

Given the high ambitions of the current ruling government in the area of innovation and new technologies, a stronger emphasis on the **implementation** of the national artificial intelligence strategy is expected. This, coupled with the European developments around the AI Act, will likely generate national discussions (which were limited so far) around the tensions between new technologies and human rights, including the right to private life and personal data protection.

Luxembourg

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2021 was busy for Luxembourg's National Commission for Data Protection, to say the least. The DPA made global headlines by imposing the heaviest GDPR fine ever — approximately 746 million euros — to Amazon regarding its interest-based advertising business in July 2021. The CNPD decision is being challenged before the Luxembourg administrative court of first instance, and the decision will shed further light on the basis of lawfulness for such activities and some aspects of the procedure before the CNPD. Amazon risks becoming a regular client of the CNPD as the non-governmental organization behind Max Schrems, NOYB, launched new actions against Amazon before the CNPD in 2019 (on the right of access regarding Amazon Prime service) and at the end of 2021 (on the deployment of algorithms discriminating users).

A more stringent enforcement of the rules on cookies and online trackers will likely come too, following the October 2021 publication of the long-awaited guidelines, which clarified the views of the CNPD and its interpretation of the law in practice in this respect. Furthermore, six audits on transparency in the e-commerce sector are ongoing.

To date, the CNPD also issued no less than seven different formal advices on bills of law related to the fight against COVID-19. In 2022, the measures to fight the pandemic are likely to remain high in the political agenda.

At the same time, the CNPD deals with “business-as-usual” operations, including the publication of 36 decisions (in a country where the population last year was estimated slightly under 650,000). Most of these related to the function of the DPO, CCTV monitoring and geolocation. In 2022, many more sanction decisions are to be expected.

In May 2021, the CNPD launched a second public consultation on its Article 42 certification framework project (GDPR-CARPA) but has not yet published the results. Delivering on this project is part of the 2020-2022 roadmap and the CNPD started working on it before May 2018, so we can expect new developments in the coming months.

Finally, an important topic that risks heating the debates in 2022 is the flow of data between public-sector entities and private or other public entities. The CNPD seems to require that the list of addressees of public-sector personal data must be included in the law governing the administration concerned, while at the same time, several legislative “open data” initiatives, such as the draft Data Governance Act on the EU level, favor the access to public sector data.

Mexico

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A handful of initiatives to amend the existing Mexican Federal Data Protection Law Held by Private Parties have been presented by different members in Congress. And while none of them has moved forward significantly through the complex legislative process,