

Application form: Codes of Conduct

# Preliminary notes

The present application form is intended to be used by a code owner wishing to submit a national or transnational code of conduct to the CNPD for review provided the CNPD is the competent supervisory authority for this code of conduct.

Once completed, this application form as well as all supporting documents must be sent to the CNPD, either electronically to [cdc@cnpd.lu](mailto:certification@cnpd.lu), in person against acknowledgement of receipt or by postal mail to the following address:

CNPD

Service Conformité

15, boulevard du Jazz

4370 Belvaux

Incomplete applications are kept open pending the receipt of the missing information and/or documents.

More information related to codes of conducts can be found in the following documents:

* EDPB guidelines 1/2019 on Codes of Conduct and Monitoring Bodies under Regulation 2016/679
* CNPD accreditation requirements for monitoring bodies for codes of conduct (Décision 70/2022 du 19 décembre)

# The code owner

|  |  |
| --- | --- |
| Legal name of the code owner |  |
| Place of establishment of the code owner |  |
| Website of the code owner |  |
| Contact person(s) | Full name:  Phone number:  Email address:  Other relevant information: |
| Is the code owner an organization representative of the sector concerned by the code of conduct or a body able to talk on behalf of this sector? | Yes  No |
| What is the administrative language of the code owner? | Luxembourgish  French  German  English |

# The sector

|  |  |
| --- | --- |
| What sector is targeted by the code of conduct? |  |
| What is the total number of entities in this sector?  *Please mention the source of this information* |  |
| Did you consult the professionals of this sector to consider their needs in the content of the code of conduct?  *Please provide supporting information (e.g. meeting minutes, who was consulted, agenda, etc.)* | Yes: \_\_\_\_\_\_\_\_\_\_\_\_  No  Other comments: \_\_\_\_\_\_\_\_\_\_\_\_ |

# The code of conduct

|  |  |
| --- | --- |
| **General** | |
| Title of the code of conduct |  |
| Why do you consider the CNPD to be the competent supervisory authority for this code of conduct? |  |
| Are there other concerned supervisory authorities for this code of conduct? | Yes, please list all: \_\_\_\_\_\_\_\_\_\_\_\_  No |
| Applicability / scope of the code | National (Luxembourg)  European  Other: please specify the relevant countries: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *In case of a multinational code of conduct please mention all the countries where the code would be applicable and if the code has already been approved in another country.* |
| If the code of conduct is applicable in other countries than Luxembourg, have you assessed that this code complies with any other relevant national legislation?  *Please provide sufficient information and references to the relevant sections of the code* | Yes: ­­­\_\_\_\_\_\_\_\_\_\_\_\_  No  Other comments: \_\_\_\_\_\_\_\_\_\_\_\_ |
| Does the code contain a statement mentioning that adherence to a code does not, of itself, guarantee compliance with the GDPR or immunity for controllers/processors from sanctions or liabilities provided under the GDPR?  *Please provide sufficient information and references to the relevant sections of the code* | Yes: \_\_\_\_\_\_\_\_\_\_\_\_  No  Other comments: \_\_\_\_\_\_\_\_\_\_\_\_ |
| What is the purpose of the code? What are the key issues addressed by the code and the benefits to the members? How does it facilitate the application of the GDPR?  *Please provide sufficient information and references to the relevant sections of the code* |  |
| What is the scope of the code?  *The scope needs to be clearly defined. This includes the clear identification of the relevant:*   * *Code members (types of organizations/entities, controllers/processors, etc.)* * *Processing operation(s)* * *Data subjects* * *Types of data* * *Jurisdictions* * *Supervisory authorities* * *Other relevant information*   *Please provide sufficient information and references to the relevant sections of the code* |  |
| Does the code contain sufficiently detailed information about the code owner, the code’s sector, whether all relevant stakeholders have been consulted[[1]](#footnote-2), potential code members? | Yes  No  Other comments: \_\_\_\_\_\_\_\_\_\_\_\_ |
| Does the code clearly mention that members must adhere to the requirements set out in the code?  *Please provide sufficient information and references to the relevant sections of the code* | Yes: \_\_\_\_\_\_\_\_\_\_\_\_  No  Other comments: \_\_\_\_\_\_\_\_\_\_\_\_ |
| **Monitoring body & monitoring mechanisms** | |
| Does the code of conduct designate a monitoring body?  *Please indicate the name and address* | Yes: \_\_\_\_\_\_\_\_\_\_\_\_  No  Other comments: \_\_\_\_\_\_\_\_\_\_\_\_ |
| Does the code outline methods for the monitoring of the members’ compliance to the code’s rules?  *Please provide sufficient information and references to the relevant sections of the code* | Yes: \_\_\_\_\_\_\_\_\_\_\_\_  No  Other comments: \_\_\_\_\_\_\_\_\_\_\_\_ |
| Does the code outline methods and procedures for the investigation, identification and management of infringements by code members[[2]](#footnote-3)?  *Please provide sufficient information and references to the relevant sections of the code* | Yes: \_\_\_\_\_\_\_\_\_\_\_\_  No  Other comments: \_\_\_\_\_\_\_\_\_\_\_\_ |
| **Review and update process** | |
| Does the code describe the review and update process to ensure that the code remains relevant and up to date[[3]](#footnote-4)?  *Please provide sufficient information and references to the relevant sections of the code* | Yes: \_\_\_\_\_\_\_\_\_\_\_\_  No  Other comments: \_\_\_\_\_\_\_\_\_\_\_\_ |

# Declaration

List of supporting documents to be submitted with the application:

1. Analysis of the choice of the supervisory authority and the list of all supervisory authorities in case of multinational/European code of conduct;
2. Other document(s) considered relevant by the applicant.

The applicant declares that the information contained herein is true and accurate.

Signature of legal representative \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Full name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Position \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Please refer to paragraph 28 of the EDPB guidelines 1/2019 on Codes of Conduct and Monitoring Bodies under Regulation 2016/679 [↑](#footnote-ref-2)
2. Please refer to paragraphs 40, 76 of the EDPB guidelines 1/2019 on Codes of Conduct and Monitoring Bodies under Regulation 2016/679 [↑](#footnote-ref-3)
3. Please refer to section 12.7 of the EDPB guidelines 1/2019 on Codes of Conduct and Monitoring Bodies under Regulation 2016/679 [↑](#footnote-ref-4)