

Assessment of the US adequacy decision

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Evaluation of the adequacy decision for the USA. Thomas Fuchs: "The truth is on the pitch"

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The European Data Protection Board (EDPB) yesterday published its opinion on the draft adequacy decision for the USA (EU-US Data Privacy Framework). In its assessment, the joint body of European data protection authorities identified numerous critical points, but did not speak out against the EU Commission accepting the decision. The central deficits are, on the one hand, the adherence to the instrument of mass surveillance (so-called bulk collection) and, on the other hand, the lack of transparency in legal protection proceedings. The HmbBfDI already referred to these points in its information letter from November 2022, which also applies unchanged in the light of the EDSA's position.

Thomas Fuchs, the Hamburg Commissioner for Data Protection and Freedom of Information: "The adequacy decision that is now expected will create much-needed legal certainty and, despite a few points that could be improved, is a success for data protection. In the course of the negotiations, the USA made unprecedented concessions and adapted its national security law to European standards of fundamental rights. However, the decision cannot be a free pass. Whether and to what extent secret service activities are actually reduced to a reasonable level and effective legal protection is guaranteed can only be shown by practical implementation. The truth is on the pitch, to use football jargon.

It will be the task of the data protection authorities and the Commission to take a very close look at this, and it will be the task of the US administration to also enable in-depth examinations. The EDPB's request to shorten the review cycle in view of the pending implementation in the USA is therefore absolutely correct."

You can find the opinion of the European Data Protection Board [here](#). The press release of the data protection conference of the federal and state governments can be found [here](#).

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