



The Chair of the Second Chamber
Postbus 20018
2500 EA Den Haag

Date
3 March 2025

Our reference

Subject
Evaluation of the Autoriteit Persoonsgegevens

Dear chair and members of the House of Representatives,

Reflection makes visible. Reflection helps organisations to continue learning and developing. This certainly applies to us, as an independent and relatively young supervisory authority, tasked with protecting people and their personal data in an increasingly digital world. As board and employees of the Autoriteit Persoonsgegevens (AP), the Dutch data protection authority, we want to know how affected third parties experience and assess our role and our work. Together with the Ministry of Justice and Security and with academic experts, we looked for an evaluation format to assess our effectiveness and efficiency in a way that fits in with European legislation.

Gratitude and reflection

We requested a committee of external experts, under the direction of independent chair Paul Schnabel, to carry out a comprehensive evaluation of the period 2018–2024. The committee also took into account topics proposed by the Minister for Legal Protection.¹

Additionally, we have asked the committee for recommendations and advice for the coming years to ensure that we can further improve our operations and performance. We want to thank all participants in the evaluation, the investigators themselves, and the members and chair of the committee for their very valuable contribution to this evaluation.

¹ See our letter to the Minister for Legal Protection of 16 May 2023.



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The board and the advisory board of the AP have worked on a careful, balanced and joint reflection – based on the question of how we can best learn from and make the best possible use of this evaluation. We are happy to share the results of this evaluation with you.

Three categories

We will work with the outcome from the evaluation in three ways. Firstly, the category ‘Putting our own house in order’. Of these findings we say: this should and could be better. So we will do it better. Secondly, the category ‘Challenge taken up’. These are points for improvement that we have already started working on and, as an organisation, will keep working on – where possible at an increased pace. And thirdly, the category ‘Discussion on dilemmas’. These findings and recommendations call for a dialogue with diverse parties involved. We want to learn from all three categories. We want to improve ourselves in all three categories. We will discuss them one by one.

Putting our own house in order

Putting our own house in order begins with the committee’s and the investigators’ finding that a precise clarification is required of the AP’s policy on standards and enforcement. In other words: more and clearer communication about what is and is not allowed. This is a crucial element to protect citizens and to provide organisations with clarity. This means listening and communicating in a manner that takes into consideration the specific nature and identity of the parties that we target as the AP. We want to take this recommendation to heart. This should and could be better.

A concrete example of how we can communicate better is by organising consultations more often. This enables us to factor in the ideas and expectations of the actors involved in our work in the performance of our supervision.

Challenge taken up

The most important recommendation of the committee is something that we recognise well: a different time calls for a different attitude. We started working on this issue in 2024, in particular through improved information provision and a more active role in educating organisations, citizens, and fellow experts.

To give an example of this: the committee calls for an even stronger involvement from the DPA in the work and the position of the Data Protection Officers (DPOs) working in organisations that collect and process data. In the past year, we organised and attended group meetings with DPOs. We will invest even more in our ongoing efforts in improving cooperation with the DPOs.

The evaluation shows that most gains can be made by further improving and speeding up our engagement in personal contact, making sure we operate ‘at eye level’, in our tone of voice and level of clarification. We translate this as ‘being clear on content and being more personable’. We are also already working hard on this. For example, we recently agreed with the Confederation of Netherlands Industry and Employers (VNO-NCW) that we will consult more intensively with sector associations in the coming year, as we are doing at present with civil society and consumer organisations.

The AP is aware of the necessity of continuously improving its quality and safeguarding its social responsibility. We will therefore be happy to adopt the recommendation for setting up a social consultation committee and a scientific committee.



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Discussion on dilemmas

It is important to enter into a dialogue with the various parties involved – from businesses to citizens and from government to science – about the dilemmas that we as the AP have to address.

To start with, we are dealing with a wide playing field, in which part of our activities have already been set out in legislation and regulations. For example, we are obliged to take action if there are data breaches, if a law is submitted to us for assessment, or if complaints are submitted to us (both nationally and internationally). These are matters that we have to take up. As a result, the available space for alternative interventions, providing information and conducting investigations of our own has already partly been determined.

Our comprehensive supervision of compliance with laws is conducted in an environment in which social and technical developments are very fast and in which many new laws are introduced. That is why we have endorsed the following fundamental values for the protection of personal data: non-discrimination, personal autonomy and freedom, and verifiable and transparent power. We look at developments in society and watch for signals that may indicate a problem or an avoidable, or as the case may be culpable, breach or damage.

The gravity of the situation determines the action we take. We have a broad range of monitoring tools at our disposal for this purpose. We prefer first to enter into a dialogue or provide an explanation of the law. Where necessary, we impose fines. Which tool we choose depends on the gravity of the problem, the urgency, and the judgment of our professionals. To be sure that we deploy our tools properly, we also monitor the effectiveness of our actions. In this way, we can improve our instruments and are sure that we make a difference.

This requires, however, sufficient financial, administrative and operational room for manoeuvre to ensure that we will always be able to deploy the right persons, tools and methods in the fulfilment of our task. Earlier, the Parliamentary Committee of Inquiry into Fraud Policies and Services reached the same conclusion.

The issue raised by the committee, of which ministry is the most appropriate point of contact for the AP, also belongs in this context.

We are very aware of the continuous necessity of striking the right balance here. Between being independent on the one hand, and accessible and focused on cooperation on the other. Between helping and punishing. In the interest of the protection of citizens in a digital world.

In cases of doubt, we always choose the citizen

In cases of doubt, we will always take the side of the citizen. We are open to everyone's interest and to social utility. However, if the protection of citizens in the ever 'shapeshifting' digital world is jeopardised, we have to be there. We help as well as warn organisations that collect and process data of citizens. But we intervene where necessary, and will continue to do so.

We accept the task to find the right balance, *from the inside out and from the outside in*, and enhance our profile as protectors and become more accessible. The emphasis on 'protecting by helping as well as enforcing'



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will also have to be promoted by our employees, from board to expert, from public relations officer to inspector, including in personal contact and in formal correspondence: at eye level and with an open mind.

In conclusion

Evaluation is paramount for self-reflection. To be able to compare our self-image and how others experience the AP, to contemplate this – and learn from it.

And now? As we said: we take up the challenge. We have listened carefully to the criticism of citizens, civil society organisations and organisations under our supervision, and we will enter into a dialogue with them. We will also do this with the ministries and with fellow supervisory authorities. We will do this at eye level and with an open mind. To ensure that we will be able to do the best we can to protect citizens in a digital world in the years to come.

In the course of the year, we will communicate about the progress of our actions at regular intervals, and we will account for the results periodically in our annual reports.

It goes without saying that we will have a similar comprehensive, external evaluation conducted in five years' time.

We will, of course, be happy to provide further clarification of the above in a personal conversation.

We sent our reflection to the State Secretary for Legal Protection on 21 February 2025.

Yours faithfully,

The Autoriteit Persoonsgegevens,

Aleid Wolfsen
Chair

Monique Verdier
Vice chair

Katja Mur
Board member

On behalf of the advisory board
Alexander Pechtold, chair

Appendices:

1. Summary of the Dutch Data Protection Authority Evaluation Monitoring Committee Report
2. Dutch Data Protection Authority Evaluation Monitoring Committee Report
3. Dutch Data Protection Authority Evaluation Berenschot/Tilburg University final report