EDPB STAKEHOLDER SURVEY - 2022

Thank you for participating in the European Data Protection Board stakeholder survey 2022, which aims to collect feedback about the activities of the EDPB in 2022 and will contribute to the drafting of the EDPB Annual Report 2022. Please take the necessary time to complete the survey – your feedback will help to inform our future strategy and activities.

Privacy statement
[attachment]

STATISTICAL INFORMATION

Your organisation's sector:
- Public sector (central government)
- Public sector (local government)
- Public sector (international/supranational)
- Academia
- X Law firm
- Businesses and other private organisations
- Non-governmental organisation
- Think tank
- Other

GUIDELINES

1. Which recently-issued EDPB guidelines or recommendations have you consulted in 2022?

- X Guidelines 01/2022 on data subject rights - Right of access
- Guidelines 02/2022 on the application of Article 60 GDPR
- X Guidelines 03/2022 on Dark patterns in social media platform interfaces: How to recognise and avoid them
- Guidelines 04/2022 on the calculation of administrative fines under the GDPR
- Guidelines 05/2022 on the use of facial recognition technology in the area of law enforcement
- Guidelines 06/2022 on the practical implementation of amicable settlements
- Guidelines 07/2022 on certification as tool for transfers
- X Guidelines 08/2022 on identifying a controller or processor's lead supervisory authority
- X Guidelines 9/2022 on personal data breach notification under GDPR

Guidelines adopted after public consultation
- X Guidelines 01/2021 on Examples regarding Personal Data Breach Notification
- Guidelines 4/2021 on codes of conduct as tools for transfers

EDPB-EDPS Joint Opinions
- EDPS-EDPB Joint opinion 01/2022 on Covid-19 certification Regulation extension
- EDPB-EDPS Joint Opinion 2/2022 on the Proposal of the European Parliament and of the Council on harmonised rules on fair access to and use of data (Data Act)
- EDPB-EDPS Joint Opinion 03/2022 on the Proposal for a Regulation on the European Health Data Space
- EDPB-EDPS Joint Opinion 04/2022 on the Proposal for a Regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse

Guidance issued prior to 2022. If so, which one(s): *Guidelines 05/2020 on consent under Regulation 2016/679, Guidelines 3/2018 on the territorial scope of the GDPR (Article 3).*

Conditional answer to display per Guideline once they are ticked by the responder

1a. Overall, what best describes your experience with this guideline/recommendation?

- X   The guideline is helpful in interpreting the GDPR and/or provides actionable guidance for my activities
- •   The guideline contained useful and actionable information but did not answer all my questions (explain)
- •   The information was not clear and/or the content was not useful (explain)
- •

1b. Did the guideline provide adequate examples?

- •   Yes
- X   No

If not, please explain: In some cases, the examples are too simple and do not cover common but complex scenarios. See also response to Q4 below regarding clarity of drafting of examples.

2. How did you generally find the EDPB guidelines/recommendations you consulted? *(Check all that apply.)*

- X   I found them via direct search on the EDPB website (I was looking for that specific EDPB guidance)
- •   I found them via social media
- •   I found them after searching my problem on a search engine
- •   They were recommended to me by my national supervisory authority
- •   They were recommended to me by a professional association /body I belong to
- •   Other:

3. Thinking about the guideline that has been most useful to you this year, how often did you typically consult it? *(Please choose the answer closest to your normal use.)*

- •   Once
- •   Between 2 and 5 times in total
- X   Regularly, roughly once a month
- •   Regularly, roughly once a week
- •   Regularly, on a daily basis

4. How can the guidelines be made easier to consult? *(Check all that apply.)*

- •   The guidelines are acceptable as they currently are.
- •   Change their length (please explain).
- X   Change the language (please specify desired language e.g., simpler, more specific, less technical, more technical, etc.).
- •   Add an executive summary as a standard section of the document

- Change approach (please explain).

> Please explain: The drafting is often not clear. For instance, Example 7 in the *Guidelines 05/2020 on consent under Regulation 2016/679* is very difficult to follow.

IMPACT

5. Did the EDPB guidelines or recommendations require a change in your organisation's broader strategy and approach to business?

X   Yes
- No

> Please explain: The EDPB publications affect our advice to clients where applicable to them.

PUBLIC CONSULTATIONS

6. Did you participate in any consultation process?

- Yes
X   No

6a. [If yes] What best describes your experience? *(Check all that apply.)*

- The experience was positive
- The experience was negative
  Please explain:

STAKEHOLDER WORKSHOPS

7. Did you participate in any EDPB workshop?

- Yes
X   No

7a. [If yes] What best describes your experience? *(Check all that apply.)*
- The experience was positive
- The experience was negative
  Please explain:

OVERALL EVALUATION

8. What did you find most helpful about the EDPB work and documents in 2022?

> EDPB publications (not just guidelines and recommendations) are useful in giving context to data regulation in Europe: useful recent ones we have used are the Cookie Banner Taskforce report, and report on cloud based services in the public

sector. We consult key Binding Decisions and opinions; the format and level of detail in these is generally good. We find the website useful and appreciate the clear layout, including sections with latest EDPB news.

9. What did you find the least helpful about the EDPB work and documents in 2022?

To add to our comments above on the drafting of guidelines, it would be helpful to understand how particular decisions of individual supervisory authorities are selected for inclusion in the "News" section: are these based on what material is submitted sent by supervisory authorities, or are they selected at random? Are these decisions to which the EDPB gives particular weight or importance? If there is no rationale, it might be clearer to replace either with links to all decisions, or to none.