

# THE STATE COMMISSIONER FOR DATA PROTECTION AND FREEDOM OF INFORMATION

## PRESS RELEASE

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"Keep cool" during a cold Brexit

Brexit or no-Brexit - that remains the question!

Although the British House of Commons has opted for avoiding a cold Brexit and

Gen pronounced a "no-deal exit". Nevertheless, the exit of the ring

completely unclear. The LfDI receives daily inquiries as to whether

Cross-processing of data - with British business partners or contractors

contract processors - still possible in the event of a cold exit from the EU by the United Kingdom (UK)

stay happy.

The answers to this question can be found in the GDPR itself: UK would be in the case of

cold Brexit as a third country - and without any transitional or

deadline. The legal basis for the transfer of personal data is then

to use the specifications for non-European international data traffic

hen.

The problem with this: The short remaining time until the end of March 2019 prevents

that all possible solutions offered by the GDPR actually

can be scooped. An adequacy requirement that brings many benefits

conclusion of the European Commission can no longer be brought about before a Brexit

be ren. The Commission needs two years rather than two months to do this. long term

the LfDI will of course be in favor of initiating such an examination procedure

the adequacy of the level of data protection in Great Britain. This

not only brings more advantages in practice and saves effort, but also more

Legal certainty for cross-border data processing processes in the United

th kingdom. Whether UK data protection rules meet EU requirements

suffice in the future, must of course be checked consistently. That won't happen either  
sure-fire success.

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The information on the collection of personal data according to Article 13 DS-GVO can be found on our homepage  
(<https://www.baden-wuerttemberg.datenschutz.de/datenschutz/>).

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However, there are other options, including short-term data processing  
to carry out lawfully. The European supervisory authorities are already preparing this  
before: In this way, corporations that already have so-called "Binding Corporate  
te Rules". But also for all other companies a cross-border

Progressive processing of personal data with the help of so-called

Standard data protection clauses may be possible. But the same applies here: first check carefully  
whether these sample texts fit the specific processing situation and whether the  
contracting parties actually meet all the requirements listed there. The times  
of a "simulated" data protection are over, the EU-DS-GVO prevails!

The British colleagues provide comprehensive information on all questions relating to Brexit: One  
General guidelines for the "no-deal Brexit" can be found on the ICO website.

This is supplemented by a 6-step plan, which is supplemented by an FAQ catalogue<sup>1</sup>  
becomes.

In addition, the online tool for creating standard data protection clauses was  
already updated, the information about the clauses themselves  
and ready to create it.

Anyone who wants to find out more can do so on the blog of the British  
colleagues do.

Even the most difficult political situations can be solved with the help of the GDPR

offered solutions can be managed. The rest is hoping for a sane one

Solution ...

If you have any questions, you can reach us on the telephone number 0711/615541-0.

Further information on data protection can be found on the Internet at

[www.baden-wuerttemberg.datenschutz.de](http://www.baden-wuerttemberg.datenschutz.de) or at [www.datenschutz.de](http://www.datenschutz.de).

1 additionally <https://ico.org.uk/for-organisations/data-protection-and-brexit/information-rights-and-brexit-frequently-asked-questions/>