

EUROPEAN ECONOMIC AREA

FORUM OF ELECTED REPRESENTATIVES OF LOCAL AND REGIONAL AUTHORITIES OF THE EEA EFTA STATES

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27th MEETING OF THE EEA EFTA FORUM

Brussels, 12 and 13 June 2025

Opinion on the planned simplification of the General Data Protection Regulation (GDPR)

Rapporteur: Anton Kári Halldórsson

The EEA EFTA Forum of Elected Representatives of Local and Regional Authorities:

- A. Having regard to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);
- B. Having regard to COM (2025) 501 – Proposal for a Regulation of the European Parliament and of the Council amending, among others, Regulation (EU) 2016/679;
- C. Acknowledging the role of the EEA EFTA Forum as a body in the EFTA structure as stipulated in Decision of the Standing Committee of the EFTA States No 10/2009/SC establishing a Forum of Elected Representatives of Local and Regional Authorities of the EEA EFTA States:
 - 1. Notes the Draghi report on European competitiveness, which warns that the European Union's regulatory framework may hamper innovation, singling out the GDPR as an example and characterising the high compliance costs and legal complexity under the GDPR as barriers to economic growth;

2. Supports the commitment of the European Commission to cutting red tape, reducing costs and modernising EU rules as part of the ongoing Single Market effort;
3. Highlights that the GDPR applies to any organisation that processes personal data within the European Economic Area (EEA) or that offers goods or services to individuals in the EEA;
4. Recalls that as an overarching and comprehensive regulation, the GDPR affects all areas where public authorities handle personal data, and that this broad scope means that compliance issues are not confined to specific sectors or functions but extend across most aspects of municipal activities;
5. Highlights that even though the Draghi report does not explicitly address the public sector, many of the same concerns apply;
6. Believes that easing GDPR requirements for the public sector can strengthen public authorities' administrative capacity to implement policies and provide services to businesses, thereby supporting European competitiveness;
7. Stresses that public authorities are in fact partly subject to even stricter obligations than private entities;
8. Underlines that challenges have arisen across a range of public-service domains, including education, health care, public administration, public access to documents, and others, where GDPR requirements can complicate service delivery and legal clarity;
9. Highlights that much of the legal uncertainty faced by public authorities tends to concern formal questions of interpretation, such as defining the appropriate legal basis or assessing roles and responsibilities, rather than genuine normative trade-offs between data protection and other public interests;
10. Notes that the Commission's proposal to simplify the GDPR represents a limited follow-up to the Draghi report;

11. Asks that the future simplification of the GDPR is more ambitious than the limited proposal of 21 May 2025, and stresses that it is essential that the municipal sector is included;
12. Proposes that several concrete simplifications should be considered, including streamlining the requirement for a supplementary national legal basis in Article 6(3) GDPR, streamlining the obligation to appoint a data protection officer, removing or adjusting the specific regulation of sensitive data in Article 9, and introducing a clear exemption from administrative fines for public authorities;
13. Underlines that requiring a supplementary national basis under Article 6(3) for any processing of personal data goes beyond the requirements of both Article 8 of the Charter of Fundamental Rights of the European Union and Article 8 of the European Convention on Human Rights (ECHR). Specifically, under the ECHR, the processing of personal data must attain a certain minimum level to be considered an interference in the right to privacy. The GDPR should be aligned with the requirements of these instruments to avoid that every instance of public policy involving personal data also requires a national legal basis, thus providing increased local autonomy;
14. Underlines that the specific requirement of a data protection officer for any public authority or body is disproportionate in the case of small local authorities or other minor public bodies. Thus, removing this requirement from Article 37(1)(a) GDPR, making public authorities and bodies subject to the same requirements as private entities in the current risk-based Article 37(1)(b) and (c) is a well-founded simplification;
15. Underlines that the regulation in Article 9 GDPR would benefit from significant simplification or removal. The concept of sensitive data is interpreted broadly by the European courts and encompasses a wide range of personal data with vastly different implications for privacy. More appropriate regulation may be to take into account the sensitive nature of the data when considering whether its processing is necessary and proportionate;

16. Underlines that Article 83 GDPR on administrative fines does not adequately account for the specific circumstances of public sector bodies. Hence, national supervisory authorities applying Article 83 generally also impose significant administrative fines on public authorities. Imposing administrative fines on such entities effectively cuts finance for public services and, ultimately, citizens;
 17. Notes the proposal for a “mini-GDPR” tailored to small and medium-sized enterprises, and underlines that it is also highly relevant to municipalities and regional authorities;
 18. Strongly believes that including local and regional governments in such simplification would shift efforts away from formal compliance and towards genuine avoidance of disproportionate intrusion into individuals’ privacy;
 19. Urges the EEA EFTA States to follow the EU’s planned simplification of the GDPR closely and to consult the local government level on issues relating to the GDPR simplification and its implications for the EEA Agreement.
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