Report on the findings of the interviews

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1 Background to the STAR project

The STAR project (*Support Training Activities on the data protection Reform*) is providing support to the training activities of European Union (EU) Data Protection Authorities (DPAs) and data protection officers (DPOs) on the EU data protection reform, especially the General Data Protection Regulation (GDPR).

The GDPR requires these two categories of data protection actors to undertake training activities (Arts 57(1) and 39(1)(b)). Each DPA developing such materials in isolation increases the overall cost, risks undermining the harmonising effect of the GDPR and puts greater pressure on its consistency mechanisms. STAR will thus provide them with necessary and efficient training materials and resources. In particular, STAR will:

1) formulate the training topics in close cooperation with stakeholders,
2) author the actual training materials,
3) validate and test them in pilot trainings.

This output will be freely and publicly available in English in a digital form. STAR is directly addressed to EU DPAs and DPOs; it also offers a benefit to other privacy and data protection professionals in the EU and beyond. The STAR consortium will encourage stakeholders to translate the materials, where appropriate, to tailor them to the audience mother tongue, and will kindly ask stakeholders to allow the translated materials to be published on the project's website in a spirit of European cooperation and to foster the effectiveness of STAR.

STAR supports the legal obligations of DPAs and DPOs to undertake training activities and, in order to facilitate their work, will provide them with ready-made, easy-to-customise and easy-to-run training materials, easily adaptable to specific training situations. STAR will also provide to the European Data Protection Board (EDPB) the common training programmes (Art 70 GDPR). The main outputs are thus the training materials and resources themselves. While their exact format and nature will be refined in cooperation with stakeholders, the following will at least be included:

1) Training scenarios for each training category,
2) A Seminars' Topics List, based on the training scenarios,
3) Seminar Material for each one of the seminars,
4) Webinars (selected from the Seminars' Topics List),
5) A training Handbook,
6) A takeaway reference GDPR checklist,
7) A ten-point GDPR introductory list.

2 Executive summary

The aim of the STAR project (*Support Training Activities on the data protection Reform*) is to contribute to fostering the harmonisation of training activities on the General Data Protection Regulation (GDPR), to ensure that the goal of unifying data protection at European level is not undermined by scattered training of operators in the public and private domains. This STAR Project deliverable provides an overview of the consortium's findings under project activities 2.2 and 2.3, namely stakeholder engagement through semi-structured, qualitative interviews, and the analysis of existing training materials dealing with the GDPR and the upcoming data protection regime in general. The aim of these activities was to inform the requirements for training materials and provide the consortium with an overview of existing training practices and the training material available in this domain.

The consortium was able to contact and interview Data Protection Authorities (DPAs) and Data Protection Officers (DPOs), as well as data protection experts. The project team also interviewed other stakeholders who do not hold training responsibilities, but who were able offer additional perspectives.

A key finding is that the approach and points of view of DPAs and other stakeholders diverge in terms of substantive training as much as they do with regard to the current and prospective training methodologies. On the one hand, authorities tend to deliver (and consider most important to deliver) more institutional, theoretical training on the GDPR, aimed at creating in trainees a clear picture of the legal framework in which both regulat*ors* and regulat*ed* operate. On the other hand, other stakeholder trainers, in particular those who provide training for a profit, tend to focus on more operative aspects, such as procedures and methods to comply with the GDPR provisions.

In terms of training methodologies, face-to-face, in-class training is preferred both by DPAs and by other stakeholders, but they are interested in technologies that allow trainers to reach a higher number of stakeholders, such as webinars to train all employees of a certain company, or videos for the general public. The target of the training however differs, as the drivers and ultimate goals of DPAs and other stakeholders also differ.

In terms of existing training materials, practices also vary, with a strong focus on general slides and not functional guides and checklists. As this deliverable shows, this best-practices-mapping exercise allowed the consortium to identify several aspects worth considering, such as necessary graphic elements, a serious need to pay attention to accessibility, and similar aspects.

This deliverable captures the current status of GDPR training and gives a clear indication to the consortium on what topics are best addressed in and what methodologies are best used for developing the STAR training materials.

3   List of Abbreviations

DPA	Data Protection Authority
DPD	Data Protection Directive (Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data, ELI: data.europa.eu/eli/dir/1995/46/oj)
DPIA	Data Protection Impact Assessment
DPO	Data Protection Officer
ePrivacy Directive	Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector (ELI: data.europa.eu/eli/dir/2002/58/oj)
EU	European Union
GDPR	General Data Protection Regulation (Regulation EU 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, ELI: data.europa.eu/eli/reg/2016/679/oj)
STAR	Support Training Activities on the data protection Reform
WP29	Working Party on the Protection of Individuals with regard to the Processing of Personal Data set up under Article 29 of Directive 95/46/EC (Article 29 Working Party)

4 Introduction

This report is the first public deliverable drafted in the context of the STAR Project. Its purpose is to map and understand the existing landscape of training by Data Protection Authorities (DPAs) and Data Protection Officers (DPOs), and the existing training material used. It is also intended to capture the training needs of these actors, and thereby inform the developers of new training materials by the STAR project.

The information supporting this report derives from two sources. The first source is semi-structured, qualitative interviews carried out in January-April 2018 with representatives of the Member States' DPAs and public and private sectors' DPOs. These interviews aimed to identify the current training practices of both categories of stakeholders and assess their foreseeable needs for the future. The second source of information is a collection of existing training materials that the research consortium obtained from the interviewees and by carrying out extensive research on the DPA websites, as well as on the websites of other organisations that provide GDPR training services.

To give stakeholders an accurate overview of the consortium's findings, and for the STAR project's next phases, this report sets out the methodology, the findings, and some concluding considerations concerning both the conducted interviews and the assessment of the existing training materials. While the determination of the training materials that the consortium will develop during this project will be the object of a different, dedicated document (Deliverable 2.4), this document includes the concluding remarks of an analysis of the existing materials aimed at identifying the existing best practices and key worthwhile features to include in the STAR materials.

The requirements and specifications for the training materials to be developed by STAR can be found in the companion report – Deliverable 2.4

5 Methodology

To develop this report, the STAR consortium partners [Vrije Universiteit Brussel (VUB), Trilateral Research (TRI), and Nemzeti Adatvédelmi és Információszabadság Hatóság (NAIH, the Hungarian DPA)] conducted a series of semi-structured, qualitative interviews with a) senior representatives of several Member States' DPAs and b) DPOs, data protection experts, and other stakeholders between January and April 2018. These oral or written interviews lasted between 25 and 60 minutes and were based upon an interview guide developed and validated by the research consortium in January 2018. The "Interview templates for interviewing DPAs and other stakeholders" (STAR Deliverable 2.1) were carefully planned to address the information needs for the project, namely mapping the current training practices and investigating the potential training needs of the stakeholders. Consequently, all questions intended to solicit a key information required for planning an effective training scheme in the STAR project.

The stakeholder interview approach had been validated by the consortium partners' previous collaboration in other projects, such as Improving Practical and Helpful Co-Operation Between Data Protection Authorities (PHAEDRA) I and II, where the methodology had proved a suitable way of collecting and understanding DPA perspectives.[1] The semi-structured approach using agreed templates allows for flexibility and adaptation to particular interviewees,[2] but also consistency across the different interviewers.

The interviews were carried out exclusively through the use of technological means, either by phone, by Skype, or by making resort to other conference call services as requested by the interviewees. Upon explicit request, as well as when a "live" interview could not be arranged – mainly due to time constraints of DPAs that are now extremely busy in view of the GDPR applicability deadline – the interview questions were provided to the participating stakeholder institution to be completed as a written questionnaire.

Where circumstances allowed, and participants gave their consent, the interviews were audio recorded. All interview answers were inserted in a single Excel file, and anonymised to ensure confidentiality by removing any reference to the interviewee name, title, or contact detail from this file.

A few interviewees requested the opportunity to see and approve their interview transcript. In these cases, the answers were extracted from the abovementioned Excel file and sent to the interviewee directly. In all cases, we received the interviewee's approval.

The consortium contacted all Member States' DPAs to present the project and ask their availability to be interviewed. The majority of them replied positively and were interviewed in the

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[1] Barnard-Wills, D., Pauner Chulvi, C., & De Hert, P. "Data protection authority perspectives on the impact of data protection reform on cooperation in the EU", *Computer Law and Security Review*, 32(4), 2016.

[2] Fielding, N. & H. Thomas, "Qualitative interviewing" in G. Nigel (Ed.) *Researching Social life*, London, Sage Publications, 2001; Rubin, H.J & I.S. Rubin, *Qualitative Interviewing: The Art of Hearing Data*, London, Sage Publications, 1995.

abovementioned timeframe. A few DPAs showed interest in the project but declined to participate due to work overload in the months prior to the 25 May 2018 deadline or to the limited training activities carried out. The consortium did not receive any response from a limited number of DPAs despite multiple attempts to contact them, by email and phone. In total, the consortium was able to interview 17 DPAs, including two German State DPAs (*Landesbeauftragter für Datenschutz*).

List of the interviewed DPAs:

- Austria
- Bulgaria
- Cyprus
- Czech Republic
- Estonia
- France
- Germany (Niedersachsen)
- Germany (Schleswig Holstein)
- Hungary
- Italy
- Malta
- Poland
- Portugal
- Romania
- Slovakia
- Slovenia
- United Kingdom

With regard to the interviews with other stakeholders, the consortium managed to interview a sample of 15 DPOs and data protection experts who are in charge of training activities in their organisations. They mainly operated in the banking, educations, legal services, and consultancy sectors, giving a good cross-section of DPO concerns relative to the sample size. Moreover, a few additional interviews have been carried out with stakeholders without training responsibilities, such as civil servants and similar officers. In addition, the consortium tried to get in contact with the main DPO associations operating in the Member States, and despite several attempts, only one association responded and was interviewed.

With regard to the analysis of the existing training materials, a critical analysis has been carried out to detect the current best practices, as well as to pinpoint the characteristics that the STAR training materials should have for them to be 1) easily adaptable to each training situation and, 2) easily understandable by audiences with different education, experience, and cultural backgrounds.

Some of the existing materials have been directly provided by the interviewees upon the consortium's request. Where the circumstances did not allow the interviewees to share those materials, an open source search has been carried out on several DPAs' and organisations' websites. A total number of 87 sample materials has been collected and catalogued by the consortium, and a sample of 60 of such documents[3] have been analysed and evaluated based on the criteria of accuracy, comprehensiveness, suitability, coherence with the regulatory environment, delivery quality and clarity, certification, cross-border relevance, accessibility.[4] The results of this analysis now converge into this document to enrich the analysis of the interview outcomes and will contribute to the development of the STAR materials.

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[3] The remaining materials have not been analysed due to linguistic barriers.

[4] These criteria were acknowledged by the majority of interviewees as an appropriate basis for analysis of training materials. See below, para 3.2.2.3.

6 Mapping the existing GDPR training practices

6.1 Introductory considerations

The purpose of this mapping exercise is to gather information from DPAs and other stakeholders on the scope of the existing training on the GDPR; to avoid developing duplicates of already existing training materials; to investigate best practices; and ultimately to allow for the development of materials that can easily be incorporated in an existing training environment. To this end, the consortium developed questions that aimed to assess two key aspects of training. On the one hand, interview questions investigated methodological aspects of training, including but not limited to the nature of the provided training, the target audience, the materials and technological means used. On the other hand, other questions investigated the substance of the existing training, including covered topics and training priorities.

6.2 Training Methodology

6.2.1 General considerations

Most DPAs have some involvement in training

In general, the consortium observed that most interviewed DPAs at national or subnational level[5] engaged in training, dissemination, or awareness-raising activities with a view to the applicability deadline of the GDPR on 25 May 2018.

Training approaches are highly variable across the EU

The approach to such activities varies greatly from authority to authority. Some authorities currently focus on carrying out internal training to ensure all their staff are prepared to deal with the new legislation when it becomes applicable. This is carried out in different ways depending on the size of the authority and its internal organisation. Internal training in smaller authorities involves most, if not all, of the personnel in the same, interactive session, due to the ease of engaging activities in small groups. A few bigger authorities tend to organise internal training sessions that are attended by a selected audience of officers of different departments.

Not all DPAs see external training as a current duty

External training (i.e. providing training to non-staff) is not unanimously perceived as a current duty. While most – if not all – DPAs provided or are providing internal training, answers on external training were more diversified. Some of the interviewed DPAs do not consider themselves currently compelled to train externally, some of them arguing that need being addressed by private-sector services. Some other engage in some sort of training, although the level of planning differs.

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[5] The allocation of supervisory powers at national or subnational level depends on the legal system of the EU Member State, provided that also a national DPA exists in countries where such powers are devolved at subnational level.

The consortium observed that there is limited correlation between the size of the authority and its choice to engage in external training: a few smaller DPAs provide external training, though their size of course influences the nature of the training provided. However, it has also been observed that smaller DPAs are generally more committed to take part to dissemination events, including giving presentations to specialised audiences in industry sector associations' meetings and take part to conferences at national and international level, perhaps as way to maximise limited resources.

External training is not always strategic

These external training activities are sometimes organised and planned in advance by the issuing authority as part of a strategy, and some other times are developed on an ad-hoc basis in response to specific requests by State administration or external stakeholders to provide training. While this difference may be due to a different approach to training, the amount of resources and staffing also has its weight in deciding if and to what extent a planned training programme must be organised.

Most "training" material is passive dissemination

With regard to dissemination and awareness-raising activities, most DPAs developed and made informative materials available on their websites to ensure that organisations and citizen in need of information on the GDPR innovations may access knowledge for free and from an official source. These materials are mostly means for passive dissemination, such as handbooks and info-sheets, but they sporadically also included videos. In a limited number of cases, DPAs engaged in informative sessions or awareness-raising activities with schools.

Some DPAs are still waiting on national legislation

A last general point to be noted concerning the DPA activities, is that some Member States have not yet issued national laws to complete the parts of the GDPR that require the latter to do so. Therefore, a few DPAs are still waiting for these regulations to be issued to plan a comprehensive training or awareness-raising scheme.

Nature of the training organisation is critical for the type of training

While the distinction between internal and external training is relevant when investigating the DPAs activities, it has limited relevance when dealing with other stakeholders, such as DPO associations, DPOs, and officers with data protection responsibilities. This is due to the fact that the nature of the organisation's activities plays a key role in determining whether they will be in need or encouraged to engage in internal or external training activities. For instance, banks will be more inclined in engaging in internal training to ensure their employees are well aware that the privacy culture is changing but will not be inclined to engage in external training. At the same time, consultancy firms and law firms are more inclined to enter the market of GDPR training for business reasons, while their professionals will be GDPR experts able to provide such training.

A few organisations provide training for subsidiaries or parent organisations that is focused on their specific needs, especially with regard to data protection obligations for non-privacy-specialists.

6.2.2 Methodological characteristics

6.2.2.1 Target groups

As said, though the landscape is not homogeneous, DPAs offer both internal and external training.

Internally, they carry out training activities to prepare their staff for the entry into force of the GDPR. As anticipated, the target group for smaller DPAs tends to include most – if not all – of the authority's staff. Bigger DPAs carried out the internal training in different ways, including seminars with a restricted audience to ensure interaction among participants. In this latter case, each DPA department is represented by one or more officers, while a DPA experts gives a presentation on a specific topic.

Externally, DPAs carry out training activities both with public and private sector organisations. In many cases, these activities seem to be focused on training the public sector first. On the one hand, this seems reasonable due to the fact that public bodies – especially in some countries – have limited possibilities to make resort to private services due to bureaucracy or limited resources. On the other hand, this risks the private sector lacking consistent training from public authorities and becoming reliant on private services only.

As expected, the approach of external trainers[6] in the private sector is complementary to that of DPAs, as they tend to focus on training companies and other organisations in the private sector as a priority. Of course, as anticipated, some stakeholders also provide training internally. Up to a certain extent, this data may be interpreted as to highlight the market-orientation of non-institutional trainers. Their approach is market-led and profit-oriented, and as a consequence, they focus their training on the market segments that are willing to pay for training. If the DPAs focus on training in the public sector and on awareness-raising activities, private organisations may fill the gap in offering training to other categories of stakeholders.

While the DPAs training activities usually avoided defining target-groups based on their role in the target organisation (they often mention training DPOs and IT officers), the training carried out by non-DPA stakeholders is highly tailored and aims to cover all corporate functions. Indeed, in addition to DPOs and IT officers, most trainers mentioned bespoke training sessions for C-level executives, managers, and even employees without data protection tasks but who may be in a position to detect privacy-related issues in the company operations. These employees have been defined in an interview with an Italian privacy expert as "privacy antennas".

With regard to priority in training specific target groups, private organisations offering training tend to first train C-level executives and DPOs, and then progressing to a more spread and general training across the organisations. To this purpose, though, economic and organizational capacity plays an important role. One of our interviewees explained the fact that their organisation had first attempted to roll out a general training course for all employees, and then rolled back to focus only on mid-level management due to lack of capacity.

6.2.2.2 *Type of training*

Concerning the type of training offered, different trends have been observed among DPAs vis-à-vis other stakeholders. Exempting passive, informative-dissemination and awareness-raising campaigns on DPA websites, in terms of active training both stakeholder categories expressed a general preference for in-class, face-to-face lectures. Reasons given for this preference included

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[6] On this, see the distinctions made above para 3.2.1.

the effectiveness of face-to-face interaction, increased attention of trainees as opposed to lack of attention and distraction when attending webinars or online modules, and the possibility of asking questions directly and obtaining an answer straight away.

DPAs rely almost solely on face-to-face delivery methods for training, either at their premises or in other locations. A very limited number of authorities engaged in different types of trainings, such as the creation of videos, webinars, or other forms of distance learning. Interactive training is also practiced, mainly by organising seminars with a restricted number of participants in order to ensure interaction among participants and with the instructor. This is especially done in smaller DPAs for the purposes of their internal training.

Non-DPA stakeholders with training responsibilities appear keener to engage in innovative forms of training. Interviewees often mentioned webinars, distance live lectures, online training platforms, telephone training, on-the-job/mentorship training or work review, and simulated games, in order to reach bigger audiences or make the training more flexible and adaptable to every work situation (a few trainers also mentioned that some trainees take this kind of courses during breaks). At the same time, a few stakeholders acknowledge that distance learning is less effective than in-class training (noting problems with distractions or "multitasking"), noting that it is still better than no training in cases of limited resources.

Across-the-board, interviewees appreciated methods such as Question and Answer (Q&A) sessions and the creation of written Frequently Asked Questions documents (FAQs), as these were considered an efficient method to achieve satisfaction among participants and – at the same time – to investigate the actual needs of the trainees to refocus future trainings on the most relevant topics.

In case of face-to-face training, the size of classes varies. In general, DPAs tend to organise external training for classes of over 30 and up to 100 participants. This may be related to the need to train as many people as possible while operating with limited human resources. DPO trainers, however, tend to train smaller classes, mostly because due to the more tailored nature of training, the size may be tied to the amount of people with a certain role in a company (number of C-level executives, number of IT experts, etc.). When the size of the classes increases, they tend to resort to webinars and other alternative means, as webinars allow more participants to take part to the training without requiring a further logistic effort. A few interviewees also claimed to offer one-to-one training sessions, especially to top management of private sector companies.

In terms of length of the training, there is a general understanding that a general, foundational GDPR training to set the bases for future trainings or for self-study may be carried out in around one working day (7 hours with breaks). However, this preparation would not equip the trainee with the tools to work independently without further study. The 2- or 3-day format is preferred by the majority of DPAs and other stakeholders for external training, as they claim it allows them to provide an adequate substantive preparation in a time that is respectful of logistics and other aspects (travel time to and from the venue, time away from normal job roles for trainees). Concerning internal training, they tend to be shorter in terms of hours or days. Seminars may last up to 4 hours, but a few DPAs tend to organise shorter sessions, however distributed over a wider period of time (akin to continuous professional development). Finally, a small number of DPO trainers offer a more structured, typically 1-week training that leads to some sort of certification, such as DPO certification or GDPR professional certification.

6.2.2.3   The existing training materials

The materials collected and analysed by the consortium cover almost all of the European DPAs. As mentioned before, materials have been analysed based on the previously-determined criteria of comprehensiveness, suitability, coherence with the regulatory environment, delivery quality, certification, cross-border relevance, and accessibility.

While the materials issued by a few countries have not been analysed in full due to linguistic barriers, they have still been analysed, together with all other materials, in terms of structure, key elements, and accessibility.

While most of the private-sector interviewees were reluctant to share their training materials – even samples of them – with the consortium for commercial reasons, it has been still possible to collect a limited number of materials online. This analysis can provide the following observations:

Presentation slides and documents are the industry norms

As is the norm across many industries and sectors, digital presentation slides are by far the most used training material in this context, both by DPAs and by other stakeholders. Due to the prevalence of in-class training, such an outcome was expected by the consortium. Handouts, such as legal texts, documents and guidelines issued by the Article 29 Working Party (WP29) or by DPAs are also often used as in coordination with slides.

Both DPAs and DPO trainers make regular use of infographics, checklists, FAQs, and similar materials to ensure easier understanding and access to information, and to give participants a reference to take away from the training.

In general, the materials available on the DPAs websites are PDF-format documents containing thematic guidelines, checklists for compliance, and general guides on the GDPR. Therefore, while introductions usually make clear on the purpose for which each document has been prepared, they only rarely identify a specific target audience. At the same time, due to the fact that such materials are openly accessible online and do not pertain to a comprehensive training scheme or training session, no indication is usually made on what time the reader should dedicate to the study of each material. A small amount of materials are PowerPoint presentations used by authorities in training sessions, conferences, and other dissemination events.

Alternative delivery methods are rare

DPAs rarely rely on additional materials beyond the above, while other trainers reported also making use of e-learning platforms, videos, handbooks, databases and wikis both for internal and for external use. Notably, in a few of these cases e-learning platforms were used relatively passively, as a vehicle for hosting presentation slides online, to enlarge the potential audience, but without setting up a bespoke course (or making use of interactive or assessment features, for example).

Materials are often generalist

As to the structure of the materials, most of them include an introductory section aimed at introducing the reader to the topic treated in the document, and the majority of them include a table of contents to assist the reader in identifying the subtopics they are most interested in. However, only a small minority of the materials contains an indication of further readings for those who wish to dive into the topic and achieve a more complete preparation. This seems to be a relevant issue in the current practice, because the more general the documents are, the more indications they might be expected to contain to redirect readers to more specialised materials.

Training methodologies are missing

Another missing element in most of the materials, including in the collected PPT presentations, is any mention of the training methodology, a topic that is often addressed in the materials prepared by other stakeholders. There is available material, based upon the relevant legislation, but this material can only rarely be considered to be training material with a pedagogic design.

Content is mostly relevant and up to date

In terms of content, the collected materials are usually up-to-date with the new developments in the data protection landscape as should be expected from data protection authorities. A few of them include links to WP29 guidelines and to other regulatory clarifications issued after the entry into force of the Regulation. The content is mostly relevant and will be of use for several kinds of audiences, ranging from private citizens to organisations. However, it must also be noted that a few of the collected general guides are so theoretical, that corporate and organisational stakeholders will likely have to look elsewhere to find more operative, practical guidance on how to comply with the GDPR. Finally, the consortium found the content of these materials mostly accurate and without flawed aspects.

Material doesn't always cover the full regulatory environment

Still in terms of content, not every material addresses the entire GDPR regulatory environment. While guidelines usually follow the structure of the GDPR and therefore cover all of its content, most of the remaining materials deal with single topics, such as Data Protection Impact Assessments (DPIAs), DPOs, or the rights of data subjects, and therefore leave other GDPR innovations to be dealt with in other materials issued by the same DPA. This likely supports a user browsing for guidance or information on a specific topic, but with a general grounding already. A relevant aspect to highlight is the general lack of systematic approach in training recipients on the full system that will be in place once the GDPR becomes effective: indeed, in none of the collected materials any reference was found to the other data protection regulations in force, such as Directive 2002/58/EC (ePrivacy Directive) or similar. Furthermore, an extremely limited number of materials contained real life examples, case studies or scenarios.

International dimension is often missing

Finally, with regard to contents, while many materials address the topic of international data transfers, very few of them approach data protection taking into account transnational situations beyond data transfers. Indeed, nearly all the materials have a very national approach, and address almost exclusively entities and people in a certain Member State and are drafted in the language of that Member State. This, of course, does not tell the whole story in terms of how these materials will have an actual transnational reach. Especially due to the language in which they are drafted, the materials issued by the UK Information's Commissioner's Office (ICO, the UK DPA) were reported as sometimes taken into account by practitioners in other Member States: this happens regardless of the fact that the ICO may or may not have issued them having foreign recipients in mind. The same goes for other materials issued by countries whose language is spoken or understood abroad, and for regulators in countries with a large number of multinational companies, whose guidance becomes relevant across borders.

Language varies between the general and the legal

In terms of linguistic register, two different approaches coexist in the current landscape. On the one hand, some DPAs focus on general, non-technical, easily-understandable language, for stakeholders to easily grasp the meaning of the new concepts introduced in the GDPR. On the

other hand, a few DPAs opted in favour of offering readers a more technical, precise guidance. In this second case, which is however a minority, materials are drafted using a more legally-solid linguistic register.

Materials rarely meet accessibility guidance

Finally, in terms of accessibility, there are a great variety of approaches. While some DPAs do not make any effort to increase the appeal and readability of their documents, resulting in plain text guidelines that are difficult to read, some others embraced a more captivating style in order to make the documents more appealing. The latter often make use of infographics, images, graphs, and tables to aid the explanation of concepts. As a consequence, a document on DPIAs drafted as a plain text essay will be much more difficult to understand than a document in which text is accompanied by graphs and infographics. Nonetheless, it must also be noted that some of the texts falling in the first category are drafted in a more technical and/or legal language, which means that the intended audience for such materials may differ from the intended audience of the more communicative materials. However, the more communicative materials are not necessarily less-useful to a more specialised audience just because of the way they are drafted.

Finally, concerning again accessibility, while most of the materials are accessible to hearing impaired, as they are written document, no material has been found that is specifically visually impaired people, with the exception of a few explanatory videos available on the YouTube channels of a few DPAs. However, as one may imagine, very rarely these videos are as detailed as the written documents, as the first ones are mainly conceived for dissemination and awareness-raising purposes. Formatting for accessibility (e.g. through screen readers or text-to-voice software) is mixed within the sample. Some collected documents were easily accessible in this manner (for example, because they are simple text documents) but many other more visually complex documents lacked accessibility features such as alternate text for images, tags, Unicode characters, or language specification, which could cause problems for users of accessibility software.

6.2.2.4   Feedback

DPAs' responses on whether they gather feedback
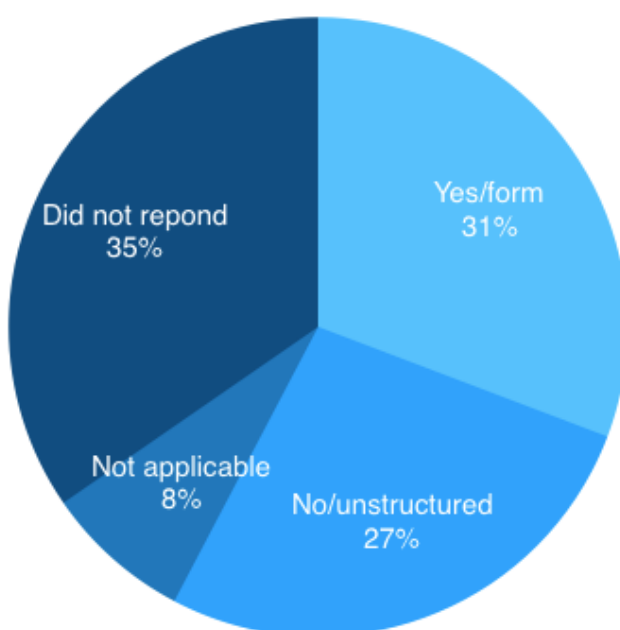
In the interviews, we explored the extent to which feedback on training was collected and used. Feedback is normally collected as standard end-of session or end-of-training questionnaire to monitor quality and to get the trainees' perspective. DPAs mostly rely on this tool or on more informal feedback collection, such as an oral unstructured feedback session at the end of the seminars. In many cases however, interviewees reported that feedback was not collected at all.

Other stakeholder trainers rely on the same tools but reported more structured collection and analysis system for feedback. A limited number of them rely on their Human Resource departments for

developing and then extracting information from the questionnaires regarding their internal training.

6.3 Training topics

In terms of substantive scope, nearly all of the interviewed DPAs that provide training have focused or are focusing on the general structure of the GDPR, targeting audiences with little to no experience in data protection. Such sessions aim at setting the grounds for further self-study or training with the DPA or other training providers.

Outside this general training, most of the DPAs heavily focus on the innovations of the GDPR compared to the old legislation (national implementations of Directive 95/46/EC (DPD) and others). This includes teaching the new concepts and tools introduced with the Regulation (e.g. the DPIA, sanctions, territorial scope, etc.), the new obligations for data controllers and data processors (e.g. risk-based approach and accountability, data breach notification, etc.), as well as the new rights of the data subjects (e.g. data portability). In this case, there is a general assumption that, despite not having any prior preparation on the GDPR, their audience is at least acquainted with data protection law and with the concepts guiding the regime of the DPD, or that the primary concern of their audience, is transitioning from the old regime to the new.

Nearly all interviewed DPAs mentioned the fact that they are also including information on national legislation in the training. Indeed, though the GDPR is directly applicable in all Member States, a small but relevant number of rules require national legal systems to enact legislation to complete or define a few aspects (for instance, it is still national law that defines what a Public Authority is under EU data protection law). DPAs, as well as nearly every interviewed stakeholder, underlined the necessity of taking national law into account when designing a data protection training scheme. The understood priority for end-users was that the scheme covers the relevant law for their context and operations, not that it be conceptually driven by the legal instrument.

A very limited number of DPAs are determining the scope of their training activities based on requests from their trainees. Indeed, while this is a very common approach in the private sector where training activities are reconfigured based upon the needs of the "customer", DPAs tend not to organise request-driven training sessions. This coupled with the relative lack of feedback collected by DPAs from training sessions, potentially leaves DPA training at some distance from its potential users.

A limited number of DPAs did however report organising bespoke training for specific industries, such as the financial sector, the health sector, or the public education sector.

It is to be highlighted that one of the most relevant differences between DPAs and other trainers is the approach to the operative dimension of GDPR compliance. While DPAs seem to adopt a more theoretical approach for conveying GDPR knowledge, such as the reading and explanation or comment of the GDPR legal text, DPO trainers tend to focus on the practical aspects of the new legislation. This includes operative instructions to carry out and deliver adequate DPIAs, impact of the GPDR on contracts with suppliers and clients, how to update the documentation on data transfers, the record of processing activities (data registers), the function of binding corporate rules (not without criticisms about the slowness of DPAs to provide guidance on this point), the practical obligations for the newly-appointed DPOs.

Additional, specific, practical training topics mentioned by non-DPA trainers include:

- Procedures to comply with new rights of data subjects
- Obligations for data controllers and processors
- Lawfulness of processing
- How to use privacy-related IT tools
- DPO – appointment and role
- Record of DPA activities
- data protection in employment contracts
- Big data and the GDPR
- Anonymisation
- Mobile device management
- SAP[7]
- Direct marketing

- Complaint procedures
- Data lifecycle management
- Data processing audit
- Regulatory and compliance gap analysis
- Training clients staff on GDPR and compliance
- Structuring data processing methods
- Preparing compliance strategies and action plans
- Compliance documentation
- Data protection impact assessment
- Notification of personal data breach

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[7] SAP is a software that aims at facilitating organisations' management of business operations and customer relations.

7 Determining the future needs in GDPR training

In addition to questions concerning the existing training practices of DPAs and other stakeholders, the consortium asked their interviewees to express themselves on the training practices, contents, and materials they expect to be useful for them or for the general public in the near future, including what topics they expect our consortium to focus on for the next phases of the project.

7.1 Training methodology

In most of the cases, DPAs and stakeholders are convinced that their current training methodology will prove adequate also for further training.[8] Nonetheless, though the majority of stakeholders, both DPA and non-DPA, are convinced that face-to-face classes are still the most effective way to convey knowledge, they also provided several examples of innovative and alternative training, both as a wish for the consortium to explore these areas and as an ambition for them to realise these trainings in the future. They mentioned webinars, online platforms, video series (especially with operative content and practical examples), live-chats, case studies, and Q&A sessions. In nearly all cases, DPAs and other stakeholders strongly wished future training schemes to have a practical approach with examples, case studies and simulations, templates, and checklists.

With regard to the audience for these trainings, DPAs expressed the belief that a sector-based approach would be preferable to the more common topic-based approach that currently dominates.

In addition, despite their readiness to explore new types of training, DPAs underline that trainees wish to have the materials as handouts for reference. Therefore, even in future training schemes, the possibility of providing the audience with written handouts should be included.

In terms of structure and duration of the training, a variety of inputs have been received from DPAs stakeholders. However, in general it can be concluded that DPAs are satisfied with the length they are currently able or willing to offer and they do not expect future training schemes to alter this length: courses and workshops lasting 1-3 days to provide a general knowledge of the GDPR, and 30 minutes for single webinar modules. All sessions should be completed by Q&A sessions as discussion was highly valued by nearly all respondents. This is also supported by most theories of learning and training. This format and length is common across industries and to some extent, the GDPR training available conforms to general corporate training practices, rather than an inherent nature of the content or subject area being trained.

Similar but not entirely matching opinion have been received from non-DPA trainers. They would stretch full courses up to a week and have thematic workshop last half a day to one day. Webinars would last about 1 hour while e-learning courses may be longer, due to the fact that they can be paused and resumed. This suggests many trainers feel under pressure in terms of teaching everything they consider important, or necessary for their trainees within the logistical time constraints.

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[8] See above, para 3.1.

A general request on methodology is that future training adopt an easily understandable language, that aims at 'decoding' the legal and IT language that is used in the GDPR and other related documents. There is a general pressure to move from a legal-theoretical exposition of the GDPR for experts to practical and easily understood material for practitioners (at various levels).

In terms of the degree of focus to adopt in future trainings, there is no convergence among DPAs on whether trainers should focus on providing very specific, in-depth training or more generally-accessible materials for the public. One could argue that this divergence derives from the approach that DPAs have adopted so far: working with limited resources, some DPAs have focused on general information and awareness-raising, while others have focused on getting some key sectors ready for the GDPR; as a consequence, the first group prefer future training to dive deep into specific issues, to complete their work and provide materials they cannot provide due to limited resources, while the second will have the opposite wish, having neglected general information in order to train critical sectors in the national economy. There is demand from both perspectives, but also potential material in both which can be drawn upon in a holistic training scheme.

Another point of disagreement is whether future training materials should aim at training non-DPA stakeholders only or DPA staff too.

7.2   Training topics

A relevant question in this context of transition from the old DPD harmonised system to the new GDPR unified regime is whether the abovementioned[9] training topics will still be adequate to train data protection professionals in a 1- or 2-year time. Indeed, by that time, not only new legislation may have been released alongside the GDPR[10], but also a comparison with the old system, that is now the most common approach to training, will lose its relevance, and, as a consequence, the existing training packages may need reworking. Additionally, as new practitioners enter the workforce or new firms engage in personal data processing, they will have little familiarity with the old regime, and a comparison between the two will not be educationally useful.

To this end, it was important to investigate the topics that DPAs and other stakeholders consider most important to train professionals in, to outline accurate and useful training materials for future use. The consortium asked both DPAs and other stakeholders about their expected priorities on training topics.

For DPAs, the consortium's findings are that the teaching priorities may be reorganised as shown in the following table. This table is organised based on the number of times each topic has been flagged as a priority by interviewed stakeholders. These priorities regard the current training

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[9] See above, para 3.3.

[10] E.g., the ePrivacy Directive is undergoing a reform process that will probably lead to the enactment of an ePrivacy Regulation to complement and complete the GDPR regime in the online environment (see: ec.europa.eu/digital-single-market/en/proposal-eprivacy-regulation).

needs of stakeholders, but it may well happen that – with new best practices arising and case-law increasing over time – they could change in the medium-to-long term.

Tier 1

- Basics of the EU data protection framework, including its rationale, key concepts, and legal framework (focus GDPR).

Tier2

- Rights of the data subject (and how to exercise them);
- Technical and organisational requirements and measures for data security (including data minimisation, pseudonymisation, anonymisation, …);
- Role of the Data Protection Officer (appointment, duties).

Tier 3

- Data Protection Impact Assessments.

Tier 4

- Duties and obligations of data controllers and processors;
- Data breach: procedures and notification.

Tier 5

- The value of privacy and data protection;
- Data Protection Authorities: role and powers;
- Legal bases for the lawful processing of personal data;
- Data Protection Design and by Default.

Tier 6

- National data protection frameworks;
- Records of processing activities (data protection register).

Table 1: DPAs' teaching priorities

These topics indeed reflect the most relevant innovations in the data protection context once the GDPR becomes applicable. The rights of the data subjects have been increased in number and in the substance and now include ones such as the right to be forgotten, the right to data portability, etc. Even the legal bases for the lawful processing of personal data have been reworked and need organisations to take it into account. The duties and obligations of data controllers and processors are also a part of the GDPR that greatly innovates from the DPD system. This includes enhanced notification duties and processors become fully responsible for their processing wrongdoings whenever they or not they remain compliant with their contractual duties. The GDPR also innovates in terms of technical and operational measures to ensure adequate protection of the data subjects' rights and freedoms: the old Directive, drafted in 1995, was obviously lacking on any contemporary technological tool to protect privacy. Training organisations on the role of the DPO is also an expected priority for DPAs: indeed, DPOs will be the main interlocutors for DPAs in the future, especially in very sensitive fields; at the same time, it is not surprising that DPAs are

willing to ensure that all stakeholders are aware of their role and regulatory and sanctioning powers. DPIAs and the records or processing activities are among the most relevant innovations in the GDPR, as they are both a self-assessment and reporting tools for organisation on whether their approach to data processing is correct, and a formidable element to take into account for the purposes of the DPAs' audits. Moreover, while sanctions took the spotlight as the most 'fearsome' innovation for companies, the correct management of data breaches is one of the main tools to avoid being sanctioned. The value of privacy and data protection in the corporate environment is also important, because the GDPR demands a change of approach to the protection of personal data, and concepts such as data protection by design and by default are of paramount importance to this purpose. Finally, as mentioned before,[11] national law is not completely without a role in this new regime: while the GDPR is directly applicable in all Member States, it also need national law to complete its regime.

Based on the outcomes of the interview and on the data concerning which DPA prioritised each training topic, the abovementioned list may be also reorganised to highlight a more conceptual difference in approaches between DPAs. Indeed, we envisage the existence of two coexisting philosophical or strategic approaches to training. On the one hand, a group of DPAs focus on a more theoretical/conceptual approach to teaching the GDPR. These DPAs focus on giving an overview on aspects such as the new rights of data subjects, the obligations for controllers and processors, the value of the protection of personal data and the data protection by design and by default.

On the other hand, a second group of authorities favour training on more practical aspects of the GPDR. These authorities tended to prioritise training on DPIAs, the management of data breaches, the roles and duties of DPOs and DPAs, and technical and operational measures, including data security.

Although some DPAs favour more practical aspects when mentioning the training they expect to deliver, non-DPA trainers have an even *more* practical approach. Indeed, in addition to the abovementioned topics, non-DPA stakeholders highlighted the importance of training on aspects such as:

- the GDPR impact on contracts;
- risk management strategies;
- organisational procedures (including forms);
- how to practically deal with data subjects' requests;
- how to practically obtain and manage consent.

It is to be highlighted that not every abovementioned topic may prove useful in both internal and external training. For instance, while private and public organisations may find it interesting to be trained on procedures and how to draft consent forms and data registers, the same cannot be

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[11] See above, para 3.2.1.

said for the staff of a data authority. The latter will be more interested in having a clear idea of their prerogative, and of what they can expect from and demand to DPOs.

The same can be said with regard to the depth of the training. While DPA staff will find it sufficient to have a less profound training on DPIAs, company data specialists will require a more deep and thorough training not only on the concepts, but also on the practical aspects of DPIAs.

7.3   Further aspects

The interviewees not only answered the consortium's specific questions, but they also provided general advice on aspects the STAR team should keep in mind when preparing the training materials.

Practical focus

First of all, as already mentioned, practice should be central in the future training materials. Being too academic and abstract may prove inefficient in a context that is already crowded with general, informative materials and lacking specialised, focused ones. At the same time, the examples should be relevant, meaning that they should not be too simple or simplistic, or having as an object niche data protection processes: they should instead tackle complicated and new issues in contexts of key importance.

Cultural change

Moreover, they underline the need that all training materials should convey the message that the GDPR demands a cultural change in all organisations, and data protection shall now be at the core of every company operation. These interviewees indicated that the GDPR is also a complex management system that cannot be approached as a standard legal or cybersecurity exercise, but instead needs a multidisciplinary, integrated approach, and that by necessity, this should guide the development of training materials in this area.

Linguistic considerations

In addition, nearly all interviewed stakeholders stressed the need for the researchers to take into account the various linguistic versions of the GDPR and to have the future training materials translated into their own national languages. Indeed, linguistic barriers are a relevant issue in the current context. On the one hand, sometimes the different linguistic versions of the GDPR are not aligned, meaning that the various versions may be interpreted differently in different Member States.[12] On the other hand, end users strongly wish to read the training materials in their own language. Even in countries that are notoriously more comfortable with English as a working language, DPAs and stakeholders reiterated the need to translate materials in order to reach the widest possible audience and to differentiate them from the existing materials. Some stakeholders also mentioned that a selected number of languages may also be useful, as long as they are chosen wisely to reach as many stakeholders as possible.

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[12] On this well-known issue in EU law, see *ex multis*: Mišćenić, *Legal Translation vs. Legal Certainty in EU Law*, in Mišćenić, Raccah, *Legal Risks in EU Law*, Springer, 2016, pp 87-107.

National law

Also, national law should not be neglected. As mentioned before, national law still plays a role in the correct application of the GDPR, especially in very specialised contexts. To this end, it is important that training materials find some way to take into account such laws, for the former to be a useful help to stakeholders.

Positive reception for harmonised training materials

However, despite these warnings, stakeholders are generally supportive towards the effort to create harmonised training materials, claiming that they would create added value and contribute to a more uniform application of the GDPR principles by stakeholders, and that they would be of relevant help to DPAs that, due to limited financial or human resources, are not able to autonomously develop training schemes.

8 STAR: the way forward

The aim of these interviews was to map the existing practices on GDPR training by DPAs and non-institutional stakeholders, and to investigate the future training needs to obtain sufficient information for the consortium to plan the futures steps of the project. The interviews have been able to draw out the perspectives of both DPAs and other stakeholders, including training best practices and some of the needs they have for the future.

The training methodologies greatly differ in the European landscape, not only when comparing DPA and non-DPA training, but also among DPAs and among other stakeholders that are similar to each other. While this may pose a challenge for the consortium to create materials that can fit every training context, it also means that a harmonisation may be particularly beneficial, especially in a few countries. Experimenting with new training methodologies is something that DPAs do not seem to do in full confidence, and, therefore, having an external input on this may function as a catalyst of innovation.

In light of the above, the following conclusions may be drawn to pave the way for the definition of the future STAR training materials.

- The affection for face-to-face lectures, with brief incursions in new practices such as webinars and videos, should be taken into account and given value to. To this end, the STAR materials should take into account physical audiences, with the possibility of exploring non-physical presence in favour of a selection of innovative means of training. Materials should be available for the trainees to download and take home as they please and should necessarily contain references for further readings and other useful resources.
- The development of Europe-wide tools to help organisations manage their GDPR compliance work are also a request of stakeholders. Check-lists, FAQ, and similar tools prove to be effective in giving quick, although non-bespoke answers to the practitioners' questions and should be taken into high consideration.
- With regard to language, the request of stakeholders is clear that translations of the materials would be beneficial. While the STAR commitments are to develop free training materials in English that can be then translated into each EU language by stakeholders (for examples by DPAs), it is advisable that the consortium takes this request into account and consideration.
- Methodologically, it is clear that practice shall be an important part of the materials. The strong request of stakeholders is to develop materials rich in relevant examples and real case studies/scenarios for the trainees to see the GDPR rules in context. These examples should also include both large and small, public and private organisations, to prove useful to a great variety of stakeholders.
- In terms of the content of the material, the STAR consortium must follow through the existing tension between requests of general and specialist training materials. To this end, researchers will have to identify the essential topics from the ones highlighted above and to create a priority list to draw from. The STAR materials will have to find an appropriate balance that includes both general and specific content.
- On the benefits of issuing general training materials, there is sufficient evidence from this analysis to support the argument that having a harmonised general guideline on the GDPR may help to set a common foundation, which can then be further built upon. In addition, general materials do not necessarily have to take into account aspects such as national law, as they can remain at the European level and still deliver relevant, accurate, and

complete materials. At the same time, opting in favour of general materials will lead the consortium into an environment that is heavily crowded with materials issued by the most diversified stakeholders. Though these materials do not aim to replace the existing, valuable materials, it is appropriate to ask how the STAR materials will differentiate themselves from the existing materials, and what elements they should have to ensure that stakeholders from the entire EU take them into account when selecting which materials they are willing to learn from.

- Developing specialised training materials would probably overcome this latter issue, due to the fact that the consortium found that there is great scarcity of these materials. They would help increasing the knowledge of a certain sector in a harmonised way, and this would lead to a relevant advancement of GDPR application and compliance. At the same time, even this road presents its difficulties. The more the consortium dives into a specific topic, the more it will touch aspects of data protection law that are intertwined with other legal fields and other existing regulations. On the one hand, in this context national data protection law is more relevant, because operative regulation to complete the GDPR regime will play a bigger role in this context and dealing with the other EU data protection rules such as the ePrivacy directive will not be avoidable. On the other hand, there is a bigger chance that the training would touch other legal fields that are seemingly not connected to data protection law, such as, for instance competition law, conflict-of-laws, insolvency law, banking law, health law, etc.

In conclusions, the STAR interviews and the evaluation of the existing training materials provided the consortium with enough foundations to define and delineate the future STAR training materials. Important decisions will be made in the next project steps, but from the interviews the take-home message for the STAR consortium is clear, and it is that a harmonisation of training practices in the EU is an ambitious and difficult-to-achieve objective, but that, if obtained, would be a most-welcomed outcome for stakeholder, both DPAs and non-DPA ones.