***Analysis of the transfers impact assessment of personal data to third countries***

***Transfer Impact Assessment (TIA)***

|  |  |  |
| --- | --- | --- |
| **1.** | **Contracting parties** | |
| 1.1 | Exporter of personal data (name, address) | ${TIA-1.1} |
| 1.2 | What is the role of the data exporter in the processing of personal data (controller, joint controller, processor, sub-processor)? | ${TIA-1.2} |
| 1.3 | Data importer (name, address) | ${TIA-1.3} |
| 1.4 | Country of the data importer | ${TIA-1.4} |
| 1.5 | Role of the data importer in the processing of personal data (controller, joint controller, processor, sub-processor)? | ${TIA-1.5} |
| 1.6 | Date of commencement of the transfer of personal data. | ${TIA-1.6} |
| **2.** | **Third country details** | |
| 2.1 | To which country are personal data transferred? | ${TIA-2.1} |
| 2.2 | What mechanism under Art. 46 of GDPR is used for the transfer of personal data? | ${TIA-2.2} |
| 2.3 | Will the data importer further transfers any personal data? If yes, describe the transfer. | ${TIA-2.3} |
| **3.** | **Information on transfer data** | |
| 3.1 | What is the purpose of the data transfer? | ${TIA-3.1} |
| 3.2 | Are their special categories of personal data, children's data and information on criminal convictions transmitted? If yes, then describe which categories are concerned. | ${TIA-3.2} |
| 3.3 | Are data subjects informed about the transfer of personal data (e.g. through the Privacy Policy)? If yes, please describe the method of notification. | ${TIA-3.3} |
| 3.4 | What is the legal basis for the processing of personal data under Art. 6 of General Data Protection Regulation? | ${TIA-3.4} |
| **4.** | **Safeguards** | |
| 4.1 | In what form will the personal data be transferred? | ${TIA-4.1} |
| 4.2 | What safeguards apply when transferring data? | ${TIA-4.2} |

|  |  |  |
| --- | --- | --- |
| **5.** | **Personal data protection laws and practices in third countries** | |
| 5.1 | Does the country have a personal data protection law that the data importer must comply with? | ${TIA-5.1} |
| 5.2 | Do data subjects have the right to the protection of personal data and privacy, e.g. the right of access, the right to rectify data, etc.? | ${TIA-5.2} |
| 5.3 | Is there an independent supervisory authority for the protection of personal data? | ${TIA-5.3} |
| 5.4 | Can data subjects contact a court or a supervisory authority for the protection of personal data? | ${TIA-5.4} |
| 5.5 | Can personal data breaches result in a judicial process or in a financial penalty? | ${TIA-5.5} |
| 5.6 | Are their specific laws (e.g. in the field of national security) which the data importer must comply with and which constitute an obstacle to comply with the GDPR and the standard contractual clauses approved by the European Commission? | ${TIA-5.6} |
| 5.7 | Can and under what conditions public authorities in a third country (e.g. intelligence services) require from data importer to access the personal data of the exporter? | ${TIA-5.7} |
| 5.8 | Can individuals address a court or similar supervisory authority to review the practices of public authorities? | ${TIA-5.8} |
| 5.9 | Has the data importer ever received a request from public authorities for access to data from data exporters operating in the European Economic Area? | ${TIA-5.9} |
| 5.10 | Regarding the access to data by public authorities and intelligence agencies, are the [four European fundamental guarantees respected by the EDPB](https://www.edpb.europa.eu/sites/default/files/files/file1/edpb_recommendations_202002_europeanessentialguaranteessurveillance_en.pdf):   1. processing is based on clear, precise and accessible rules, 2. the necessity and proportionality of the legitimate goals to be achieved have been proven, 3. there is an independent supervisory mechanism, 4. effective remedies shall be available to the individuals | ${TIA-5.10} |
| **6.** | **Possible additional safeguard**  **(**[**List of possible safeguards proposed by the European Data Protection Board**](https://www.edpb.europa.eu/system/files/2021-06/edpb_recommendations_202001vo.2.0_supplementarymeasurestransferstools_en.pdf)**)** | **Safeguard to be applied** |
| 6.1 | Pseudonymisation/encryption | ${TIA-6.1} |
| 6.2 | Data minimisation | ${TIA-6.2} |
| 6.3 | Additional contractual obligations | ${TIA-6.3} |
| 6.4 | Other technical and organisational measures | ${TIA-6.4}  ${TIA-6.4\_item}  ${/TIA-6.4} |

|  |  |
| --- | --- |
| **7. Conclusion on the analysis of the level of protection of personal data in a third country** | |
| **Taking into account all of the above, can it be considered that in the case of the transfer of personal data, the same level of protection of personal data as in the territory of the European Union is guaranteed?** | ${TIA-7} | |

Approved by:

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

(representative of the data exporter)

Date:

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**