

[Report]

1 December 2021

Report on responses received to the IMI Questionnaire



Table of Contents

1. Introduction.....	3
2. Summary of the responses received	3
2.1 General implementation of IMI in the member state	3
2.2 Data subjects' rights	4
2.3 Information policy in the member state	5
2.4 Implementation of IMI in the DPA	5
3. Conclusion and possible actions to be taken.....	6
ANNEX - Questionnaire	7



1. Introduction

In March 2021, a questionnaire was circulated to the members of the Coordinated Supervision Committee (CSC) regarding the use of the Internal Market System (IMI). The purpose of this questionnaire was to obtain information from the member states regarding the use of IMI in order to inform the further work of the CSC in this area.

Given that the purpose of the questionnaire was to obtain information on the use of IMI as a whole at the national level, and not only within the data protection authorities, CSC members coordinated the responses for part A of the questionnaire with their National IMI Coordinator.

The questionnaire consisted of four parts: questions about the general implementation of IMI in the member state (part A); questions about data subject rights (part B), questions about the information policy in the member state (part C) and questions about the implementation of IMI in the DPA (part D).

Twenty-eight responses were received from national DPAs, as well as responses from seven of the German Länder to part D of the questionnaire (within the response from the German Federal DPA).

The results of the questionnaire for each of the four parts are summarised in the following section, after which the report closes with some recommendations for possible actions to be taken by the CSC members.

2. Summary of the responses received

2.1 General implementation of IMI in the member state

National IMI Coordinators (NIMICs) are mostly located within ministries, mainly the ministry with responsibility for economics, commerce and/or trade. In some cases, the NIMIC is located within a governmental agency.

Delegated IMI Coordinators exist in a little more than half (17) of the member states that responded. One respondent clarified that delegated IMI coordinators exist only for certain modules. Another respondent clarified that the absence of delegated IMI Coordinators does not mean that there are no Coordinators apart from the NIMIC, as there is a Coordinator for each legal area (not a technical role) and that some IMI modules also require Coordinator roles. Another respondent stated that delegated IMI Coordinators only exist for the modules related to Directive 2005/36/EC on the recognition of professional qualifications and its respective implementing regulations. Another respondent stated that in addition to the NIMIC, there is a Coordinator at the level of the state, whose role is to support the competent authorities in their federal states (register authorities; provide user support and trainings etc.) The same respondent



explained that for some legal areas, there are also coordinators (not a technical role but more for legal and content matter), as well as for some IMI modules.

In terms of the tasks performed by NIMIC, according to the responses received, this is in line with what is foreseen in Art. 6 of the IMI Regulation¹, i.e. registering coordinators and competent authorities, acting as contact point, including with the European Commission, providing training etc. Other tasks mentioned include: IMI assistance and technical support, promotion of IMI use, monitoring the flow of information to the competent authorities and ensuring the smooth functioning of the system. One respondent pointed out that for some modules (e.g. GDPR) separate IMI coordinators are appointed to perform these tasks.

The number of national authorities using IMI ranges from 20 – 5517. Sometimes an approximate value was given, and two respondents pointed out that not all registered authorities are active users. One respondent explained that a significant number of the registered authorities are Trade Licensing Offices.

As regards the access allocation and procedure, generally this is the responsibility of the NIMIC in consultation with the responsible services for the specific modules. Two respondents mentioned that authorisations were given directly by the European Commission, in accordance with the procedure foreseen by DG GROW.

In terms of the authority roles in place, a wide range of responses was received. In some member states, the authority roles consist of competent authorities and coordinators, authority manager and access manager, or competent authorities and central authorities. In others, a number of different roles are foreseen, such as NIMIC, competent authorities, EPC authorities, EPC Coordinators, Alert Coordinators, Notification Coordinator, Notification Authorities and Alert Authorities. Some member states also foresee a role as observer.

The number of registered users of IMI ranges from 25 – more than 16, 000. In one case, this information was not available to the NIMIC.

Finally, as regards the general rules for assigning user rights, in most cases this is determined according to the rules of the competent authorities. Some respondents made reference to national legislation, while others referred to guidance provided by the European Commission, such as the IMI user handbook. Two respondents stated that there are no general rules in place.

2.2 Data subjects' rights

According to the majority of responses, data subjects' requests are handled directly by the competent authorities. Consequently, information on the number of requests was not available for most member states. Six respondents reported that there were no such requests, while three reported that either the NIMIC is not aware of such requests, or that there was no practical experience.

¹ Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation').



2.3 Information policy in the member state

The majority (22) of respondents reported that the NIMIC provides information about IMI on its website. Six respondents stated this is not the case.

The NIMIC informs about the rights of data subjects on its website according to a little more than half of the respondents. This includes providing a link to the IMI Regulation. One respondent stated that information is provided by the NIMIC on its website regarding the rights of data subjects, but not specifically related to IMI, as the NIMIC is not the data controller for IMI purposes. Of the thirteen respondents who stated that such information is not currently available, one respondent clarified that the NIMIC does not participate in exchanges, which involve processing of personal data, but that the NIMIC website includes a direct link to the Commission's IMI Website, where a dedicated data protection section is available. Another respondent stated that such information is not currently available, but will be provided in the future.

A little more than half of those who responded either consider that controllers do not provide sufficient information about IMI (10 respondents), or were not in a position to respond to this (6 respondents). Two respondents stated that the NIMIC reminds IMI actors of this regularly (for example during coordination meetings). One respondent stated that although it believes that the NIMIC provides sufficient information about IMI, it was unclear what is meant by sufficient information and where such quality requirements are specified. One respondent explained that it was not possible to answer this question as it would mean asking each authority directly. Similarly, another respondent, which replied that controllers do not provide sufficient information, stated that this was an assumption, because it was impossible to verify due to the high number of controllers.

2.4 Implementation of IMI in the DPA

As mentioned in the introduction, this part also includes the replies from seven of the German Länder DPAs. The total number of replies for this section is therefore thirty-five.

The number of users of IMI within the DPA range from 2- 95. One DPA made the distinction that only a small number (3 out of 17) have full access, while the remaining users have only viewer roles.

More than half of the DPAs which responded (18) do not have specific information about IMI on their website. In three cases, it was stated that this information was provided in the privacy notice, or in the annual report or that users are informed that complaints may be forwarded to the competent supervisory authority. In one case, it is planned to provide this information.

The majority (31) of DPAs which responded inform about the rights of data subjects on their website. Of these, it was clarified that in three cases this was not specifically related to IMI. Of the three DPAs which replied that that this information is not currently provided on their website, one respondent stated that this was in preparation. One DPA did not respond to this question.



As regards the notification to data subjects once their information is entered in IMI, the replies showed that there are different approaches among the DPAs. In some cases, a written notification (e.g. by letter or email) is foreseen, while others do not foresee a specific notification. In some DPAs, general information is provided when the complaint is submitted, or on the DPA's website in the data protection and privacy statement or when it has been referred as a One Stop Shop (OSS) case. Three DPAs mentioned that the data subject's information is not systematically entered into IMI, but in cases where it is, a notification is provided.

More than half of the DPAs which responded (22) state that they maintain records of processing activities in relation to IMI. One DPA further clarified that this was part of the general documentation of "complaint handling" (including potential forwarding of the complaints). Another respondent clarified that this was only the case for those processing activities for which that DPA is the controller. For that DPA, the record for processing activities related to IMI are contained in a record named "Data Inspection Proceedings" which covers different information systems, including IMI. Of the 13 DPAs which replied that they do not currently maintain records of processing activities related to IMI, One DPA replied that this will be actioned for consideration by the DPA's DPO. Another respondent stated that their DPA is currently updating their records of processing activities and that the information provided in the DPA's website to the data subjects for the processing of their personal data includes the fact that in the process of examining a complaint the DPA may have to exchange personal data with other supervisory authorities (without mentioning explicitly IMI). This DPA does not consider IMI as a processing activity per se, but as an extension and part of the processing activities required to perform their duties as a supervisory authority.

3. Conclusion and actions to be taken

The responses to this questionnaire show some diversity among the member states in their use of IMI, in terms of the number of registered authorities and users, as well as the practice of access allocation, and the authority roles in place. In other areas, this was less the case, such as the tasks performed by the NIMIC, and the general rules for assigning user rights.

The responses further showed that in the majority of member states, data subjects' requests are dealt with directly by the controllers (i.e. the competent authorities) and there is therefore no centralised view in terms of the number of requests received.

In terms of the information policy at national level for IMI, a significant number of respondents (16 out of 28) indicated that they either considered that controllers do not provide sufficient information about IMI, or they were not in a position to respond to this. In order to address this issue and improve compliance, the CSC will prepare recommendations for the controllers regarding the obligation to communicate information to data subjects in accordance with Article 13 GDPR. These recommendations may be shared via the respective NIMIC and will also include a standard text, which may be used by controllers.



ANNEX - Questionnaire

Questionnaire on IMI

Purpose: To obtain information from the member states for the further work of the CSC

Member state: Please select your member state.

Query date: Please click here to enter a date.

A. Questions about the general implementation of IMI in the member state

1. Who is the National IMI Coordinator (NIMIC) in your member state?
Please click here to enter a text.
2. Are there Delegated IMI Coordinators (DIMICs) in your member state?
 yes no
3. What tasks does the NIMIC perform?
Please click here to enter a text.
4. How many national authorities use IMI?
Please click here to enter a text.
5. Who allocates access for authorities and what procedure is used?
Please click here to enter a text.
6. Which authority roles are in place within the member state?
Please click here to enter a text.
7. How many users are registered in the member state?
Please click here to enter a text.
8. Are there general rules for assigning user rights within the authorities?
Please click here to enter a text.

B. Questions about data subject rights

1. Who handles the data subject rights requests?
Please click here to enter a text.
2. How many inquiries per year does the responsible authority receive about data subjects' rights?



- Access: [Please click here to enter a text.](#)
- Correction: [Please click here to enter a text.](#)
- Deletion: [Please click here to enter a text.](#)

C. Questions about the information policy in the member state

1. Does the NIMIC provide information about IMI on its website?
 yes no
2. Does the NIMIC inform about the rights of the data subject on its website?
 yes no
3. Do all controllers of the member state provide sufficient information about IMI?
 yes no

D. Questions about the implementation of IMI in the DPA

1. How many users of IMI does your DPA have?
[Please click here to enter a text.](#)
2. Does your DPA inform about IMI on its website?
 yes no
3. Does your DPA inform about the rights of the data subject on the website?
 yes no
4. Once the DPA enters the data subject's information into IMI, how will the data subject be notified?
[Please click here to enter a text.](#)
5. Do you maintain records of processing activities in relation to IMI?
 yes no