Introduction

Several challenges have been experienced by the European Union (EU)'s SAIs regarding their access to data and its treatment.

In 2019, soon after the GDPR (EU General Data Protection Regulation) started to be applied in EU Member States, the SAI of Cyprus organised a seminar about the implementation of GDPR in SAIs.

Since then, the implementation of GDPR, both by SAIs and audited bodies, as well as the development and spread of digital data driven technologies and organisations and the emergence of Artificial Intelligence (AI) models have been raising new issues, opportunities and challenges as concerns data use.

The SAI of Austria conducted a survey in 2023, referring to audit information challenged by GDPR provisions and a pending process in the European Court of Justice, and brief discussions were held in the 2023 Contact Committee (CC) meeting (Lisbon, June 2023).

The SAI of Portugal (*Tribunal de Contas)* expressed the willingness to organise an initiative and, in liaison with the SAIs of Austria and Cyprus, presented a preliminary proposal for a GDPR follow-up initiative, considering the experience and challenges faced by SAIs since 2019, the 2023 survey results and the ECJ decision.

Meanwhile, an "Access to Data" project activity was set up, under the leadership of the SAI of Belgium, which was joined by the SAIs of Cyprus, Portugal and The Netherlands. This activity was initiated by a comprehensive survey. The results of this survey, presented during the 2024 Contact Committee meeting (Pafos, Cyprus, October 2024), allowed to map the SAI's main concerns and challenges in accessing and dealing with data during their activities.

Challenges appear at different levels of SAI's mission and activities, are different according to their nature and competences and include personal data protection

issues as well as other legal or institutional obstacles imposing restrictions to the access and/or use of information. Issues may relate to:

- The SAI's mandate scope;
- Restrictions on the access and/or use of data deriving from protection regulations, such as personal data, secrecy clauses or confidentiality rights;
- The possibility of individuals appealing to Supervisory Bodies and Courts for decisions that might jeopardize the independence of the SAI and the full exercise of its mandate;
- The use of data analysis tools and artificial intelligence solutions and the access to internal and external databases to feed these type of IT models;
- Administrative formalities or technical difficulties to handle information.

The discussions held within the project group led to the conciliation of the two CC activities and the redraft of the seminar proposal previously presented.

Having in mind that the discussions of the several challenges may benefit from targeting different groups and including external perspectives and external stakeholders, it is still envisaged to organise an online event in 3 steps, now during 2025.

3 **online seminar**s would target:

- The first one, strategic discussions for high level members of SAIs and external stakeholders;
- The second one, discussions for audit staff;
- The third one, discussions for data protection officers, data analysts, IT and administrative staff.

We will start with the strategic level seminar, in the morning of 11 April 2025.

The second and third seminars will be held later, also depending on the results of the electronic discussions to be conducted under the ""Access to Data" activity.

The strategic level Seminar objective

The objective of the session would be to identify and discuss the main regulations and principles that SAIs should consider when accessing and using audit information, the challenges they pose for SAIs at a strategic level and how they have been facing them.

To this aim, the target group and contributors would be composed of Heads, Members and Directors of SAIs and EU institutions' representatives.

National personal data protection/supervisory bodies and other external stakeholders could be invited by SAIs to attend this seminar.

Program

The seminar will last for 3 hours, from 9h30 until 12h30 CET, according to the following program.

It will be delivered through Microsoft Teams, with the possibility of external attendance.

		Issues covered	Responsible
9h30-9h40	1. **Opening of the seminar**		*Filipa Urbano Calvão*, President, SAI Portugal
9h40-9h50	2. **Main conclusions of the 2019 CC GDPR Seminar**	Recalling the main conclusions on the implementation of GDPR by SAIs	*Andreas Papaconstantinou,* Auditor General, SAI Cyprus
9h50-10h05	3. **Main challenges for EU SAIs related to the access and use of information**	Highlighting the main challenges for SAIs (key results from the 2023 and 2024 surveys)	*Tine Debusschere*, Member and Secretary General, SAI Belgium *Silke Steiner*, Director INTOSAI General Secretariat, SAI Austria

		Issues covered	Responsible
10h05-10h35	**4. The European Data Strategy and Regulations**	Main principles and regulations to be considered by SAIs, as audit institutions, in accessing, using and reusing data from public sector bodies Comparing EU Data Strategy, Data Act, Data Governance Act, GDPR, AI Act, Open Data, Big Data.	*Yvo Volman*, Director of Data, DGConnect, European Commission
	Q&A		
10h35-10h50	**5. CJEU case-law**	Main decisions on cases featuring aspects related with the activity of SAIs in accessing, using and publishing data	*Andreas Kumin,* President of the 6th Chamber, Court of Justice of the EU
10h50-11h05	Coffee-break		
11h05-11h35	**6. SAIs' experiences**	Short presentations by SAIs on their concrete challenges and experiences in accessing, using and/or reusing data	• *Pieter Duisengberg*, President, SAI Netherlands • *Tine Debusschere*, Member and Secretary General, SAI Belgium • *Elena Mapelle*, Data Protection Officer, European Court of Auditors
11h35-11h50	**7. GDPR Principles and Artificial Intelligence**	How to use technological solutions and artificial intelligence respecting the principles of GDPR	*Irene Loizidou Nikolaidou,* Deputy-Chair, European Data Protection Board
11h50-12h30	**8. SAIs accessing and dealing with protected data; tensions between values (transparency and public interest versus protection of data)**	Debate on the main challenges identified with all presenters and participants	Moderators: *János Bertók,* Deputy Director, Public Governance Directorate, OECD *Helena Abreu Lopes,* Member, SAI Portugal