



EDPS
EUROPEAN DATA PROTECTION SUPERVISOR

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SECRETARY-GENERAL

Mr. Thomas ZERDICK
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Brussels,
LCN/LP/CCP/db D(2025)1485 C 2025-0299
(controller case: 2025-0348)
Please use edps@edps.europa.eu for all
correspondence

Subject: EDPS complaint case 2025-0299 against the European Data Protection Supervisor - reply to request for comments for the data controller

Dear Mr. Zerdick,

Thank you for consulting the controller on the complaint received by the Supervisory Authority under Article 63(1) of the Regulation (EU) 2028/1725 ('the Regulation').

1. Scope of the request

Your letter of 8 April 2025 addressed to the EDPS Secretary-General:

- informed about a complaint under Article 63(1) of the Regulation from Mr Juan Sierra Pons ('the complainant') against the EDPS alleging '*that the EDPS infringed Articles 4(1)(a), 4(1)(c), 4(1)(d), 4(3) [sic], 14(1), 17(1) and 27 of the Regulation by providing him, in reply to his request for access to logs concerning his personal data (the EDPS cases 2024-0432, 2024-0285, and 2024-1045), logs which are 'not valid' and do not 'allow [him] to verify the lawfulness of the EDPS' processing activities'*', and
- requested, '*by 28 April 2025*', the controller's comments on '*the complainant's allegations*' and, in particular, on '*the EDPS' compliance with Article 4(1)(a), 4(1)(c), 4(1)(d), 4(3), 14(1), 17(1) and 27 of the Regulation when providing the complainant the logs concerning his personal data*' and '*views on whether the logs in pdf format would allow the complainant to exercise his right of access under Article 17 of the Regulation*'.

2. Controller's comments

I would like to respectfully submit that the controller provided the complainant with logs on consultation operations on their personal data in compliance with the requirements of Articles 4, 17, 27 of the Regulation, and taking due account of the Court of Justice of the EU (CJEU) ruling C-579/21¹, establishing that *'[...] information relating to consultation operations carried out on a data subject's personal data and concerning the dates and purposes of those operations constitutes information which that person has the right to obtain from the controller under that provision.'*

To date, the controller has provided consultation operations to the complainant in the following cases: 2023-0583; 2023-1162; 2024-0079; 2024-0285; 2024-0432 and 2024-1045 and not only in the cases 2024-0432, 2024-0285, and 2024-1045 as stated in the complaint. Furthermore, on 29 January 2025 and 10 March 2025, the complainant requested once more *'[a]ccess logs with the time and the purpose of each access generated by consultations operations.'* (requests registered under the EDPS cases 2025-0130 and 2025-0265 respectively).

Up to now, the EDPS has provided the data subject with more than 3000 pages of logs on consultation operations. The most recent dispatch (2025-0130) dates to 24 April 2025 (previous one (2024-1045) dates to the first half of March 2025 and contained more than 1200 pages of logs).

It should be noted that, since 29 January 2024, when the controller provided for the first time logs on consultation operations to the complainant in the same format, no challenge has been brought forward as to their format or comprehension.

Extracting logs requires manual interventions given that the result should comply with the conclusions of the C-579/21 ruling, so as to strike *'a balance [...] between the rights and freedoms in question'*. More specifically, this operation aims to provide information *'concerning the dates and purposes of those operations'*, while, at the same time, making sure that this process does not adversely affect the rights and freedoms of others and, as such, safeguarding, *'the identity of the employees of that controller who carried out those operations under its authority and in accordance with its instructions'* as mentioned in the C-579/21 ruling.

As underlined in the C-579/21 ruling, *'Wherever possible, means of communicating personal data that do not infringe the rights or freedoms of others should be chosen [...]'*. As such, the information provided (as explained below and, as exemplified, in Annex 1) ensures compliance with the data minimisation principle (Article 4(1)(c) of the Regulation) and, more specifically, of the fact that the complainant was indeed provided with the required information according to the case-law in order to verify the lawfulness of processing while, at the same time, ensuring that the rights and freedoms of others are safeguarded.

In view of the C-579/21 ruling, the purpose of providing a data subject with logs on consultation operations on their personal data is to *'to verify the lawfulness of the processing of his or her data'*. Consultation operations provided in the above-mentioned multiple cases, together with the additional information given on the lawfulness of processing (which was in any case initiated by the complainant themselves, for example, when submitting a

¹<https://curia.europa.eu/juris/document/document.jsf?jsessionid=748B684EEEA753044DD0D90D56C4977A?text=&docid=274867&pageInd ex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=2881138>

complaint to the EDPS or an access to personal data or an access to document request), should have allowed the complainant to verify the lawfulness of the processing of their personal data by the controller.

As concluded by the C-579/21 ruling ‘[...] *such log data reveal the existence of data processing*’, while ‘*provid[ing] information on the frequency and intensity of the consultation operations, thus enabling the data subject to ensure that the processing carried out is actually motivated by the purposes put forward by the controller.*’ The information provided to the complainant included details, containing the date and the purpose of consultation operations, as registered in the system, first, at the case file level and, then, per each entry line in the case file. In addition, each document provided with logs included information on the overall purpose of processing (i.e. handling complaints, access to personal data, access to documents).

The above-described process represents an important administrative burden for a small organisation like the EDPS, requiring manual interventions to ensure that the provided information would, on the one hand, satisfy the request from the data subject, and, on the other hand, safeguard the rights of others and comply with relevant security and need-to-know requirements.

Furthermore, the controller informed the complainant on multiple occasions with regards to the lawfulness of processing of complainant’s personal data by the EDPS, as mentioned in the [complaints data protection notice](#)², ‘*Your personal data are processed by the EDPS, when proportionate and necessary, for the purpose of investigating your complaint and for the follow up of that complaint. As the supervisory authority responsible for monitoring the processing of personal data by the Union institutions and bodies, the EDPS has the task to handle complaints lodged by a data subject, a body, an organisation or association, and investigate, to the extent appropriate, the subject matter of the complaint.*’ More specifically, the complainant was informed that the EDPS processes personal data in order to handle complaints on the basis of the Article 57(1)(e) of the Regulation (EU) 2018/1725: ‘*handle complaints lodged by a data subject, [...] and investigate, to the extent appropriate, the subject matter of the complaint [...]*’.

By the same token, in its previous replies, the controller informed the complainant that it handles complaints according to a strict need-to-know principle. In other words, EDPS staff access information related to complaints on the basis of a strict need-to-know principle. When doing so, the EDPS staff process personal data under the authority of and in accordance with the EDPS’ instructions. More specifically, as provided in the [complaints data protection notice](#), ‘*[f]or the EDPS, case handlers, administrative staff and hierarchy involved in the complaints handling will have access to the case file containing your personal data on a need-to-know basis.*’

In addition, the EDPS informed the complainant about the lawfulness of their personal data processing in the context of managing their access to documents requests under Regulation (EC) No. 1049/2001 or data subject requests under Regulation (EU) 2018/1725 or in relation to their CJEU case(s) against the EDPS or regarding their complaint(s) to the European Ombudsman against the EDPS.

The complainant was informed that the EDPS preserves logs for security and audit purposes (excluding technical logs kept by the processor of the EDPS Case Management System

² https://www.edps.europa.eu/data-protection/our-role-supervisor/complaints-handling-data-protection-notice_en

(CMS), which does not have access to personal data contained in case files), which is an essential aspect of compliance with Article 27 - Data protection by design and by default of the Regulation. For example, preserved logs allow for review of compliance of the need-to-know principle when accessing information in the EDPS CMS and, as such, ensuring lawfulness of processing.

In order to ensure that the information is ‘intelligible’ (i.e. ‘it should be understood by the intended audience’, as per European Data Protection Board (EDPB) Guidelines 01/2022 on data subject rights - Right of access³ (‘the EDPB Guidance’)), the controller provided the complainant ‘with additional information that explains the data provided’ regarding the logs on consultation operations in line with the EDPB Guidance, which recommends the following: ‘When providing data in a raw format it is important that the controller takes the necessary measures to ensure that the data subject understands the data, for example, by providing an explanatory document that translates the raw format into a user friendly form [and that] such a document could explain that abbreviations and other acronyms for example “A” means that the purchase has been interrupted and “B” means that the purchase has gone through’.

More specifically, the following information was provided:

Entry type: this defines the category covered by the log

- *Call action = action performed on the object*
- *Change property = modification in a metadata value*

Context: details on the type of action performed.

- *Most names are self-explanatory (eg. Access Definition, Security Level)*
- *Other logs contain specific wording (e.g. AttrContentGet or AttrContentSet) to indicate the retrieving or setting of a specific value in the system*

Furthermore, the EDPS invited the complainant to contact the controller should any of the explanation provided require further clarification. To date, the complainant has not requested any clarification regarding the logs provided.

With respect to the date that is included in the logs, it is self-explanatory, owing to its format (i.e. day/month/year, hour:minutes:seconds).

As regards the format of the information provided, it shall be mentioned that, as specified by the EDPB Guidance, ‘the GDPR does not specify what a commonly used electronic form is. Thus there are several conceivable formats that can be used. What is considered to be a commonly used electronic form will also vary over time.’ The EDPB however includes in its Guidance that ‘The data subject should, however, not be obliged to buy software in order to get access to the information’.

The EDPS provided logs on consultation operations in PDF format. Accessing such format does not require the data subject to buy software. In fact, it is the same format the

³ https://www.edpb.europa.eu/our-work-tools/our-documents/guidelines/guidelines-012022-data-subject-rights-right-access_en

complainant used to send their complaint and used regularly in order to send their data subject requests.

Furthermore, in order to ensure information accuracy and compliance with the principle of accuracy as provided for in Article 4(1)(d) the Regulation, the content of the logs was provided in a screen capture format, which shows that information has not been tampered with.

Concerning the format, the EDPB Guidance makes a distinction between the applicable formats in case of the right of access and the right of data portability. More specifically, it states that the *'format requirements are different'* on those two cases, providing that, *'Whilst the right of data portability under Art. 20 GDPR requires that the information is provided in a machine readable format, the right to information under Art. 15 does not.'*, concluding that, *'[h]ence, formats that are considered not to be appropriate when complying with a data portability request, for example pdf-files, could still be suitable when complying with an access request.'* The EDPB further recommends that *'When deciding upon the format in which the copy of the personal data and the information under Art. 15 should be provided, the controller needs to keep in mind that the format must enable the information to be presented in a way that is both intelligible and easily accessible'*.

As regards the *'intelligible'* requirement, the EDPB clarifies that the information provided *'should be understood by the intended audience'* and, as such, it is *'made understandable and clear'* recommending that *'the controller might need to supply the data subject with additional information that explains the data provided.'* When preparing the reply, the controller indeed took into account the particularities of the data subject (the complainant), who, as shown in the complaint, makes proof of technical knowledge on logs. Furthermore, as mentioned above, additional information clarifying the content of the log files was provided to the complainant who was also given the possibility to seek further information. To further ensure *'easy access'*, the complainant was provided with the information presented in such a way (i.e. a layered approach) to allow for straightforward visualisation (e.g. document name, columns per action (entry type; context), date and purpose) as well as access.

As regards the requirement to ensure transparency and that the information is provided in a concise form, the EDPB clarifies that *'controllers should present the information efficiently and succinctly in order to be easily understood by the data subject [...] tak[ing] into account the quantity and complexity of the data when choosing the means for providing access.'* The EDPB Guidelines provide also a specific example that is pertinent to the case at hand, referring to a large number of log files pages (*'hundreds of pages of log files where the data subject's activities on the website are registered.'*) to be provided to a data subject, highlighting that, given their format, *'in practice no knowledge can easily be drawn from the log files, therefore not fulfilling the requirement of Art. 12(1) GDPR'*. For this reason, the EDPB recommended controllers to *'use of a layered approach'*, which *'could be an appropriate measure to fulfil both the requirements in Art. 15 and 12(1) GDPR.'* as well as *'appropriate headings and paragraphing'*. By applying this recommendation, the EDPS provided the complainant with logs on consultation operations per case file, with columns containing the name of each entry in the case file (document title), entry type, context, date and purpose and not with raw log files that could have obstructed clarity.

Therefore, I consider that the format and the content of the information provided to the complainant is compliant in terms of file type, as well as information presentation (i.e. in a layer manner), which is *'intelligible'*, *'easily accessible'*, *'concise'* and ensures *'transparency'*, allowing thus the complainant to exercise their right of access under Article 17 of the

Regulation. This further ensures that the controller has complied with the provisions of Article 4(1)(a), Article 4(1)(c), and Article 4(1)(d) and, as such, with the principle of accountability according to Article 4(2) of the Regulation. Furthermore, as mentioned above, the log preservation system of the EDPS CMS system ensures that the controller complies with Article 27 of the Regulation.

The controller remains available for any further clarification that might be needed.

Kind regards

Leonardo CERVERA NAVAS

Copy: EDPS Data Protection Officer

ENCLOSURES

Annex 1: Sample of logs on consultation operations provided to the complainant
(password-protected; please call (+32) 228 31652 in order to retrieve password)

Annex 2: Letters sent to complainant when replying to their access to personal data requests
(password-protected; please call (+32) 228 31652 in order to retrieve password)