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BfDI on the Schrems II judgment of the ECJ

The Federal Commissioner for Data Protection and Freedom of Information (BfDI) Professor Ulrich Kelber connects today's judgment of the European Court of Justice (ECJ) on international data transfer with a strengthening of the rights of those affected: The ECJ makes it clear that international data traffic is still possible. However, the fundamental rights of European citizens must be respected. Special protective measures must now be taken for data exchange with the USA. Companies and authorities can no longer transfer data on the basis of the Privacy Shield, which the ECJ has declared invalid. We will of course provide intensive advice on the changeover.

The BfDI will coordinate with its European colleagues tomorrow: The ECJ has confirmed and strengthened the role of the data protection supervisory authorities. For each individual data processing operation, you must be able to check and check whether the high requirements of the ECJ are met. This also means that they prohibit the exchange of data if the requirements are not met. Both companies and authorities as well as the supervisory authorities now have the complex task of applying the judgment in practice. We will push for rapid implementation in particularly relevant cases.

With its decision, the ECJ creates a clearer framework for international data traffic with the European Union. In doing so, he places high demands on the special protective measures such as standard contractual clauses that companies and authorities have to take and control authorities have to monitor. The BfDI will issue a further statement after the publication of the entire judgment and the deliberations in the European Data Protection Board. The focus will be on the revision of the standard contractual clauses by the European Commission, as well as on the need for the USA to guarantee the basic rights of the European population on an equal footing with those of US nationals.

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.