

Bonn, July 24, 2020

Press release 19/2020

EDSA resolves FAQ on Schrems II

Yesterday, the European Data Protection Board (EDPB) agreed on answers to the most important questions about the consequences of the Schrems II judgment of the European Court of Justice on data transfer to countries outside the EU.

The Federal Commissioner for Data Protection and Freedom of Information (BfDI) Professor Ulrich Kelber emphasizes that this is a 'living document': With the FAQ, the EDPB clarifies crucial questions that arise after the judgement. However, the document is not final. The EDPB will add further replies. It is now important that the European data protection supervisory authorities advise their supervised bodies intensively on alternative bases for international data exchange or conversions.

The EDPB will initially provide binding information on questions that have been asked very often to the data protection supervisory authorities in the past week. For example, the EDPB notes that there will be no 'grace period' for data processing based on the "Privacy Shield" declared invalid by the European Court of Justice. The transition must begin without delay.

The document also provides information on the future of the so-called standard contractual clauses. Professor Kelber said: Standard contractual clauses are still a possible basis for data transfer. However, a transfer of data to the USA can only be justified using standard contractual clauses if additional measures are taken to ensure the same level of data protection as in the European Union. The circumstances of the data transfer must be considered on a case-by-case basis. This also applies to transmission to other countries.

The EDPB also explains what measures need to be taken if data processing by companies and authorities is carried out via an external service provider: Anyone who does not know whether data is also being sent to a third country during data processing must now check their contracts with the service providers.

The EDPB has published the FAQ on its website.

contact finder

Here you can find out in just a few clicks who is responsible for your inquiry or complaint about data protection.

public bodies

The term public body not only includes the traditional administrative authorities, but also courts, parliaments and public foundations. This also includes social insurance, such as health insurance.

company

Private companies are mostly supervised by state authorities, but there are some exceptions. Private organizations such as clubs and associations also fall into this category.

Press, radio, church

Special responsibilities apply in these areas. Churches and public broadcasters have e.g. B. via their own data protection officers. The federal and state supervisory authorities are not responsible for other organizations either.