

2021-015

18.01.2021

Written procedure

From: Chairperson of the Management Board

To: Management Board

Prev. Doc: 2021-014, 2021-015

Subject: Note to complete the written procedure for the Management Board to adopt the comments on the European Data Protection Supervisor (EDPS) inspection report with regard to the Eurodac, pursuant to Article 19(1) (hh) of the Agency's establishing regulation

Under Article 31 of Regulation (EU) No 603/2013 (hereinafter referred to as "the Eurodac Regulation"): '*The European Data Protection Supervisor (EDPS) shall ensure that all the personal data processing activities concerning Eurodac, in particular by the Agency, are carried out in accordance with Regulation (EU) No 45/2001 and with this Regulation*'.

As part of the EDPS Annual Inspection Plan for 2019, an inspection was carried out between 2-4 December 2019 at eu-LISA premises in Strasbourg, France. The overall objective was to perform the inspection of the system in alignment with 'international auditing standards' – in this context ISO 27001 – as required by Article 31 of Regulation (EU) No 603/2013. The report summarises the findings identified during the inspection and includes 29 recommendations.

In accordance with Article 19 (1) (hh) of eu-LISA's establishing Regulation (EU) 2018/1726, the Management Board shall adopt formal comments on the EDPS reports on its audits pursuant to Article 31(2) of Eurodac Regulation (Eurodac system) and ensure appropriate follow-up of those audits.

On 18 November 2020, the EDPS draft report on 2019 Eurodac inspection was sent to eu-LISA for comments to be provided **by 18 January 2021**.

Based on the earlier consultation with the Eurodac AG and the Management Board, on 12 January the proposed comments on the EDPS inspection report on Eurodac were launched for a decision of the Management Board via written procedure. By the deadline of the written procedure on 15 January 2021 C.O.B., no objections by the Board members with the right to vote were received.

Therefore, in accordance with Article 19 (1)(hh) of the Agency's establishing Regulation and with the provisions of Article 8 (4) of the Agency's Rules of Procedure, the Management Board adopts the following decision by written procedure:

The Management Board decides to adopt the comments on the EDPS inspection report on Eurodac as stated in Annex II of the document 2021-015. Based on the adopted comments, the Management Board asks eu-LISA to submit its decision to the EDPS.

Zsolt Szolnoki

Chairperson of the Management Board

Annex I: EDPS draft report with track changes reflecting comments in Annex II.

Annex II: Excel table with proposed recommendations and comments