

## THE NETHERLANDS

Facts: <sup>1</sup>

- **Data Protection Authority (DPA):**  
[Autoriteit Persoonsgegevens](#) (AP)
- **Budget of DPA in 2022:**  
€28.695.000,--
- **Employees in 2022:**  
Somewhere between 167 and 212
- **Overview of complaints filed by noyb:** [link](#)

What doesn't work? – Practice vs. law:

- 1 **Backlog of complaints and long waiting times:** Research showed that in 2020 the AP already had a backlog of 9,800 complaints.<sup>2</sup> Also in *noyb's* experience complaints that were filed years ago are still not decided by the AP.
- 2 **Only a very small percentage of complaints lead to an investigation or fine:** The AP indicates on its website that from 2019 to 2021, a total of 72,358 complaints were filed, but only 153 investigations were launched (0.21%) and only 22 fines were imposed (0.03%).<sup>3,4</sup> While the GDPR foresees a right to lodge a complaint as the main way to enforce GDPR rights, the AP largely does not act on them.
- 3 **Citizens are left out in the cold:** The National Ombudsman reprimanded the AP in 2021, concluding in a report that the AP left citizens out in the cold and that complaint handling by the AP seemed to be particularly focused on keeping complaints away. The AP pledged to adopt the recommendations the National Ombudsman made, but in 2022, the National Ombudsman says it still has concerns about backlogs and long waiting times.<sup>5</sup>
- 4 **Responsibilities of the AP are only increasing:** Since 2023 the AP is also the algorithm watchdog, while the budget they receive for this new task is minimal. This carries the risk that existing backlogs will only increase and citizens will become the victim of this.<sup>6</sup>
- 5 **Unclear enforcement strategy:** According to a study commissioned by the Dutch parliament, the enforcement strategy of the AP is unclear. The study found there is no published supervision and enforcement policy, as is the case with many other regulators. Also, after reviewing cases in which an administrative fine has been imposed, the researchers found there is no transparent process for setting and imposing fines by the AP.<sup>7</sup>

<sup>1</sup> EDPB, *Overview on resources made available by Member States to the Data Protection Supervisory Authorities*, 5 September 2022 ([link](#)), p. 3 and 6.

<sup>2</sup> Nationale Ombudsman, *Rapport Autoriteit Persoonsgegevens – Voor een dichte deur* ([link](#)), p. 3 and 9.

<sup>3</sup> <https://autoriteitpersoonsgegevens.nl/nl/publicaties/feiten-en-cijfers-over-de-ap>.

<sup>4</sup> Of course, multiple complaints can concern the same controller and/or GDPR violation, therefore the percentage can in practice be slightly higher.

<sup>5</sup> Nationale Ombudsman, *Brief aan de Autoriteit Persoonsgegevens*, 12 juli 2022 ([link](#)).

<sup>6</sup> <https://www.bitsoffreedom.nl/2023/01/16/nieuw-toezicht-op-algoritmen/>.

<sup>7</sup> WODC, *Bescherming gegeven? Evaluatie UAVG, meldplicht datalekken en de boetebevoegdheid*, juni 2022 ([link](#)).