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| **European Parliament**2024-2029 |  |
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*Committee on Civil Liberties, Justice and Home Affairs*

**Appointment of the European Data Protection Supervisor for the term 2024-2029**

**Hearing of the candidates on 16 January 2025, 9:00 - 10:30**

**at the European Parliament**

**Brussels**

Replies of candidate Mr François PELLEGRINI

**1. Could you please describe the reasons of your application for the post and why you consider yourself suitable for it?**

I started working in the field of data protection when I was appointed to the CNIL college in February 2014. My various missions within the CNIL enabled me to collaborate in the **creation of a common European space** combining **innovation**, **economic development**, and **protection** of the rights and freedoms on which the European Union is founded. During these various missions, I was in **regular contact with the EDPS**, the co-legislators and some EUIs (notably Europol), in a very **high-level, multi-cultural environment**. After the end of my second and final term at CNIL in February 2024, I wanted to continue this stimulating **intellectual and human adventure**.

I took the decision to apply for the position of EDPS, and make this radical change in my life, because I feel **I have all the skills, abilities and drive required for the job**. My two mandates within the CNIL, in charge of the on-line advertising and cybersecurity sectors, have enabled me to tackle a wide range of **legal, technical and economic issues** relating to data protection. I interacted with the entire French advertising ecosystem, whose points of view were sometimes far from our own. Acting as commissioner-rapporteur, I **investigated** a number of cases, notably concerning “Big Techs”, and presented them before the CNIL's **sanction panel,** facing the defendants and their counsels. Representing the CNIL at the EDPB has enabled me to network with my counterparts, helping to **build consensus between authorities**. I still know many of them, having built up **relationships of trust**. Having been in charge of **European law enforcement files** at the CNIL, I took part in the coordinated supervision of the EU large files, e.g., Europol. With regard to the latter, for five years I was the elected **Chairperson of the Europol Cooperation Board** (ECB), a position I held from the ECB's creation until its integration into the EDPB's Coordinated Supervision Committee. This position enabled me to **interact closely with the EDPS** in its role of supervisor of Europol's files, as well as with the members of the Joint Parliamentary Scrutiny Group (JPSG).

Internationally, I was part of the delegation of European authorities taking part in the **Privacy Shield review** in Washington in 2019. As an individual expert, I have also carried out multiple **consultancy missions** for governments and parliaments in West and Central Africa, on behalf of the Organisation internationale de la francophonie, in the fields of **digital and development**. In terms of **management**, my experience ranges from extensive individual supervision (PhD students and a small team of engineers) to that of large teams at the CNIL (co-piloting the activities of the ten-strong international department and interacting with the economic affairs department) and the University of Bordeaux (steering the IT department, comprising **over 90 staff**).

By training, I have **excellent teaching and media skills**. I have produced training modules, taken part in several documentaries, and, for three years, presented a weekly mini-chronicle on digital on local television in Bordeaux. I've taken part in advocacy campaigns at European level, and know all the ins and outs. My background is a testament to my **independence and commitment** to the activities I undertake.

In each of my activities, I apply the principle of “**think global, act local**”: after analysing the players involved and their modes of operation and inter-relationships, I define **action plans** aimed as far as possible at taking advantage of **networking** with the stakeholders identified, in order to **pool resources** and efforts, within the framework of **collaborative strategies** adapted to each level of decision-making.

I have all the skills required for this position: **in-depth knowledge of data protection** and the **workings of the European institutions** (including the EDPS), administrative **organization skills** to implement my projects, **scientific, technical and legal knowledge** to understand the workings and challenges of new technologies (**artificial intelligence**, **cybersecurity**, etc.), **entrepreneurial experience**, and **media skills** to promote my position and disseminate my ideas.

As someone who loves the European Union project, relishes challenges and is deeply devoted to the preservation of fundamental rights and freedoms, the missions I've been able to carry out for the CNIL at European level have been an “extra-ordinary” experience for me, which I'd like to continue.

**2. How do you intend to fulfil the role that the EDPS has been legally attributed?**

The EDPS is a special authority: it does not have some of the competences of national authorities, but it does have a **unique role in advising European co-legislators**, as close as possible to the EU lawmaking process. This gives it a **particular responsibility**, sometimes exercised jointly with the EDPB, to help ensure consistency between the many texts dealing with digital issues.

Supervision of the large European files requires maintaining a **relationship of trust** with the agencies that manage them, with national regulators, and with the public. The EDPS will carry out this supervisory mission, extending it consistently to new objects such as the interconnection framework in the Area of Freedom, Security and Justice, and the supervision of algorithmic profiling within border systems (ETIAS, VIS). It will also fully play its role as supervisory authority for the **compliance of “artificial intelligence” devices** developed or deployed within EUIs. Exercising this latter competence will require organisational adaptations and dedicated procedures to **guarantee the independence** of this function from that of data regulator, while not losing access to the skills and resources it already possesses.

As the EDPS enters its third decade, I want to contribute to the development of the **European data protection model**, and position EDPS as a **reference player** for the implementation of the European “**digital package**”, in liaison with co-legislators, national data protection authorities and all stakeholders (including economic regulators). Our model must also be promoted on a **global scale**, in the face of competing models that are often less protective. In synergy with the Union's institutions and other DPAs, we need to define **influence strategies** that will enable us to speak with a **coordinated voice** in **international fora** such as the G7 and the Global Privacy Assembly, in **close collaboration** with the Commission. Exchanges of best practice with **adequate countries** must be stepped up.

At a time when several texts of the “digital package” are coming into force, one needs to provide **legal certainty for stakeholders and investors**. This is why I think the GDPR should not be reopened. The procedural regulation provides clarifications to be implemented and, where necessary, supplemented. The EDPS is a regulator, not a co-legislator, but it shall play a full part in the “**simplification process**” referred to in the Draghi report, by identifying areas where improvements are desirable.

Legal certainty requires the promotion of cooperation and the definition of **regulatory strategies** between sector regulators, in order to promote a **common vision** and resolve conflicts between stakeholders. The EDPS, as an ex-officio member of instruments used to steer digital texts (DGA's DIB, the DMA's HLG, etc.), will be a key player in this process. In particular, I would like to extend the “digital clearing house” mechanism, created in 2014, initially focused on consumer protection, to all the texts in the “digital package”. Artificial intelligence will be the first area of experimentation for this **combined regulation**.

The member states of the European Union are currently the targets of large-scale informational attacks, which are jeopardizing the functioning of our democracies. I want to help demonstrate that the GDPR can be a tool for **increasing overall security** within the EU, in line with the aims of the Digital Fairness Act, in the same way as the other instruments of the “digital package”. In the face of large-scale criminal threats, maintaining an area of security that **safeguards the fundamental rights and freedoms** of EU residents requires a detailed, case-by-case study of the effectiveness and proportionality of the tools envisaged, in both legal and technical terms. The EDPS will play an active part in discussions in this area.

In a tight budgetary context, the work of data protection authorities must be carried out as far as possible by **pooling** their skills. I therefore wish to support the operation of **joint working groups** on subjects that require it, **in conjunction with the EDPB**, which would benefit everyone and contribute to the **consistent application of the “digital package”**. The EDPS will continue to support the International Working Group on Data Protection and Technology (“Berlin Group”), and will develop strong partnerships with the academic world and civil society communities.

I believe that **data protection can be a spur to innovation**. The aforementioned academic partnerships, as well as EDPS' active participation in events **promoting privacy-friendly technologies**, will contribute to highlighting best technologies and practices.

**3. Could you please describe your vision for the future of the authority you would have to lead as the EDPS, including potential challenges you anticipate and your priorities for this independent authority?**

The advance of digital technologies and their use in all human activities poses **unprecedented societal challenges**. Their growing role as intermediaries in human-to-human communication can pose a threat to the functioning of human communities and democracy, as it subjects the choice of messages to the will of the platform owner. The information bombardment to which our brains are subjected places our minds in situations of **information saturation** that can undermine the **autonomy of our reasoning**. Faced with such challenges, it is no longer possible to act only reactively, even quickly; we need to be **proactive**, and **anticipate** as far as possible technical and usage trends that are often hard to predict.

The European “digital package” is a **unique legal response** to a number of issues: **fundamental rights and freedoms**, **consumer protection**, market regulation to ensure **fair competition**, and **digital and industrial sovereignty**. Taking all these issues into account, in a **holistic vision**, requires the **alignment of all regulators**, which will be complex to implement in a short time frame. The EDPS, in the position it occupies and with the resources at its disposal, shall play an active part in this process.

Effective inter-regulation presupposes that the competent authorities can **exchange data on open cases**. Such exchanges, referred to in the “Meta Platform” EUCJ decision of 2023, must be lawful. However, there is currently **no legal basis** for this. A dedicated legislative instrument, enabling **professional secrecy** to be selectively overridden (beyond data protection alone), seems necessary, and the EDPS will actively contribute to this collective work, in liaison with the Commission.

In our hyper-connected environment, the EDPS' **media presence** is essential, in order to disseminate messages tailored to different target audiences, including both its regulatory ecosystem and the general public. The choice of vectors is essential. The production of **reference documents** will be continued, to inform data controllers and data subjects, in order to **facilitate law enforcement**.

At a time when the best digital experts are being attracted outside of the EU, we need to create sufficient **conditions of attractiveness**, and adequate publicity around our missions, and draw on the resources of **wider communities**, such as the **academic and software developer communities**, who are likely to contribute their expertise. The growing **complexity and opacity** of IT systems and software, and the increasing use of **cloud-based systems** located outside the European Union, significantly complicates the task of regulators and the effective protection of data subjects’ rights. Very often, these systems can only be analysed on a “black box” basis, by studying the flows of information in and out, which lengthens procedures and requires specific skills. As I said, **skill pooling** is vital if we are to have a pool of experts of sufficient size to **deal with all digital issues**.

In the light of these examples, my vision of the future of the EDPS is that of an **agile and proactive regulator**, with **cutting-edge legal and technical expertise**, in **constant interaction** with its ecosystem, counterparts and the public, and able to provide relevant opinions and advice to co-legislators and EUIs. I have already worked with many of the EDPS staff, and have come to appreciate their **competence and commitment**. I am certain that, thanks to them, we will be able both to continue to carry out the traditional missions that the EDPS has performed since its creation, and to invest in the new objectives assigned to it by the co-legislators.