



**JUSTITSMINISTERIET**

Ministry of Justice

**Didier Reynders**  
Commissioner for Justice  
European Commission

Date: **25 FEB. 2020**  
Doc.: 1350426

Dear Commissioner Didier Reynders,

Please accept my warmest congratulations on your appointment as Commissioner for Justice. I very much look forward to our cooperation in this field.

I have read the mission letter of 1 December 2019 with great interest. I welcome the priorities outlined herein, e.g. ensuring the full implementation and enforcement of the General Data Protection Regulation (GDPR) and the promotion of the European approach as a global model.

I believe that protecting citizen's rights to their personal data is essential, and that GDPR is the foundation for European digital policy moving forward. Thus, GDPR must be a key enabler in promoting responsible development and use of new, advanced technologies.

However, I would like to take this opportunity to express my view and concerns regarding the GDPR and the protection of citizen's personal data in relation to, among other things, the consistency mechanisms and the margin left for national legislators.

I find, that some of the big tech companies' business models, which have been discussed lately, are causing great concerns. It is worrisome if big tech companies in an unjustified manner process personal data. In this regard, GDPR must be a key enabler in promoting responsible development and use of new technologies, especially concerning big tech companies' processing of personal data. Cases concerning unjustified processing of personal data using new technology across the European Union by e.g. big tech companies are prime examples of situations, where the cooperation and consistency mechanisms become key instruments to ensure a high and effective level of

Slotsholmsgade 10  
DK - 1216 København K.

Phone +45 7226 8400  
Fax +45 3393 3510

[www.justitsministeriet.dk](http://www.justitsministeriet.dk)  
[jm@jm.dk](mailto:jm@jm.dk)

protection of personal data in the European Union. In cases like this, the cooperation and consistency mechanisms shall prove its worth.

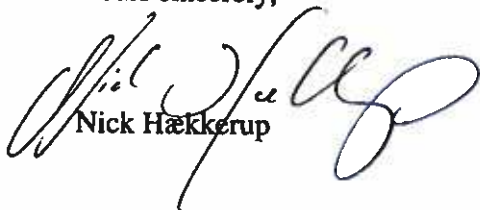
Let me also take this opportunity to address the importance of the margin left for national legislators. As already stated in the Danish contribution to the ongoing evaluation of the GDPR, I would like to stress out the importance of the margin left for national legislators after which the Member States may introduce specific provisions in order to adapt the application of GDPR. The margin left for national legislators was intentional, and it enables the Member States to take into account conditions specific for the relevant Member State. For example, the Danish Video Surveillance Act contains specific provisions on which types of private entities that lawfully may have video surveillance in public areas and the storage period. The same goes for the Member States' possible use of facial recognition technology. In my opinion, it is essential not to limit or restrict this intended margin for national legislators.

In addition, I would like to point out, that the application of GDPR in certain situations causes difficulties in Denmark. Also, based on the preliminary experiences, some voluntary associations, businesses of all sizes and especially SMEs, day care centers, minor public authorities, voluntary associations, e.g. sport clubs, etc. are faced with considerable administrative burdens in order to comply with GDPR.

Therefore, I will also like to take this opportunity to suggest that you, in your new position as Commissioner, make sure the Commission initiate a broad public consultation when you draw up the evaluation of GDPR cf. GDPR article 97.

Finally, I hope you will have an open mind regarding the GDPR and the above mentioned concerns and I would like to point out that I am at your disposal if you wish to discuss any of the above mentioned concerns.

Yours sincerely,



Nick Hækkerup