



# GDPR – procedures before authorities and courts

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## Procedure CNPD



2

## Cross-border cases

3

## Procedure before the regular courts

# Intro

**2016  
(prior control)**

**25.5.2018 <  
(ex post control)**

Investigation / audit

77

Authorisations

1338

Notifications

1003



77 << ?

?

but much less  
than 1338

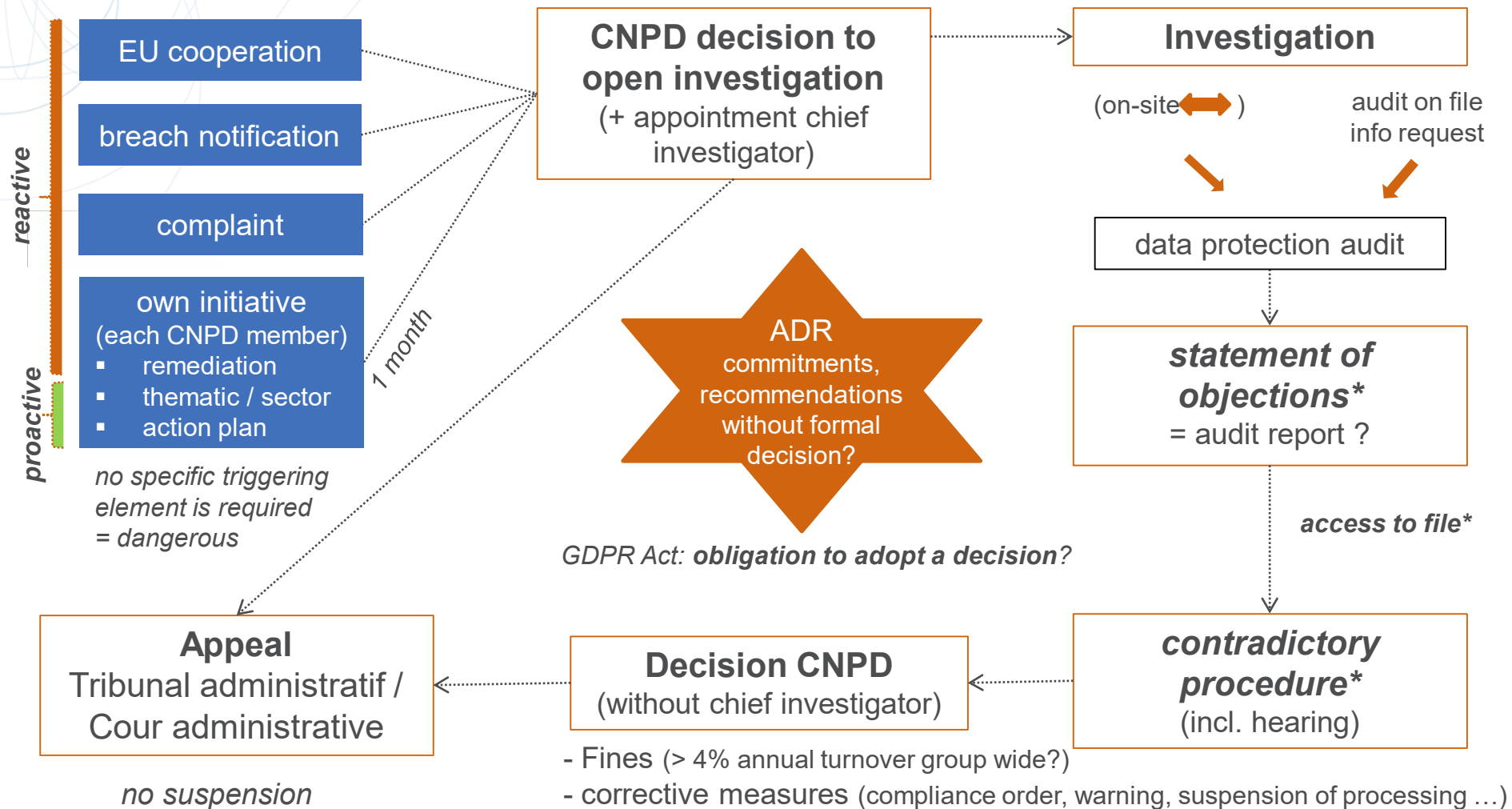
?

Post-DPIA  
consultation?

Employee  
monitoring  
advice

222 data  
breaches in 2018  
post-GDPR

# 1 Procedure before CNPD - phases



\*= not foreseen in GDPR (Act) but in general rules on administrative procedures in Luxembourg

# 1 Procedure before CNPD – key features



**Wide powers under GDPR but GDPR also requires national procedures (e.g. access to premises, Lux: no judicial warrant ?!)**



**CNPD must adopt rules on rights of defense but several investigations are already on-going ! – general administrative law fills the procedural gaps !**



**Criminal sanctions for obstruction to CNPD's exercise of its missions  
↔ prohibition of self-incrimination ?**



**Procedure with some features of competition law enforcement (on-site investigation) and CSSF (planned audits)**



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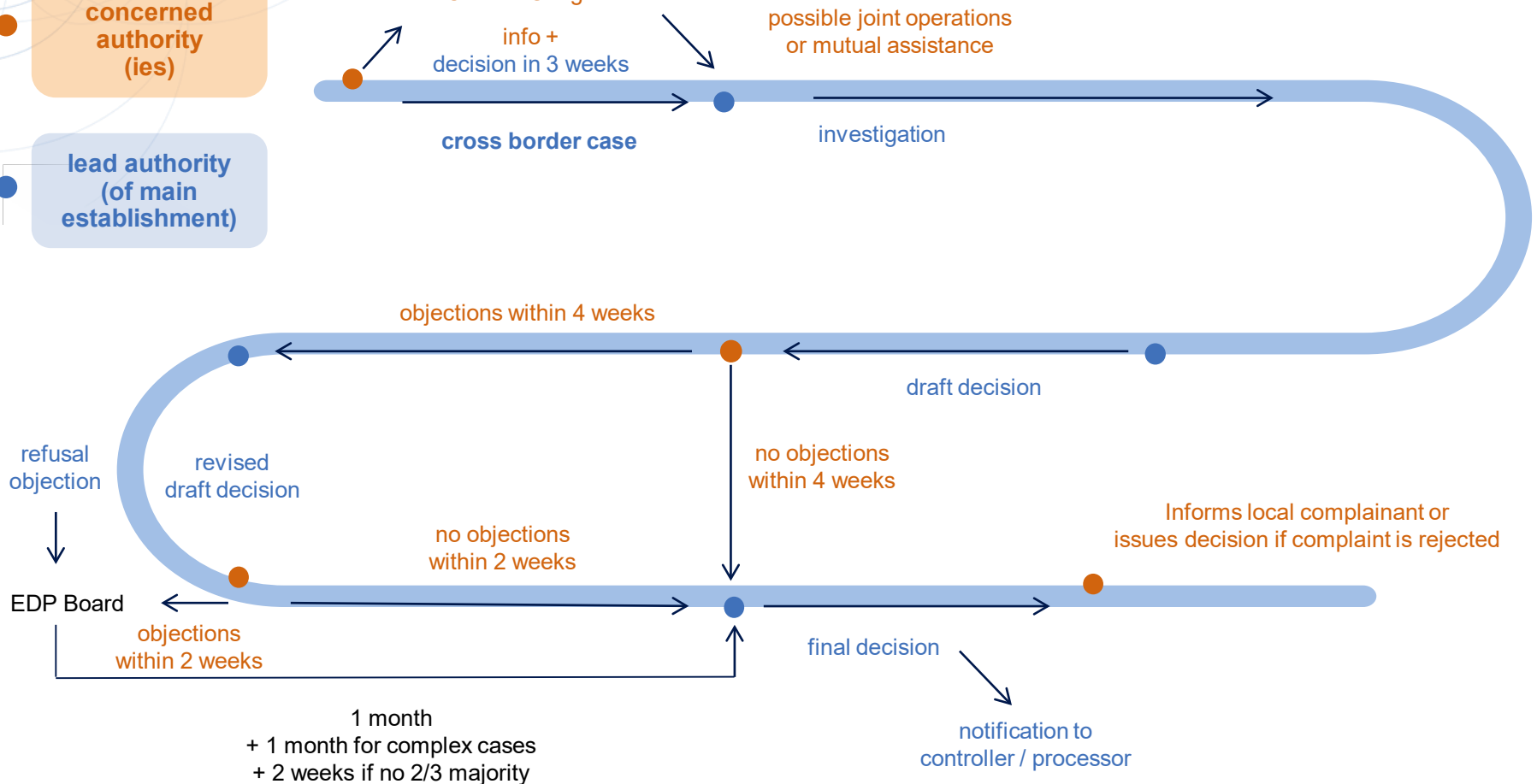
## 2 Cross-border cases: more than “one stop”

decides on :

- local case
- If no main establishment in EU can be defined – CNIL in Google !

other  
concerned  
authority  
(ies)

lead authority  
(of main  
establishment)





1

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Cross-border cases

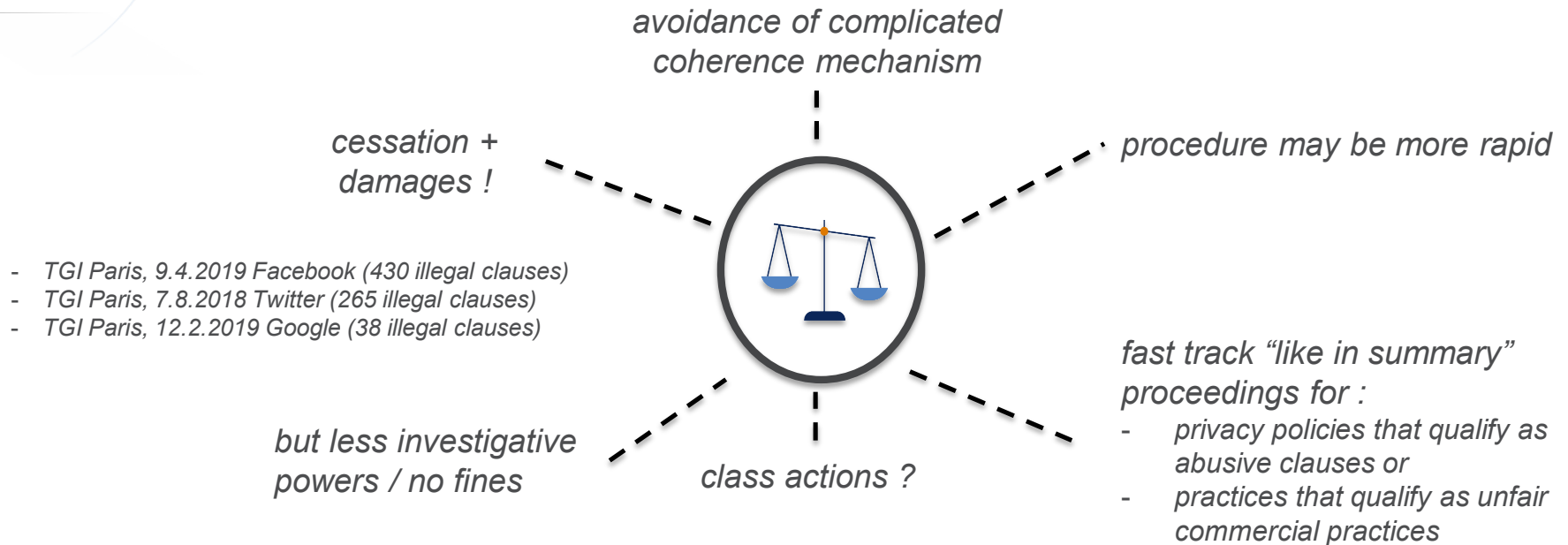
3

Procedure before the regular courts



### 3 Procedures before the regular courts

**Data subjects do not have to seize the authority but can also bring an action before the competent courts** (controller/processor's country of or the data subjects habitual residence)



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**Questions?  
At your disposal!**

# A brief presentation of our firm

## Firm profile

Number of partners, associates and other legal staff.

- An international law firm practising Dutch, Belgian, Luxembourg and Dutch Caribbean law, founded in 1724.
- One of the largest law firms in the Benelux region:
  - 388 lawyers including 72 partners, including 14 female partners.
  - 10 of our lawyers are also university professors.
- Spread across 6 offices and 5 country desks: Offices in Amsterdam, Brussels, London, Luxembourg, New York and Rotterdam.
- Our country desks focus on: Germany, France, India, China and Japan. We also monitor growth markets such as Brazil, Mexico, Indonesia, South Korea and Turkey.
- An independent firm with non-exclusive relations with the top law firms in more than 80 countries.

## Office locations

