

# Public comment Objecting to proposed changes to Guidelines 9/2022 on personal data breach notification under GDPR

I object to the proposed changes which state:

**“However, the mere presence of a representative in a Member State does not trigger the one-stop-shop system. For this reason, the breach will need to be notified to every single authority for which affected data subjects reside in their Member State.** This notification shall be done in compliance with the mandate given by the controller to its representative and under the responsibility of the controller.”

My comments are:

1. Given that every supervisory authority has its own independent forms and processes, the task of preparing each form in the applicable language within the 72-hour compliance timeframe will take scarce resources away from the business attempting to remediate a breach and protect data subjects from further harm. Additionally, given limited resources, a business may choose to devote its resources to providing the required forms to SAs rather than remediating the breach or notifying data subjects, as the SA has clear authority to levy fines whereas data subjects do not.
2. Establishing a legal representative within a member state in order to take advantage of the one-stop-shop rule was a clear advantage of having such a representative. This change in requiring all SAs to be notified takes away that obvious benefit.
3. To the extent the aim of the EDPB is to provide all SAs notice of a breach potentially affecting data subjects within their country, the EDPB could require the business to notify the lead SA of any other countries affected and have the lead SA pass along the company's breach notification accordingly.