



**Coordinated
Supervision
Committee**

Work Programme 2022-2024

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Work Programme 2022-2024

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1. INTRODUCTION

The Coordinated Supervision Committee (CSC) hereby presents its second work programme for the biennium 2022-2024 directly after Europol came under its purview. This most recent addition to the tasks of the CSC entails the coordination between the national data protection supervisory authorities (SAs) and the European Data Protection Supervisor (EDPS) in the supervisory activities of the biggest EU information hub for police cooperation.

Within the context of the CSC, Europol joins the EU Agency for Criminal Justice Cooperation (Eurojust) and the European Public Prosecutor's Office (EPPO), forming a trilogy of information systems in a field where processing of personal data has a huge impact on the rights of individuals. This is even more evident with the increased technical capacity of accessing data from multiple sources, public and private, of crosschecking and further processing large sets of data, and of using AI tools to carry out analysis and seek patterns.

This reality requires constant and effective monitoring from data protection authorities to ensure that the level of interference with the fundamental rights to data protection and privacy as provided for by the EU Charter is really necessary and proportionate to accomplish the important public interest of combatting serious and organised crime, including terrorism.

Building also on the experience of the precedent bodies of the CSC such as the Europol Cooperation Board, the CSC will intensify its supervisory activities in all systems within its remit, through coordinated targeted actions, based on enhanced cooperation and information exchange between the EDPS and the national SAs to ensure effective results.

In the next two years, new EU systems will be set up. Within the same period, existing EU systems will be renewed with extended functions, such as the Schengen Information System (SIS). Characteristic to these developments is the focus on interoperability between systems. The CSC therefore already includes a coordinated supervisory activity covering both Europol and SIS in the current work programme. This initiative takes advantage of the horizontal approach in supervision that favours a holistic view of all the data processing involved and of all the interactions among systems.

This work programme has selected the data subjects' rights as a key-area of activity. The CSC will reinforce awareness raising and it will provide more guidance to assist individuals in navigating the network of systems and controllers and the great number of different rules when exercising their rights, also in view of the challenges the interoperability legal framework will bring.

The CSC is also committed to improve its dialogue with stakeholders, in particular with NGOs, academia and researchers working in this field, by promoting reflection and debate on issues of common interest. Transparency is a guiding principle to our work and the CSC will use its website in a more intense way, within the European Data Protection Board (EDPB), to communicate with the public and to report on its activities.

This is undoubtedly an ambitious work programme. Not only are we still in a transitional phase of implementation of systems while recasting the legal framework, but mostly due to the insufficient financial and human resources allocated to the majority of the data protection supervisory authorities. Yet it is imperative that we are able to perform our legal tasks at national and at EU level. The CSC is

firmly committed to do so to ensure that all individuals can enjoy of an effective EU area of freedom, security and justice.

2. WORKING METHODS

2.1 Distribution of roles

The Committee elects a Coordinator and at least a Deputy Coordinator from among its members for a term of office of two years.¹

The Coordinator convenes and chairs the meetings, acts as a contact point in CSC matters, sets the draft agenda, carries out all the tasks that have been assigned to him/her in the Rules of Procedure and updates the European Data Protection Board of the work of the Committee at least twice a year. The Deputy Coordinator will perform these tasks if the Coordinator is unable to attend. Both cooperate in liaison with the Secretariat to ensure the smooth functioning of the Committee, prepare the draft agenda, the draft work programme and the draft joint report of activities on coordinated supervision the Committee will adopt.²

The EDPB Secretariat will also provide the Secretariat of the Committee.³ The Secretariat assists the Committee in the performance of its tasks and acts solely in the best interests of the Committee.

The Committee or the Coordinator may designate one or several (co-) rapporteur(s) for specific issues. They will be responsible for the elaboration of documents, incorporating comments into revised drafts, finalizing the document and presenting them to the Committee.⁴

2.2 Organisation of the meetings

The Committee must meet at least twice a year.⁵ The Coordinator may also decide to convene extraordinary meetings, on its own initiative or at the request of the majority of the Committee's participating authorities.⁶ The Secretariat shares the invitations, the draft agenda and the meeting documents with each member of the Committee at least 10 days in advance of the meeting.⁷ In exceptional circumstances, documents may be distributed later.

Meetings of the Committee can only take place if at least half of the participating authorities or their representatives are attending.⁸ The Committee will approve the agenda at the beginning of each meeting.⁹

The costs and the servicing of the Committee's meetings are borne by the EDPB Secretariat.

¹ Article 3 of the Rules of Procedure

² Article 4 of the Rules of Procedure

³ Article 17 of the Rules of Procedure

⁴ Article 8 of the Rules of Procedure

⁵ Article 12.1 of the Rules of Procedure

⁶ Article 12.3 of the Rules of Procedure

⁷ Article 14 of the Rules of Procedure

⁸ Article 12.5 of the Rules of Procedure

⁹ Article 13.4 of the Rules of Procedure

The COVID-19 crisis has led EU institutions to adapt to new ways of working and to hold meetings remotely to be able to continue their activity. The Committee has also resorted to remote meetings to hold its meeting of 8 July 2020. The pandemic has also stimulated the creative spirit of its members, and a new form of meeting has been introduced since April 2022: hybrid meetings.

In ordinary times, remote meetings can also be a useful way to lighten the agenda of the Committee in-person meetings, improve the Committee's efficiency and the quality of its work. The Committee could organize remote meetings to address matters that could be discussed briefly and/or that could not wait for the in-person meetings. The Committee could leave to in-person meetings matters that may be more complex and require longer discussions.

More generally, the Committee discussed its internal functioning. The Committee also noted the high number of additional EU agencies and information systems that will fall under the CSC's purview this year and in 2023 and launched its reflection on how to organise its working methods and meetings to cover them effectively.

The Committee discussed and agreed with the proposals presented for the future functioning of the CSC. The Committee will strive to reach a holistic view considering the interaction and interoperability of the European information systems, in order to improve effectiveness in the coordinated supervision activities. The Committee also opted for flexible working methods and will enhance cooperation with external stakeholders.

2.3 Technical tools

The Committee has a functional mailbox within the EDPB mailbox for all correspondence of the Committee. The Secretariat is in charge of handling this functional mailbox, answering questions and requests of members and redirecting emails from third parties to the Coordinator or participating authorities where needed. The Secretariat also uses the functional mailbox to issue the invitations, the draft agenda and the documents for the meetings.

The Secretariat also uses the Confluence system as its main tool for sharing information with the participants. The Committee has a dedicated section with a forum, subsections for each of the CSC meetings, a section for the work items overview, and resources made available and/or produced by the CSC members, such as legal references, interpretative guidelines, best practices and others.

2.4 Communication with the public

The Committee has a dedicated website where all public documents of the Committee are available. The webpages will be updated with the new relevant information on the EU information systems whose coordinated supervision comes under the CSC.

2.5 Dialogue and engagement with stakeholders

The Committee should seek, through its activities and meetings, a regular dialogue and engagement with controllers, processors and third parties, including civil society organisations to ensure a

comprehensive reflexion on the issues at stake, while always taking into account its role as independent body.

3. PLANNED ACTIVITIES

The Committee has planned the following activities in the work programme to:

- Ensure that data subjects are able to exercise their rights;
- Promote the exchange of information and joint audits or coordinated inspections by national SAs and the EDPS;
- Reach a common understanding between its participating authorities on their respective scope of supervision, applicable legal basis, and the areas where they need to cooperate and coordinate;
- Prepare the Committee's work on the supervision of the EU bodies and information systems that will fall within the Committee's remit in the coming years.

The Committee will be flexible and work on other activities that may not be included in this work programme but that participating authorities may bring to its attention, based on their relevance, urgency or unforeseen character.

3.1 Promote and facilitate the exercise of data subject's rights

The Committee will carry out the following tasks under this activity:

- **Make recommendations to controllers on the exercise of their data protection obligations, such as on the information provided to data subjects:**
 - Draft IMI guidance on transparency.
- **Elaborate guidance on the rights of data subjects regarding the different EU information systems and how the data subjects can exercise them, including information on competent authorities for handling the requests:**
 - Draft new guides of access for EPPO, Eurojust and the new set-up systems.
 - Update existing guides of access for SIS and Europol in view of the new legal frameworks.
 - Work on the consolidation in one-single document of the exercise of rights vis-à-vis the different information systems, as a roadmap for data subjects to navigate among systems, controllers, formalities for submission, deadlines for replies, and so forth, having the possibility to have updates in order to integrate new systems as they come along.
 - Monitor the implementation of the web portal for data subjects exercising their rights, as provided for in Article 49 of the interoperability regulations, also in view of the delegated act to be adopted by the Commission in this regard.

- **Coordinate on the national implementation of the Schengen information campaigns and cooperate with the European Commission pursuant Article 19 of Regulation (EU) 2018/1861 and Article 19 of Regulation (EU) 2018/1862.**
- **Monitor the impact on the rights of individuals by the implementation of recent developments in the legal framework, in particular in relation to interoperability and the role of Europol.**
- **Draft a report from information provided by national competent authorities in Member States to the EDPB¹⁰ on the exercise of the data subjects' rights, on court proceedings and on mutual recognition of final decisions to be included in the joint report of activities regarding the Schengen Information System.**
- **Exchange best practices on data subject's rights.**

3.2 Examine difficulties of interpretation or application of EU and national law

The Committee will carry out the following tasks under this activity:

- **Continue studying the interplay between EU and national law and its application to the activities of supervisors at EU and national level and reaching understandings on their respective areas of supervision, in particular concerning EPPO.**
- **Monitor the implementation of the framework for the interoperability of EU information systems.**

3.3 Exchange information and conduct joint audits or coordinated inspections

The Committee will carry out the following tasks under this activity:

- **Share information collected on data processing at EU and national levels, and especially on those areas that could present high risks to individual rights.**
- **Collect information and promote best practices on the engagement with competent authorities at EU and national level.**
- **Monitor developments and share information on the entry into operation of reforms of existing EU information systems and agencies or creation of new ones.**
- **Collect and exchange information on the technical implementation of communication systems for exchange of personal data for law enforcement purposes (e.g. SIENA).**

¹⁰ Pursuant Article 54(3) of Regulation (EU) 2018/1861 and Article 68(3) of Regulation (EU) 2018/1862.

INTERNAL MARKET INFORMATION SYSTEM (IMI)

- Provide guidance on the transparency obligations regarding the IMI.
- Asses the allocation of roles in terms of controllership within the IMI in relation to the data processed.
- Coordinate a supervisory action on how national competent authorities exercise their obligations concerning IMI on management of users' access to the information system for possible joint guidance and/or enforcement at national level.

EUROPEAN PUBLIC PROSECUTOR'S OFFICE (EPPO)

- Keep monitoring the implementation of European Delegated Prosecutors' offices at Member State level and the interplay between EPPO and the national databases.
- Develop a joint activity between EDPS and national supervisory authorities on the use of case management system of EPPO at Member State level.

EUROPEAN UNION AGENCY FOR CRIMINAL JUSTICE COOPERATION (EUROJUST)

- Assess the participation of third country authorities in Joint Investigation Teams under the Eurojust scope and support.
- Coordinate a supervisory action at national level on the data quality issues related to data inserted in the Eurojust Counter-Terrorism Register (CTR).

EUROPEAN UNION AGENCY FOR LAW ENFORCEMENT COOPERATION (EUROPOL)

- Ensuring the smooth transition from ECB to CSC of ongoing activities and inquire about new possibilities of cooperation and exchange of information between supervisory authorities and law enforcement authorities. This also includes following closely the implementation of the new legal framework, in particular as regards the determination of the purposes of the data processing by the national competent authorities and by Europol.
- Inspecting the lawfulness of processing of data on minors sent by national competent authorities to Europol as regards national law and the Europol Regulation, based on prior EDPS referrals and involving the SAs of those Member States concerned.
- Addressing the so called "big data challenge" in close cooperation between the EDPS and national SAs, either by checking compliance with national law when data is transmitted to Europol and compliance with the Europol Regulation when data is further processed by Europol. Special attention will be given to the processing of data without data subject categorization.
- Monitoring the implementation of the provisions on "information alerts" to be inserted in the SIS by Member States on proposal by Europol, either at national level (SIS) or/and at EU level (Europol), in particular by checking the periodic reporting mechanism in place on those

alerts. This is the first cross-system supervisory activity covering two EU-systems under the purview of the CSC.

3.4 Prepare the coordinated supervision of EU bodies and information systems that will fall under the Committee's scope

The Committee will carry out the following tasks under this activity:

- **Prepare the Committee's assumption of the coordinated supervision over the EU information systems and agencies that will fall within the scope of the CSC.**
 - Take stock of the relevant undergoing activities of the existing supervision coordination groups.
 - Engage with those groups on specific EU information systems and agencies and with the EDPS, which provides their secretariat, to prepare their transition to the coordinated supervision of the CSC.

- **Ensure the participation of SAs in trainings and joint evaluation missions in relation to the SIS in the framework of a new evaluation mechanism.**