

Our Ref: FN/5999/60052.1

European Data Protection Board (EDPB)
Ms Anu Talus - Chair

Cc: European Parliament (PETI); EU Petitioners

Mishcon de Reya

Africa House
70 Kingsway
London WC2B 6AH
DX 37954 Kingsway
T: +44 20 3321 7000
www.mishcon.com

23 September 2025 ms@edps.europa.eu
European Data Protection Supervisor (EDPS)

London | Cambridge | Oxford | Hong Kong | Singapore

FATCA

I refer to our [previous correspondence](#).

Renewed calls to the EDPB to intervene

I have seen a copy of the [letter dated 20 September 2025](#) from the Chair of the French Association of Accidental Americans, asking the EDPB to intervene. As you know, the AAA is behind the legal challenge in Belgium that gave us a [96-page long decision](#) reaffirming a previous [73-page long decision](#) from the local data protection authority (one of your constituents).

Inconsistent application of the GDPR

The lack of consistency in this area is a fact¹, as is the EDPB's [refusal](#) to engage its powers under Art. 70 of the GDPR, notwithstanding repeated calls from [EU petitioners](#), and now also the AAA.

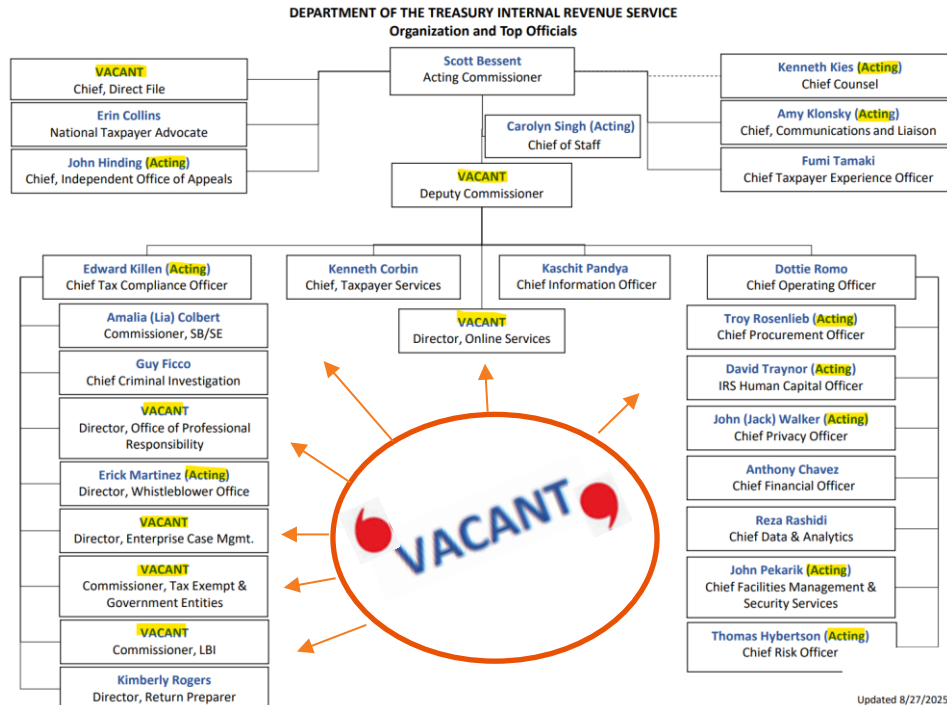
A worsening legal framework

All the while, the position on the ground is worsening, with well-publicised [attacks on the judiciary](#) and the [independent data protection board \(PCLOB\)](#), the litany of [high calibre resignations](#) due to privacy and data protection concerns, [open criticism in the Senate](#), as well as state-sponsored [cyber-attacks against the Treasury](#). All these developments took place after the commencement of the recent General Court case, and a look at the latest [IRS organisational chart](#) shows a decapitated IRS and PCLOB unable to perform their tasks.

For all these reasons, we renew the existing calls to intervene and put an end to this growing scandal.

Best regards

Filippo Nosedà
Partner



¹ See the diverging positions taken by the data protection authorities in [Belgium](#), [France](#), [Germany](#), the [Netherlands](#) (see also [here](#)), [Slovenia](#), [Slovakia](#) and [Sweden](#). The Swedish position is particularly interesting, because the IMY first took [one position](#), and then the [opposite](#) one, showing the lack of consistency even within single EU Member States. The Commission, too, took [conflicting](#) over time, showing the lack of a consistent application of the GDPR in relation to FATCA.