

**TECHNICAL CIRCULAR** Ref. DC2023SPM034

**DATE** Milan, 22-02-2023

To all accredited certification bodies, PRD area

To the associations of conformity assessment bodies

To the assessors and experts of the Dept. of Certification and Inspection, PRD area

**SUBJECT** **Certification and Inspection Department**

**Technical circular n. 12E/2023 – Provisions regarding the start of accreditation in the PRD area of the Europrivacy™/® scheme**

## **INTRODUCTION**

The Europrivacy™/® certification scheme was developed by the European Center for Certification and Privacy (ECCP) in Luxembourg and its International Board of Data Protection Experts through the European research program Horizon 2020.

Europrivacy™/®, with Opinion 28/2022 of 10.10.2022, is a certification scheme approved by the European Data Protection Board (EDPB) as a European Data Protection Seal - pursuant to art. 42 of EU Reg. 2016/679 - to evaluate and certify the compliance of all the types of data processing to the GDPR. It therefore allows applicants to identify and reduce their risks, to demonstrate and assess their compliance, and to improve their reputation and market access. As a certification it is therefore officially recognized in all EU member states.

The certification scheme, although implemented in a non-national regulated context (EU Reg. 2016/679), was subjected - at the request of the scheme owner - to the assessments according to the Accredia regulation RG-19, implementing the document EA 1/22 A-AB:2020.

The certification is applicable in the member states of the European Economic Area (EEA) and ensures compliance with the requirements of the scheme in application of the GDPR as well as with the national requirements adopted by the individual State Member.

## NORMATIVE CONTEXT

In addition to the Europrivacy™/® scheme which can be used for certification purposes, reference is made to other regulatory references, applicable at national and EU level, such as, by way of example but not limited to<sup>1</sup>:

- D.Lgs. 196/2003, as modified and integrated by D.Lgs. 101/2018;
- Directive 2002/58/CE;
- General provisions of the Italian Supervisory Authority;
- Reg. EU 679/2016 GDPR;
- EN ISO/IEC 17065:2012;
- EN ISO/IEC 17012-1:2015;
- EN ISO 19011:2012;
- Reg. CE 765/2008;
- Relevant EDPB 05/2020 guidelines (e.g. 1/2018 and relative addenda n. 4/2018, 7/2022, etc).
- Opinion EDPB no. 28/2022 as approval of Europrivacy™/® certification scheme.

### CERTIFICATION RULES

See the provisions contained in the Europrivacy™/® owner scheme regulation. All the provisions are to be considered binding for the management of the individual certification processes.

### RULES FOR ACCREDITATION

#### Corporate structural requirements of the CB

In addition to what has already been established by ISO/IEC 17065:2012, the CB must ensure the existence of a management system in conformity with the provisions of the Privacy Guarantor (Supervisory Authority) Resolution 148 of 07.29.2020 "Additional requirements for accreditation of Certification Bodies" and related annexes (published in the Official Gazette n. 201 of 12 August 2020) in accordance to articles 43(3) and 64(1)(c) of GDPR.

When the CB is based in other State Member and this location independently issues certifications, the additional accreditation requirements approved by the respective national Supervisory Authority (SA) apply. Pursuant to requirement 12(1.3) of EDPB Guideline 7/2022, please note that the CB must be based in an EEA member state.

<sup>1</sup> See website <https://www.garanteprivacy.it/regolamentoue/certificazione-e-accreditamento>

<b>Use of permanent Marks</b>	<p>The use of the following Marks is compulsory:</p> <ul style="list-style-type: none"> <li>- Europrivacy™/® certification Mark as prescribed by the scheme to which specific reference is made for all permitted uses;</li> <li>- the ACCREDIA Mark in accordance with Regulation RG-09.</li> </ul>
<b>Accreditation process</b>	<p>Certifications in accordance with the Europrivacy™/® scheme must be issued by accredited CBs according to the requirements of standard UNI EN ISO/IEC 17065:2012.</p> <p><u>In cases where the CB already possesses accreditations issued by other Accreditation Bodies, an assessment must be carried out on a case-by-case basis, according to the applicable EA/IAF MLA agreements.</u></p>
<b>Obligation to transmit and update information regarding certifications</b>	<p>In accordance with the requirements of the certification scheme, the following information must be transmitted within a reasonable time by the CB to the Scheme Owner<sup>2</sup>:</p> <ol style="list-style-type: none"> <li>a copy of the certification reports in pdf format;</li> <li>a pdf file of the certification document with the signature(s) of the authorised person(s);</li> <li>the number of hours of work charged to the Applicant for this assessment;</li> <li>whether, considering the size and complexity of the Target of Evaluation, the calculated audit time was sufficient and adequate to complete a fully reliable assessment;</li> <li>suggestion for improving the certification scheme and/or the list of checks and controls.</li> </ol> <p>Accredia-DC will activate a specific section on the public database of the certifications issued by the accredited CBs in order to ensure the transparency of the certifications issued. For the provisions applicable to the CBs, refer to regulation RG-01 §1.10.7.</p> <p>Information relating to the list of certifications issued, as well as withdrawals, suspensions and reductions must be provided to Accredia-DC within 30 days of starting date. Lastly Accredia-DC reserves the right to transfer to the SO these informations, as well as others inherent in the processes being certified, resulting from analyses deemed useful for improving the scheme.</p>

<sup>2</sup> See EP-CS.1 Europrivacy Certification Scheme §13.5.2

## ACCREDITATION/EXTENSION PROCESS

Various cases may be presented, based on the ACCREDIA accreditations already possessed by the Certification Body that applies for accreditation or extension.

The requirements of RG-01 and RG-01-03 for the granting of accreditation and extension remain unchanged, supplemented by the following rules. It should be noted that, as a specific agreement is in place between Accredia and the Privacy Guarantor, it is possible that personnel appointed by the Guarantor may also take part in the audit team.

A	CB already accredited in accordance with ISO/IEC 17065	<p>Document review of 1 day (to be carried out, at least in part, remotely).</p> <p>1 (one) on-site assessment of 2 days + 1 day for backoffice activities.</p> <p>1 (one) witness assessment of adequate duration to cover the analysis of the most important elements of the audit process conducted by the CAB, the duration of which will be assessed according to the information contained in the program and in the audit plan prepared by the CAB. ACCREDIA reserves the right to evaluate the adequacy of the sample on a case-by-case basis (for long duration audits), the suitability of the organizations and audit groups proposed for accreditation and subsequent surveillance activities.</p> <p>During the assessment, the competences of the CB regarding ISO/IEC 17065 and the possession of applicable additional requirements will be evaluated.</p> <p>Note: if the CAB delivers the certification process according to the "Adaptable process model", an assessment will also be required regarding the competences required by ISO 27001, ISO 27701 in the application of ISO 17021-1</p>
B	CB NOT accredited according to ISO/IEC 17065, but already accredited for other accreditation standards	<p>Document review of 1 day (to be carried out, at least in part, remotely).</p> <p>Assessment at the CB's premises of 3 days + 1 day for backoffice activities. During the assessment the competences of the CB regarding ISO/IEC 17065 and the possession of applicable additional requirements will be evaluated.</p> <p>1 (one) witness assessment of adequate duration to cover the analysis of the most important elements of the audit process conducted by the CAB, the duration of which will be assessed according to the information contained in the program and in the audit plan prepared by the CAB. ACCREDIA reserves the right to</p>

		<p>evaluate the adequacy of the sample on a case-by-case basis (for long duration audits), the suitability of the organizations and audit groups proposed for accreditation and subsequent surveillance activities.</p> <p>Note: if the CAB delivers the process according to the "Adaptable process model", an assessment will also be required regarding the competences required by ISO 27001, ISO 27701 in the application of ISO 17021-1.</p>
C	CB NOT accredited	<p>Document review of 1 day (to be carried out, at least in part, remotely).</p> <p>Assessment at the CB's premises of 4 days + 1 day day for backoffice activities.</p> <p>During the assessment the CB's competences in the areas covered by ISO/IEC 17065 will be evaluated.</p> <p>1 (one) witness assessment of adequate duration to cover the analysis of the most important elements of the audit process conducted by the CAB, the duration of which will be assessed according to the information contained in the program and in the audit plan prepared by the CAB. ACCREDIA reserves the right to evaluate the adequacy of the sample on a case-by-case basis (for long duration audits), the suitability of the organizations and audit groups proposed for accreditation and subsequent surveillance activities.</p> <p>Note: if the CAB delivers the certification process according to the "Adaptable process model", an assessment will also be required regarding the competences required by ISO 27001, ISO 27701 in the application of ISO 17021-1.</p>

## DOCUMENTATION TO BE PRESENTED TO ACCREDIA FOR THE DOCUMENT REVIEW

In addition to the documentation required modules DA-00 and DA-01, publicly available on the Accredia portal, a copy is required of the following:

1. Declaration made by the legal representative of the CB regarding the acceptance of all the obligations under the additional requirements with particular reference to the "formal commitment to comply with any regulations applicable to the performance of the CB's functions and, in particular, the relevant provisions of the GDPR and the National Personal Data Protection Code, including the obligation to inform ACCREDIA and the Supervisory Authority of any significant change in the factual or legal situation of the CB with particular

reference to the requirements relating to accountability, impartiality, financial capacity, confidentiality, transparency, competence, prompt and effective response to complaints"

2. All documentation proving fulfillment of the additional requirements including:
  - a. Procedures/instructions for the certification process and the conduct of audits prepared by the CB for the audit team;
  - b. Contractual procedures and regulations applicable to the certification process;
  - c. CVs of assessors, technical experts, decision-makers and relative qualification procedure;
  - d. Audit report template and related checklists;
  - e. Template of the certificate of conformity;
3. List of audits already conducted outside of accreditation (where applicable).

## MAINTENANCE OF ACCREDITATION

Since this is a highly complex scheme, Accredia-DC will perform an annual maintenance assessment at the CB's head office.

The maintenance assessments take into account the following criteria:

<i>Certificates issued by the CB</i>	<i>Duration of the on-site visit</i>	<i>Witness assessments during the cycle of accreditation</i>
Up to 10	2 days	1
From 10 to 30	2.5 days	2
From 30 to 100	3 days	3
Over 100	4 days	4

Kind regards

**Dott. Emanuele Riva**

Director Department  
Certification and Inspection