



NOTE TO THE MANAGEMENT BOARD

Decision on internal rules concerning restrictions of certain rights of data subjects in relation to processing of personal data in the framework of the functioning of EFSA

Further to the data protection agenda point during the previous Management Board meeting in March, the Board is hereby requested to adopt a '*Decision on internal rules concerning restrictions of certain rights of data subjects in relation to processing of personal data in the framework of the functioning of EFSA*'.

Some background information on this Decision tabled for adoption:

On 11 December 2018, **Regulation (EU) 2018/1725** entered into force, aligning the rules on data protection and privacy in EU institutions, bodies and agencies (EUIs) with those applicable in the European Union based on the **General Data Protection Regulation (GDPR) (EU) 2016/679** that became applicable few months earlier. The new data protection Regulation for EUIs *inter alia* details the rights of data subjects, including the right of information, the right of access and rectification, the right to erasure ('right to be forgotten').

In certain circumstances the legally warranted rights may be restricted based on internal rules adopted by the EUI in accordance with Article 25 of the Regulation. Indent (5) of Article 25 requires that the internal rules shall be adopted at the highest level of management and be subject to publication in the Official Journal of the EU.

The present **Decision on internal rules** is based on a template developed in a Working Group of Data Protection Officers (DPOs) of EUIs on which the European Data Protection Supervisor (EDPS) and EFSA's Staff Committee were consulted. The Staff Committee's recommendations mainly focused on the aspect of lifting timely the restrictions to data subject's rights as soon as the circumstances that justify them no longer apply, besides the need for an adequate internal communication to the staff of EFSA after the adoption of the Decision and its publication in the EU Official Journal.

The Management Board is kindly asked to adopt the Decision on internal rules.