EDPS
ENFORCEMENT POWERS



The EDPS has a wide range of powers listed under Article 58 of Regulation (EU) 2018/1725. These powers allow the EDPS to ensure and monitor the consistent enforcement of data protection rules within the EU institutions, bodies and agencies (EUIs). Additionally, the EDPS has enforcement powers under the Europol, the Eurojust and the EPPO Regulations. We place a high emphasis on accountability.

The EDPS decides which powers to use on a case-by-case basis, taking into account all relevant circumstances and prioritising the most beneficial outcome for individuals and their personal data. We strive to adopt measures that are **appropriate, necessary** and **proportionate**. This includes providing informal advice, using our investigative powers and our corrective powers.





CORRECTIVE POWERS

ARTICLE 58(2)

When Union institutions, bodies and agencies' processing operations are likely to infringe or indeed infringe provisions of the Regulation, we can make use of our corrective powers. The EDPS' corrective powers aim to restore non-compliance with the Regulation, prevent future violations and to foster a culture of personal data protection within EUIs. These include:

- warn or reprimand the EUI, which is likely to or does unlawfully and/ or unfairly process personal data;
- order controllers and processors to comply with data subjects' requests to exercise their rights under the Regulation and/ or bring their processing operations into compliance with the Regulation;
- order controllers to communicate personal data breaches to the data subjects;
- impose a temporary or definitive ban on a particular data processing operation;
- impose an administrative fine;
- order the suspension of data flows to a recipient in a Member State, a third country or to an international organisation;
- refer a case to the Court of Justice of the European Union.



INVESTIGATIVE POWERS

ARTICLE 58(1)

- We conduct audits to verify compliance. These targeted audits are organised according to a risk-based annual plan.
- We carry out investigations on top priority subjects. These investigations are triggered based on information received from third parties (e.g. complaints, press reports) or conducted on our own initiative.
- Our investigative powers allow us to:
  - ✓ order controllers and processors to provide information required for our tasks;
  - ✓ obtain access to all personal data and to any premises of the controller and the processor. This includes any data processing equipment and means of processing.



The corrective measure enforced by the EDPS depends on the nature, the seriousness, the duration and the consequences of the breach.



FIND OUT MORE:

Monitoring and enforcing compliance with Regulation (EU) 2018/1725

EDPS Powers

EDPS Investigations

EDPS Opinions:

- ✓ Opinions on prior consultations
- ✓ Opinions on administrative measures
- ✓ Other Opinions
- ✓ Authorisation decisions for transfers



EDPS

www.edps.europa.eu

@EU_EDPS

EDPS

European Data Protection Supervisor