



Final

83rd Plenary meeting

2 August 2023, Remote

1 Adoption of the agenda, Information given by the Chair

1.1 Draft agenda of the 73rd EDPB meeting – adoption

The draft agenda was adopted with no modifications.

The discussions relating to agenda point 2.1 were declared confidential according to Art. 33 EDPB RoP.

2 Consistency mechanism

2.1 Binding Decision on the dispute arisen on the draft decision of the Irish Supervisory Authority regarding TikTok Technology Limited (Art. 65(1)(a) GDPR) – discussion and adoption

The Chair thanked the ENF ESG members and the the EDPB Secretariat as rapporteur for the work on this file and recalled that the draft was discussed in the course of several ENF ESG meetings and one SAESG meeting. The Chair pointed out that only one issue was still pending for discussion by the EDPB members.

The EDPB Secretariat presented the draft binding decision and the points already agreed on at sub-group level. The EDPB Secretariat also explained the remaining discussion point.

In respect of this discussion point, the EDPB members discussed the consequence of the EDPB's conclusion regarding the objection concerning Article 25(1) GDPR and decided that the binding decision will require the IE SA to modify paragraph 221 of the IE SA's Draft Decision by stating that it cannot be concluded that the controller infringed the GDPR.

The Binding Decision was adopted by the EDPB members. 24 EU members of the EDPB voted in favour of adoption. 3 EU members of the EDPB abstained. The 3 EEA members of the EDPB were in favour of adoption.

The Chair of the EDPB and the EDPB Secretariat underlined that the content of the Binding Decision cannot be made public until the Binding Decision is published on the EDPB website, which will occur after the national decision is notified by the LSA to the controller.

As the IE SA is the only SA which will have to take measures at national level on the basis of the Binding Decision and no requests for urgent translation have been made, no urgent translation will be made pursuant to Art. 11(7) of the EDPB Rules of Procedure.

In light of the discussions related to age verification measures during the dispute resolution procedure, one EDPB member proposed the launching of follow-up work within the EDPB on this matter. Another EDPB member recalled the ongoing work on guidance on children's data, which is relevant to the issue of age verification.

It was decided that this initiative will be discussed in more detail during a future EDPB plenary meeting.

Annex: Attendance List

AT SA, BE SA, BG SA, CY SA, CZ SA, DE SA, DK SA, EDPS, EE SA, EL SA, ES SA, FI SA, FR SA, HR SA, HU SA, IE SA, IS SA, IT SA, LI SA, LT SA, LU SA, LV SA, MT SA, NL SA, NO SA, PL SA, PT SA, SE SA, SI SA, SK SA

- European Commission

- EDPB Secretariat