



# Workshop on Complaints and the role of the DPO



# Introduction

- Purpose of this workshop
- Structure
  - The life of a complaint (EDPS)
  - The experience of a DPO
  - Case-studies



# Complaints handled by the EDPS



# Legal framework

- Treaty
- Charter
- Regulation 45/2001 (difference between Article 32 and 33)
- Staff Regulation
- EDPS Rules of Procedure



# Workflow

- Preliminary examination phase
- Investigation phase
- Mediation phase
- Decision phase
- Implementation phase
- Closing phase



# Confidentiality

- Confidentiality during the handling of complaint (limitations, anonymity)
- Publicity after the end of enquiry
- Request for access Regulation 1049/2001
- Request for access (art 13) Regulation 45/2001



# Receipt of the complaint

- Complaint submission form
- Acknowledgement of receipt
- Inadmissible complaints



# Preliminary examination

- Formal requirements
- EDPS competence
- Complainant's standing to lodge a complaint
- Potential breach of d.p. rights
- Preliminary approaches with controller/ DPO/ other bodies (Art. 90 SR? EO? *sub iudice*?)
- Sufficient grounds for investigation





# Investigation

- General principles (simplicity, discretion, fairness)
- Request for comments to the controller
- Request for comments to the complainant
- Need for further investigation
- New factual elements



# Decision

- Structure
- Conclusion: breach/no breach – powers Art 47
- Review
- Appeal to Court of Justice
- Implementation and follow-up



# Complaints handled by the DPO



# Legal framework

- Regulation 45/2001 (Article 24 and Annex)
- Implementing rules
- EDPS papers



# Thank you for your attention!

For more information:

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