Regulation (EU) 2016/679 (GDPR)\(^1\) defines a personal data breach in Article 4(12) as ‘a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed’. Such a breach can be caused by a variety of events and a cybersecurity attack is only one of them. Not all cybersecurity attacks result in an infringement of the GDPR by the controller. Personal data must have been affected and the controller must have been found in breach of Article 32 GDPR\(^2\). The controller must notify the breach to the competent data protection authorities\(^3\). The Commission as a result does not collect related data.

Following the reports that spyware has been used against human rights defenders, journalists and politicians in the EU, the Commission has raised the issue, in the framework of the EU-Israel Sub-committee on Industry, Trade and Services established under the EU-Israel Association Agreement\(^4\). The Commission also shared with the Israeli authorities its concerns about the application of controls on the export of these items and their possible misuse in violation of human rights, and called on Israel to take appropriate action. The Commission further called on the authorities to consider mitigation measures to ensure that Israeli companies effectively comply with export control regulations and prevent the misuse of their products in the EU and other countries.

The Commission has also, in its proposal for the European Media Freedom Act, included a provision considerably restricting the deployment of spyware against media service providers, their employees and family members.

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\(^2\) On personal data breaches see the European Data Protection Board (EDPB) Guidelines 01/2021 on examples regarding personal data breach notification and Article 29 Working Party Guidelines on Personal data breach notification under Regulation 2016/679, WP250 rev.1, as endorsed by the EDPB.

\(^3\) Article 33 GDPR.

\(^4\) OJ L 147, 21.6.2000, p.3.