

Directive (EU) 2016/680 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 by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA

## *CHAPTER VI*

### ***Independent supervisory authorities***

#### *Section 2*

#### ***Competence, tasks and powers***

#### *Article 46*

#### **Tasks**

- 1 Each Member State shall provide, on its territory, for each supervisory authority to:
  - a monitor and enforce the application of the provisions adopted pursuant to this Directive and its implementing measures;
  - b promote public awareness and understanding of the risks, rules, safeguards and rights in relation to processing;
  - c advise, in accordance with Member State law, the national parliament, the government and other institutions and bodies on legislative and administrative measures relating to the protection of natural persons' rights and freedoms with regard to processing;
  - d promote the awareness of controllers and processors of their obligations under this Directive;
  - e upon request, provide information to any data subject concerning the exercise of their rights under this Directive and, if appropriate, cooperate with the supervisory authorities in other Member States to that end;
  - f deal with complaints lodged by a data subject, or by a body, organisation or association in accordance with Article 55, and investigate, to the extent appropriate, the subject-matter of the complaint and inform the complainant of the progress and the outcome of the investigation within a reasonable period, in particular if further investigation or coordination with another supervisory authority is necessary;
  - g check the lawfulness of processing pursuant to Article 17, and inform the data subject within a reasonable period of the outcome of the check pursuant to paragraph 3 of that Article or of the reasons why the check has not been carried out;
  - h cooperate with, including by sharing information, and provide mutual assistance to other supervisory authorities, with a view to ensuring the consistency of application and enforcement of this Directive;
  - i conduct investigations on the application of this Directive, including on the basis of information received from another supervisory authority or other public authority;

- j monitor relevant developments insofar as they have an impact on the protection of personal data, in particular the development of information and communication technologies;
- k provide advice on the processing operations referred to in Article 28; and
- l contribute to the activities of the Board.

2 Each supervisory authority shall facilitate the submission of complaints referred to in point (f) of paragraph 1 by measures such as providing a complaint submission form which can also be completed electronically, without excluding other means of communication.

3 The performance of the tasks of each supervisory authority shall be free of charge for the data subject and for the data protection officer.

4 Where a request is manifestly unfounded or excessive, in particular because it is repetitive, the supervisory authority may charge a reasonable fee based on its administrative costs, or may refuse to act on the request. The supervisory authority shall bear the burden of demonstrating that the request is manifestly unfounded or excessive.