

Industry Coalition for Data Protection

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Article 29 Working Party

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Copy: Isabelle Falque-Pierrotin, Chairwoman; Ventsislav Karadjov, Vice-Chairman; Antonello Soro, Vice-Chairman.

Brussels, 2 November 2016

Structured Stakeholder Dialogue on the Implementation of the General Data Protection Regulation

Dear members of the Article 29 Working Party,

We write in reference to a letter sent to the Article 29 Working Party (WP29) on 22 July 2016 in which we expressed the need for a **structured, inclusive, open and ongoing consultation process for implementing the General Data Protection Regulation (GDPR)**. We welcome the repeated commitment of the WP29 to engage in a dialogue with stakeholders and appreciate the efforts to build on that commitment by organising a first 'FabLab' workshop in July. However, we believe that the current consultation process must significantly improve if it is to meet the criteria of a structured, open and inclusive consultation process.

As the future European Data Protection Board (EDPB), the WP29 has been granted significant and extensive new regulatory powers for interpreting and implementing the GDPR, including the responsibility of providing guidance to millions of European and international controllers and processors, small and large. We believe that these guidelines should be developed in consultation with all relevant stakeholders to facilitate the right to data protection and balancing it with other relevant fundamental rights.

International-, European-, and national-level industry associations, as well as individual companies, can offer the WP29 expertise from different business sectors and geographies to provide important feedback on the practical implementation of the GDPR at the necessary depth to tackle complex topics appropriately. Unfortunately, thus far, the short notice, the lack of a clear long-term formal structure, and the limitations placed on industry and individual company participation, have left us unable to participate meaningfully in the WP29's consultation process – with others having been unable to participate at all, or even having being excluded from participating.

The signatories of this letter are committed to support the WP29 in its task to ensure the effective and meaningful implementation of the GDPR to the best of their ability. That is why we call on the WP29 to improve its consultation process to ensure that the implementation of the GDPR and official guidance will be future-proof, insightful, workable, pragmatic, proportionate, and well-balanced. To that end we hope that the WP29 and future EDPB will put in place a process that gives all relevant parties the opportunity to express their opinions on fair and equal grounds, with sufficient time to provide useful and meaningful input. Such a future process could draw on existing best practices, such as the General Principles and Minimum Standards for Stakeholder Consultation developed by the European Commission.¹

We respectfully request a formal response in which you share your views on how you intend to structure the dialogue with stakeholders going forward in general, but also, more specifically, on how to ensure effective consultation on the issues discussed in July on which the WP29 is planning to issue guidance by the end of the year.

Yours sincerely,

The Industry Coalition for Data Protection²



¹ European Commission Guidelines on Stakeholder Consultation, available at http://ec.europa.eu/smart-regulation/guidelines/ug_chap7_en.htm

² ACT, Application Developers Alliance, AmCham EU, BSA, cocir, DIGITALEUROPE, EACA, eCommerce Europe, EDiMA, EMOTA, EPC, EuroISPA, FEDMA, FENCA, IAB Europe, ISFE, JBCE, TABC, WFA.