



EUROPEAN DATA PROTECTION SUPERVISOR

AUDIT REPORT ON THE INTERNAL MARKET INFORMATION SYSTEM (IMI) AT THE EUROPEAN COMMISSION (DG GROW)

Brussels, 13 and 14 November 2023

EDPS case number 2023-0090

Executive summary

Introduction

The European Data Protection Supervisor (EDPS) is the independent supervisory authority established by Article 52 of the Regulation (EU) 2018/1725¹ (the “Regulation”) responsible for:

- Monitoring and ensuring the application of the provisions of the Regulation and any other EU act relating to the protection of the fundamental rights and freedoms of natural persons with regard to the processing of personal data by an EU institution or body; and
- Advising EU institutions and bodies and data subjects on all matters concerning the processing of personal data.

To these ends, the EDPS fulfils the duties provided for in Article 57 and exercises the powers granted in Article 58 of the Regulation. Among his powers to investigate, the EDPS can carry out investigations in the form of data protection audits. The power to audit is one of the tools established to monitor and ensure compliance with the Regulation.

In 2023, the EDPS decided to perform an audit to the Internal Market Information System (hereinafter referred to as “IMI”) managed by the European Commission, DG GROW². It was part of the EDPS annual audit plan for 2023.

¹ 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 agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39–98.

² European Commission DG Internal Market, Industry, Entrepreneurship and SMEs (DG GROW)

This audit takes place on the basis of Article 21(2) of the IMI Regulation (EU) No 1024/2012³ (hereinafter referred to as "the IMI Regulation"), which determines: "The European Data Protection Supervisor shall be responsible for monitoring and ensuring the application of this Regulation when the Commission or Union bodies, offices and agencies, in their role as IMI actors, process personal data. The duties and powers referred to in Articles 57 and 58 of Regulation (EU) 2018/1725 shall apply accordingly."

The formal Decision was communicated to DG GROW by means of an Announcement Letter dated 11 April 2023. The fieldwork was carried out on 13-14 June 2023 at DG GROW premises Avenue des Nerviens 105, 1040 in Brussels, Belgium.

Overall, the EDPS notes that DG GROW cooperated with the EDPS audit team in an exemplary way.

Scope of the audit

The main scope of the audit included the following:

The scope of the audit includes the assessment of selective areas on security, handling of personal data breaches, the application of data retention requirements and of the monitoring and reporting obligations stemming by law.

Specifically, the audit verified compliance with controls related to information security policies, access control, logging, and management of technical vulnerabilities.

The decision to conduct the audit was based on the EDPS' responsibility to monitor and ensure the application of the IMI Regulation when personal data is processed.

Recommendations and follow-up to the audit

The report contains several recommendations that shall be implemented within specific deadlines to comply with the Regulation. These recommendations contribute to improving data protection and security governance.

³ Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation'), <https://eur-lex.europa.eu/legalcontent/EN/TXT/?uri=CELEX%3A32012R1024>

In view of the above, the EDPS expects DG GROW to regularly report (every four months) on the implementation of the recommendations and will carry out a close follow-up; if need be, the powers listed in Article 58 of the Regulation may be exercised.

Brussels, 16 November 2023

(e-signed)
Wojciech Rafał WIEWIÓROWSKI