



Litigation Chamber

Interlocutory Decision 26/2021 of 23 February 2021

File No: DOS-2019-01377

Subject: Language of the proceedings - Complaint against IAB Europe

The Litigation Chamber of the Data Protection Authority, composed of Mr H. Hijmans, President, and Mr Yves Pouillet and Mr Christophe Boerave, members, taking over the case;

Having regard to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 *on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC* (General Data Protection Regulation, hereinafter "GDPR");

Having regard to the Law of 3 December 2017 *establishing the Data Protection Authority* (hereinafter "DPA Law");

Having regard to the internal rules of procedure as approved by the Chamber of Representatives on 20 December 2018 and published in the *Belgian Official Gazette* on 15 January 2019;

Having regard to the appeal lodged by Johnny Ryan, Pierre Dewitte, Jeff Ausloos, the NGO Panoptikon, the NGO Bits of Freedom, and La Ligue des Droits de l'Homme, with the Market Court against Interlocutory Decision of the Litigation Chamber No 01/2021 of 8 January 2021;

Having regard to the hearing of the Market Court of 3 February 2021;

Having regard to the judgment of the Market Court of 17 February 2021;

Has decided as follows¹ in the matter of:

¹ This is the original Dutch version.

- the complainants:
 - Mr Johnny Ryan
 - Mr Pierre Dewitte
 - Mr Jeff Ausloos
 - Mr Bruno Bidon
 - NGO Panoptykon
 - NGO Bits of Freedom
 - La Ligue des Droits de l'Homme

- the defendant: IAB Europe

1. Justification

1. Pursuant to the agreement concluded between the parties² as confirmed by the Market Court in its judgment 2020/1351 of 17 February 2021, the present interlocutory decision modifies Interlocutory Decision No 01/2021 of 8 January 2021 as follows.
2. The DPA changes the language of the proceedings from French to Dutch. This means that the DPA's correspondence with the parties henceforth will be in Dutch and that the future interlocutory and final decisions of the Litigation Chamber will be in Dutch. The Litigation Chamber however will provide the parties with a French and an English translation of the final decision.
3. On 4 February 2021 the DPA also put the Inspection Report of 13 July 2020 at the disposal of the parties in French, purged of English wording. No changes in content were made to the Report. This new French version of the Inspection Report replaces the previous version *ex tunc*. This implies that IAB Europe undertakes not to invoke the nullity of the Inspection Report on the basis of language legislation.
4. The DPA has also provided the parties with an authentic version of the Inspection Report in the Dutch language on 11 February 2021.
5. The parties however are free to use the language of their choice (Dutch, French or English) in the proceedings before the Litigation Chamber, both in writing and orally. In the case of IAB Europe it is French or English. Furthermore the Data Protection Authority is not responsible for the translations of procedural documents submitted by one party on behalf of the other.
6. Each party will bear its own costs of the appeal procedure.

² Agreement of 5 February 2021 between the parties through the submissions before the Market Court.

7. Given the importance of transparency in the decision-making process and the decisions of the Litigation Chamber, as well as the specificity and public interest of this decision, it will be published on the website of the Data Protection Authority. In view of the earlier publicity about this case, the Litigation Chamber has decided not to delete the direct identification data of the parties and the persons named, whether natural or legal persons.
8. The abovementioned agreement between the parties is attached to this decision and published on the website of the Data Protection Authority.

FOR THESE REASONS

THE LITIGATION CHAMBER

Decides, after deliberation, to modify the Interlocutory Decision No 01/2021 of 8 January 2021 as follows:

- to conduct the proceedings in Dutch, while allowing the parties to express themselves, both in their submissions and at the hearing, in French, Dutch or English;
- not to provide translations of written documents submitted in any of these three languages;
- to render the final decision in Dutch, and to simultaneously communicate to the parties a French and English version, which will also be made available on the DPA website.

Against this interlocutory decision an appeal can be lodged before the Market Court within 30 days of its notification (art. 108 § 1 of the DPA Act of 3 December 2017) with the Data Protection Authority as defendant.

Hielke Hijmans

President of the Litigation Chamber