

Legal Update

GDPR: New Common Enforcement Framework

The Irish Data Protection Commission (the “DPC”) recently announced that it will be participating in the European Data Protection Board’s (the “EDPB”) third Coordinated Enforcement Framework (the “CEF”). The focus of this CEF is the “right of access” which is enshrined in Article 15 of the General Data Protection Regulation (the “GDPR”).

What is a CEF?

The CEF provides a structure for coordinating activities by EDPB supervisory authorities to facilitate joint action in a flexible but coordinated manner. Such actions range from joint awareness raising and information gathering to enforcement sweeps and investigations. CEFs facilitate the coordination of enforcement actions driven by commonly identified priorities and methodologies. In this regard they are similar to ESMA “Common Supervisory Actions”.

Each CEF focusses on a pre-selected topic for data protection authorities to work on at a national level and sets out the procedural outline within which the coordinated action can take place. The information gathered from these national actions provides deep insight into the topic and helps identify areas which require a targeted follow-up at national and EU levels. The first coordinated enforcement action of the EDPB was launched in 2022.

The 2024 CEF

Throughout 2024, 31 supervisory authorities across the EEA will take part in this CEF. A fact-finding exercise will identify whether a formal investigation is necessary, with results aggregated and analysed in a coordinated manner. The results will be compiled into a European-wide report to provide a deeper understanding on application of the EDPB Guidelines 01/2022 on data subject rights which were adopted by the EDPB in 2023.

Right of Access

The right of access is one of the most frequently exercised data protection rights and allows individuals to request a copy of all their personal data being processed by controllers.

How can Clerkin Lynch help?

This announcement serves as a reminder to those processing personal data to review their policies and procedures, in particular in relation to data access requests, for GDPR compliance. The data protection team at Clerkin Lynch can assist with drafting policies and procedures and related documentation.



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