

2021-098

16.04.2021

Written procedure

From: Chairperson of the Management Board

To: Management Board

Prev. Doc: 2021-096, 2021-097

Subject: Note to complete the written procedure for a decision of the Management Board to adopt internal rules concerning restrictions of certain rights of data subjects in relation to the processing of personal data in the framework of the functioning of eu-LISA, pursuant to Article 25 of the Regulation (EU) 2018/1725¹

Regulation (EU) 2018/1725 sets out the data protection principles and rules applicable to all Union institutions, bodies, offices and agencies, and provides data subjects with *rights* within the fundamental right of data protection (such as the right of information, access, rectification, portability, right to erasure etc). These rights should be strictly respected by eu-LISA. According to Article 25 of the Regulation (EU) 2018/1725, only under exceptional circumstances these rights could be restricted by eu-LISA - always based on a legal act or, in absence of such legal act, on internal rules adopted by the highest level of management and published on the *Official Journal of the European Union*.

Pursuant to Article 35(2) of eu-LISA's establishing Regulation (EU) 2018/1726, the Management Board (MB) shall adopt measures for the application of Regulation (EU) 2018/1725 by the Agency. Those measures shall be adopted after consulting the European Data Protection Supervisor (EDPS).

Taking into account the opinion of the EDPS of 11 March 2021, a written procedure was launched for the MB decision on 26 March 2021 to adopt internal rules concerning restrictions of certain rights of data subjects in relation to the processing of personal data in the framework of the functioning of eu-LISA, pursuant to Article 25 of the Regulation (EU) 2018/1725. By the deadline of the written procedure, no objections by the Board members with the right to vote were received. The legal adjustments by the European Commission were taken into account in the final version of the decision.

Considering the above, in accordance with Article 35(2) of eu-LISA's establishing Regulation and with the provisions of Article 8 of eu-LISA's Rules of Procedure, the Management Board adopts the following decision by written procedure:

The Management Board decides to adopt the internal rules, as set in document 2021-096 REV 1, concerning restrictions of certain rights of data subjects in relation to the processing of personal data in the framework of the functioning of eu-LISA, pursuant to Article 25 of Regulation (EU) 2018/1725.

Zsolt Szolnoki

Chairperson of the Management Board

¹ Regulation (EU) 2018/1725 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.