

Decision No BoR/ 2019/04

of the Board of Regulators adopting implementing rules on data protection

THE BOARD OF REGULATORS

Having regard to Regulation (EU) 2018/1971 of 17 December 2018 of the European Parliament and of the Council establishing the Body of European Regulators for Electronic Communications (BEREC) and the Agency for Support for BEREC (BEREC Office) amending Regulation (EU) 2015/2120 and repealing Regulation (EC) No 1211/2009¹, and in particular Article 36(4) thereof,

Having regard to Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and on the free movement of such data², and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, and in particular Article 43(1) and 45(3) thereof,

Whereas:

- (1) Article 36(4) of Regulation (EU) 2018/1971 requires the Board of Regulators to establish measures for the application of Regulation (EU) 2018/1725.
- (2) Regulation (EU) 2018/1725 sets out the principles and rules applicable to all Union institutions, bodies, offices and agencies and Article 43(1) provides for the designation by each institution and body of a Data Protection Officer ('DPO').
- (3) Article 45(3) of Regulation (EU) 2018/1725 requires that further implementing rules concerning the DPO shall be adopted by each Union institution or body.
- (4) The implementing rules shall in particular concern the tasks, duties and powers of the DPO.
- (5) Those rules shall be established after consulting the European Data Protection Supervisor.
- (6) The European Data Protection Supervisor has been consulted on 27 May 2019.
- (7) Unlike the BEREC Office, BEREC does not have any legal personality.
 - (7a) BEREC relies on the BEREC Office for the provision of professional and administrative support. As a consequence, in the context of the support activities carried out by the BEREC Office for the functioning of BEREC, the processing of personal data are managed by the BEREC Office.

¹ OJ L 321, 17.12.2018, p.1.

² OJ L 295, 21.11.2018, p. 39.

- (8) For the sake of legal certainty, clarity and consistency, the DPO of the BEREC Office shall be the DPO of BEREC.

HAS DECIDED:

Article 1

1. The DPO of the BEREC Office shall be the DPO of BEREC.
2. Decision No MB/2019/14 of the Management Board adopting implementing rules on data protection applies to all processing operations involving BEREC.

Article 2

Entry into Force

This Decision shall enter into force on the day of its adoption.

Done on 10 September 2019

For the Board of Regulators
Jeremy GODFREY
Chair of the Board of Regulators