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Information offensive on data transfer to third countries - Kugelmann: Anyone who has not yet reacted to the new legal situation should take action immediately. As part of an information offensive, the state data protection officer wrote to dozens of companies, associations and government agencies in Rhineland-Palatinate to report violations in the transfer of data. After a ruling by the European Court of Justice (ECJ) last year, some data transfers must be placed on a new legal basis. The State Commissioner for Data Protection and Freedom of Information of Rhineland-Palatinate, Professor Dieter Kugelmann, points out in the letter that has now been sent: "I strongly advise that all data processing operations taking place in your company in connection with third countries are checked for their To check admissibility and to identify any need for action in order to stop or prevent data protection violations as quickly as possible."

Professor Dieter Kugelmann says: "The landmark judgment of the European Court of Justice, the so-called Schrems II judgment, affects almost every company, every authority, municipality, school, organization or medical practice. Because they automatically process personal data, transferring it – often unknowingly – to countries outside the European Union or the European Economic Area. You are treading on thin ice in terms of data protection law. Over the course of this year, it is our task to check whether there have been data protection violations and whether sanctions need to be imposed. Before that, my employees want to sensitize the companies and authorities again. Anyone who has not yet reacted to the new legal situation must take action immediately if this is necessary. with a view to the Schrems II judgment. In the decision of July 16, 2020, the court found that transmissions to the USA can no longer be based on the so-called Privacy Shield. The use of the standard data protection clauses for data transfers to third countries is generally only sufficient with the use of effective additional measures if the person responsible's examination has shown that an equivalent level of protection for the personal data cannot be guaranteed in the recipient country. In many cases, the judgment of the ECJ requires a fundamental change in business models and processes that have been practiced for a long time. The Court of Justice has also clearly formulated its expectation that the authorities will "suspend or prohibit" illegal transfers. In many cases, the suspension of a transmission can probably be achieved in a cooperative dialogue with the company. Where this is not possible, the available supervisory measures will be used. After the information letters have now been sent, there will be random checks. "If the controller or processor comes to the conclusion that a change in its contracts or processes is not necessary, it should document this and

the reasons for the decision. This can have a mitigating effect on sanctions if my authority comes to the conclusion that adjustments were and are to be made," says Professor Dieter Kugelmann, head of the data protection supervisory authority. Further information on Schrems II can be found [here](#).

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