



Brussels, 11<sup>th</sup> April 2018

John Walter, ISO Président  
BIBC II, Chemin de Blandonnet 8  
CP 401, 1214 Vernier, Genève, Suisse

**Subject: Article 29 Working Party request to publish free of charge the ISO 17065 standard**

Dear Mr Walter,

The General Data Protection Regulation (GDPR) will be applicable as of next May 25<sup>th</sup>. This new regulation allows Data Protection Authorities (DPA) to create certifications allowing data controllers and data processors to demonstrate compliance with this regulation (Article 42 and 43).

The European DPAs, united in the article 29 Working Party (WP29), are currently working on a set of guidelines on this topic. Those guidelines aim at providing insights on those new powers, and allow the various stakeholders (DPA, accreditation bodies, certification bodies, data controllers, data processors, etc.) to fully understand the way accreditation and certification will be managed under the GDPR.

Article 43(1) of the GDPR allows certification bodies to be accredited either by the national accreditation body named in accordance with Regulation 765/2008, or by the data protection authority, or by both entities.

When the accreditation is done by the national accreditation body, the GDPR states that it must be done in accordance with the ISO 17065/2012 standard, and with the additional requirements established by the DPA.

In an effort to create uniform and standardized processes across Europe, DPAs will accredit certification bodies in accordance with the abovementioned standard when they are accrediting certification bodies themselves.

In addition, Article 43(6) of the GDPR provides that the DPA must make public “*in an easily accessible form*” the criteria used for accreditation, meaning that those criteria must be easily accessible at no cost for every stakeholder.

Since ISO/IEC 17065 standard is copyright protected by ISO, we ask whether you could make this standard publicly available, free of charge: this would allow DPA to fulfil the legal obligations laid down in the GDPR, and would contribute to the development of data protection certification.

Making this standard available “at no-cost” will also support ISO interests by:

- Promoting the wider use of the ISO 17065 standard by providing a list of terms, definitions and basic concepts when handling accreditation;
- Developing accreditation and certification under the GDPR;
- Increasing the use of other ISO privacy standards that DPA will be able to use in their certification mechanism.

Sincerely,

On behalf of the Article 29 Working Party

Andrea Jelinek

Chairperson