

Brussels, 16 June 2022 – The EDPB has adopted the Guidelines on certification as a tool for the transfer of personal data.

Pursuant to Article 46 of the General Data Protection Regulation, approved certification mechanisms are a new tool for the transfer of personal data to third countries in the absence of an adequacy decision. The main purpose of these guidelines is to provide additional clarification on the practical use of this transfer tool.

EDPB Deputy President Ventsislav Karadjov said: "These guidelines are revolutionary, as they provide the first practical guidance on certification as a transfer tool – the new transfer tool introduced by the GDPR. The guidelines provide guidance on how this tool can be used in practice and how it can help maintain a high level of data protection when transferring personal data from the European Economic Area to third countries."

The guidelines consist of four parts, each focusing on specific aspects related to certification as a transfer tool, such as the purpose, scope and different actors involved; implementation of guidelines on requirements for accreditation of certification bodies; special certification criteria for the purpose of proving the existence of appropriate protective measures for transmissions; and binding and enforceable obligations to be implemented. The guidelines supplement the 1/2018 guidelines on certification and are submitted for public consultation.

The EDPB made a decision on dispute resolution in accordance with Article 65 of the General Data Protection Regulation. The binding decision seeks to resolve the lack of consensus on certain aspects of the draft decision of the French supervisory authority as the lead supervisory authority in relation to Accor SA, a company whose head office is located in France, and the subsequent objections expressed by one of the supervisory authorities concerned.

The French supervisory authority issued a draft decision following an investigation into the company Accor SA, which refers to an omission related to the right to object to receiving marketing messages by mail and/or difficulties in exercising the right of access. On April 30, 2021, the French supervisory authority shared its draft decision with other interested supervisory authorities in accordance with Article 60 of the General Data Protection Regulation. One supervisory body raised objections to the draft decision, which, among other things, refer to the amount of the fine.

The interested supervisory authorities could not reach a consensus on one of the objections, and the French supervisory authority then sent the draft decision to the EDPB for decision in accordance with Article 65 of the General Data Protection Regulation, which initiated the dispute resolution procedure.

The EDPB adopted a binding decision at its session. It was determined that part of the complaint was "relevant and justified" in

accordance with the requirements of Article 4 of the General Data Protection Regulation.

The French supervisory authority will make its final decision based on the decision of the EDPB, without undue delay, and within one month at the latest. The EDPB will publish its decision on the official website without undue delay after the French supervisory authority has notified the controller of its national decision.