

Joint statement of the Federal Commissioner for Data Protection and Freedom of Information (BfDI), Germany, and the Garante per la Protezione dei Dati Personali (GPDP), Italy, on the 71st Meeting of the International Working Group on Data Protection in Technology or “Berlin Group” - Rome, 6 – 7 June 2023

The Garante per la Protezione dei Dati Personali (GPDP, or in short, the “Garante”) of Italy hosted the 71st meeting of the International Working Group on Data Protection in Technology (IWGDPT), also known as “Berlin Group”, in Rome on 6 – 7 June 2023. The meeting was jointly prepared with and organized by the German Federal Commissioner for Data Protection and Freedom of Information (BfDI) in its function as Chair of the IWGDPT Berlin Group.

More than 40 members of the Group, from various regions of the world (Europe, North America, Latin America, Asia) and backgrounds, representing data protection authorities, civil society or other international organisations, attended the meeting, where they were welcomed by Prof. Pasquale Stanzone, President of GPDP. Three keynote speeches – including one delivered by Prof. Ginevra Cerrina Feroni, Vice President of GPDP, on technological safeguards and privacy risks in contemporary data sharing strategies – opened topical discussions on a broad array of issues in the area of data protection and technology.

Professor Ulrich Kelber, Federal Commissioner for Data Protection and Freedom of Information in Germany and Chair of the IWGDPT, stated: “I want to thank the Garante for his kind hospitality and wonderful organisation of the Berlin Group’s first meeting in 2023. With this event, we have continued our work, which was restarted one year ago with our meeting in Tel Aviv. Now, I think, we have successfully implemented our intended working rhythm of adopting at least one paper at each meeting – this time a paper on “Telemetry and Diagnostic Data” – and, at the same time, taking on board one or more new issues. Of course, to achieve this, we need to rely on the commitment and engagement of the IWGDPT Berlin Group members, which is indispensable and always highly appreciated by me and my colleagues.”

The President of the Garante, Professor Pasquale Stanzone, said: “Occasions such as these are fundamental to allow as broad and transnational a comparison as possible on the challenges that are common to all those who, in various capacities, are called upon to apply the data protection discipline, also drawing cues from it, where appropriate, to improve it.

Confrontation between cultures, countries, even disciplines is all the more necessary for a right, such as the right to data protection, that is exercised over a virtual and therefore aterritorial reality and therefore transcends the very idea of the border. And the dialogue is all the more important because of the inherent characteristics of data protection law.”

The meeting proved to be a successful in facilitating constructive debates and an exchange of views on important and upcoming future technologies. In the light of recent events, the Garante informed members of the IWGDPT Berlin Group about his regulatory activities, including a temporary ban, taken vis-à-vis the application of “ChatGPT” offered by the research and deployment company “OpenAI”.

A new **topical paper**, dealing with “**Telemetry and Diagnostic data**”, which had been elaborated by a drafting team led by BfDI, was discussed and finally **adopted** by the Group at the meeting in Rome. The Group also discussed additional topical papers, which were in a more nascent state, and it was agreed that the Group would continue to **work on** a paper on “**Central Bank Digital Currencies**” as well as on a paper on “**Data Sharing**”. With regard to new topics, the Group decided to focus on “**Generative AI**” and “**Neurotechnology**”.

Both the Chair and the host were delighted to welcome again the United Nations Special Rapporteur on the Right to Privacy (UNSRP), Dr. Ana Brian Nougères, to a meeting of the IWGDPT Berlin Group. The Group will be ready to contribute to the work of the UNSRP during her mandate in the context of technology and data protection.

The next meeting of the Berlin Group shall take place in fall/autumn 2023 in Canada, hosted by the Office of the Privacy Commissioner of Canada (OPC Canada).