- **Focus on SMEs**

# Important dates



**27 April 2016**

- GDPR

**3 December 2017**

- Belgian Act establishing the DPA

**25 May 2018**

- GDPR entering into force

**30 July 2018**

- Belgian Act on the protection of natural persons with regard to the processing of personal data

**24 April 2019**

- Installation of the DPA

# 1. The Belgian Data Protection Authority



**David Stevens**  
Chairman DPA  
and Secretary  
General

**Hielke Hijmans**  
Chairman of the  
Litigation  
Chamber

**Peter Van den  
Eynde**  
Inspector-  
general of the  
Inspection  
Service

**Alexandra  
Jaspar**  
Director of the  
Knowledge  
Centre

**Charlotte  
Dereppe**  
Director of the  
First Line Office

# 1. The Belgian Data Protection Authority



## Gegevensbeschermingsautoriteit (17):

art. 7 wet GBA



Directiecomité (5) (art. 9 wet GBA)

# First Line Office



receives the complaints and submissions sent to the DPA

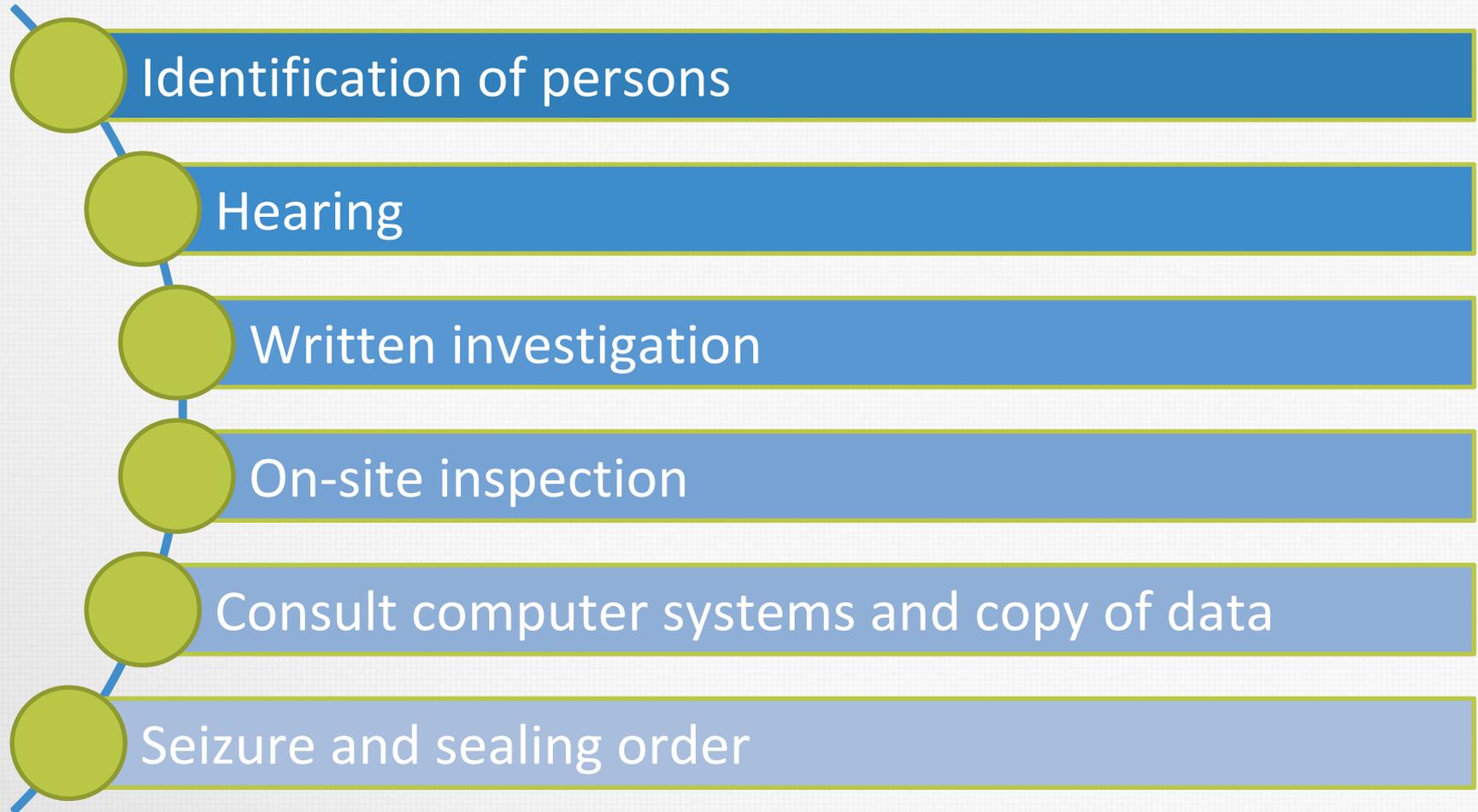
can initiate a mediation procedure

promotes data protection among the public, with a specific focus on minors

promotes awareness among controllers and processors with regard to their obligations

provides the data subject with information regarding the exercising of their rights

# Inspection



Identification of persons

Hearing

Written investigation

On-site inspection

Consult computer systems and copy of data

Seizure and sealing order

# Litigation Chamber



The Litigation Chamber is the administrative dispute body of the Data Protection Authority

Disputes based on complaints and on own initiative Investigations National cases and Cross Border Cases

Build Consistent Jurisprudence

Warnings, Reprimands and Orders based on GDPR

Impose penalties, administrative fines

Litigation before the national court

EU and International Enforcement Cooperation



Technological, social and economic observation



List of processing operations subject to a DPIA and opinions in the context of consultations (art. 35 and 36 GDPR)



Codes of conduct: approval, definition of accreditation criteria for supervisory bodies



Certification: definition of certification criteria and accreditation criteria of the certification body



Approval of standard contractual clauses and BCR

S  
U  
P  
P  
O  
R  
T



Human resources



Budget



IT



Legal service of the DPA



Internal and External communication

# Knowledge Centre

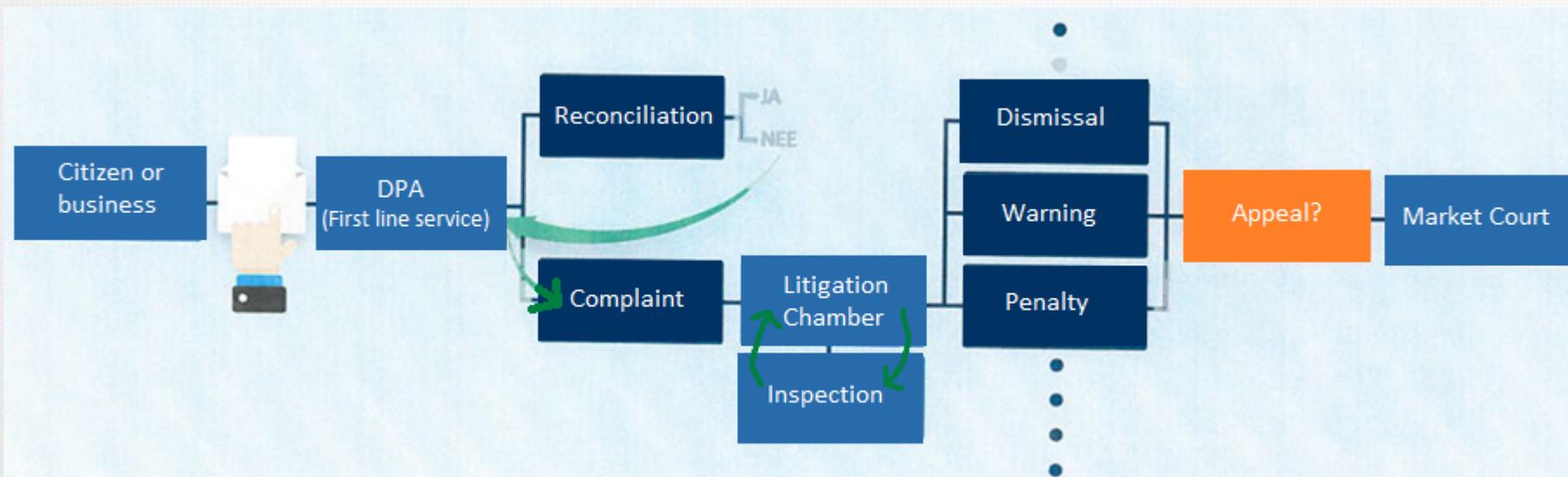


The Knowledge Centre shall issue, either on its own initiative or upon request:

Advice concerning any matter relating to the processing of personal data

Recommendations relating to social, economical and technological developments that can impact on the processing of personal data

# Standard workflow



# 2. One Year of GDPR...

## GDPR IN NUMBERS

#HAPPYBIRTHDAYGDPR

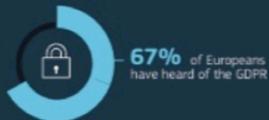
The General Data Protection Regulation (GDPR) applies since 25 May 2018. Reports of massive data breaches and the mishandling of personal data by large online platforms remind us what is at stake: from preserving our private life, to protecting the functioning

of our democracies and ensuring the sustainability of our increasingly data-driven economy.

On the occasion of GDPR's first anniversary, we are taking a closer look at awareness, compliance and enforcement of the new rules.

### AWARENESS OF THE RULES

#### Awareness of GDPR



Source: Special Eurobarometer 487a (March 2019)

#### Awareness of data protection authorities



Source: Special Eurobarometer 487a (March 2019)

#### Number of queries and complaints to data protection authorities

Individuals are increasingly contacting data protection authorities to ask questions about the GDPR and lodge complaints about respect for their rights. The GDPR also makes it possible for an organisation to lodge complaints on behalf of individuals. This possibility was used immediately after the entry into application of the GDPR.

144,376

Total number of queries and complaints from all data protection authorities in Europe, since May 2018

Source: The European Data Protection Board

This figure is indicative only. The definition is not harmonised between national data protection authorities. We were not able to verify if all the reported figures relate to cases post 25 May, when the GDPR entered into application. Some of them can also relate to the former data protection directive.

### COMPLYING WITH THE RULES

#### Most common types of complaints

These are the types of activities for which the most complaints have been made so far.



Source: The European Data Protection Board

#### Number of data breach notifications

When personal data for which a company is responsible is accidentally or unlawfully disclosed, that company is obliged to report this data breach to their national data protection authority within 72 hours of finding out about the breach.

89,271

Total number of data breach notifications from all data protection authorities in Europe, since May 2018

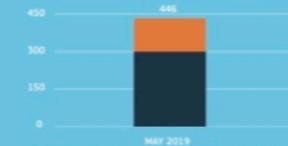
Source: The European Data Protection Board



### ENFORCING THE RULES

#### Cross-border cases\*

Many companies, such as social media platforms, provide their services in more than one EU country. The GDPR provides that, in most cases, one national data protection authority takes the lead in investigating the case ("one-stop shop"), whilst the other concerned authorities support the investigation. If there is a disagreement between authorities, the European Data Protection Board will arbitrate.



● Investigations initiated by data protection authorities  
● Investigations by data protection authorities on the basis of complaints from individuals

Source: The European Data Protection Board

#### Fines issued under the GDPR by data protection authorities

The GDPR gives the data protection authorities the power to impose fines of up to 4 % of a company's annual turnover.



#### Adaptation of national laws in the EU Member States

Being an EU Regulation, the GDPR is directly applicable in all EU countries. However, it also requires countries to adapt their national legislation. 25 EU Member States have adopted the required national legislation, but three are still in the process of doing so (Greece, Slovenia and Portugal).



... in Belgium



Since 25<sup>th</sup> May 2018,  
the Belgian DPA has received :

**6985**

*requests for  
information*

**351**

*queries or  
complaints*

**754**

*data breach  
notifications*

**4397**

*registered  
active DPOs*

# 3. Vision & strategy



## Strategic plan 2020-2025: “Privacy becoming a reality”

- 3 sets of priorities:
  - *Sectors*
  - *GDPR instruments*
  - *Societal challenges*
- Risk-based
- 3 types of activities
- Collaborating with partners



Source: <https://seylangecorner.wordpress.com/>

## Criteria:

- # data subjects
- Categories of data
- Volumes of data (time)
- Vulnerability of data subjects
- ...

# 3 types of activities



- 1. Explanation of regulation (advice, interpretation, recommendations...)**
  - First-Line & Knowledge Centre
- 2. Supervision and approval (codes of conduct, DPIA, BCRs, standard clauses ...)**
  - General Secretariat
- 3. Enforcement (investigation and sanctions)**
  - Inspection Service & Litigation Chamber

# Collaboration with partners



## ➤ National

- Police & intelligence services
- Telecom regulator (eg. cookies)
- Competition regulator
- ...

## ➤ International:

- European Union: EDPB – EDPS – bilateral
- OECD
- Council of Europe
- ICDPPC

## 4. Focus on SMEs

### ➤ Action Plan for SMEs – results of the survey:

- ✓ **24 professional organisations** replied, representing SMEs from all sectors;
- ✓ Well acquainted with the GDPR and the Belgian DPA;
- ✓ Very active in advising SMEs on the GDPR;
- ✓ More than half know the **vade-mecum for SMEs**;
- ⇒ *enhance its visibility and usefulness*
- ✓ Interest in the **Codes of Conduct (CoC)**;
- ⇒ *communicate about the procedures for CoC when ready*
- ✓ **Major challenges for SMEs**: keep a record of processing activities ('register'), define data storage periods, reply to the exercise of data subjects rights, notify a data breach;
- ⇒ *develop a mini-tool box for SMEs = templates of a register and a privacy policy*
- ⇒ *review the data breach notification formulaire*
- ⇒ *enhance citizens' awareness on their data subjects rights (on-going awareness raising project for citizens)*
- ✓ **Other challenges for SMEs**: DPIA and relationship controller-processor
- ⇒ *develop new compliance tools for SMEs: forthcoming project 'BOOST'*

# New project for SMEs - 'BOOST'



- ✓ **Start:** Beginning of 2020
- ✓ **Consortium:** Belgian DPA (leader), VUB, KU Leuven and University of Namur
- ✓ **Purpose:** Boost Belgian SMEs' awareness of and compliance with the GDPR, with special focus on three compliance themes:
  - 1) The principle of transparency;
  - 2) The Data Protection Impact Assessment (DPIA);
  - 3) The concepts of “controller” and “processor”.
- ✓ **Major actions:**
  - Launch surveys for SMEs and organise workshops with professional organisations;
  - Develop a FAQs brochure for SMEs;
  - Develop 4 new advanced GDPR compliance tools for SMEs (incl. a software/app);
  - Organise free of charge seminars for SMEs;
  - Publish videos for SMEs;
  - Send newsletters for SMEs.
- ✓ **Expected results:** an enhanced level of SMEs' awareness of the GDPR and a strengthened SMEs' compliance with the GDPR.

# Questions ?

