

Bavarian State Office for

data protection supervision

Ansbach, June 1st, 2021

press release

Coordinated testing of international data transfers

Cross-border control of the data protection supervisory authorities of companies

Implementation of the Schrems II decision of the European Court of Justice

As part of a transnational control, data transfers by companies in states

checked outside the European Union or the European Economic Area (third countries). The aim is

the broad enforcement of the requirements of the European Court of Justice in its Schrems II decision

of 16 July 2020 (Case C-311/18). In it, the court found that transfers to the United States are no longer permitted

based on the so-called Privacy Shield. The use of the standard data protection clauses for data

Data transfers to third countries can only be carried out using effective additional measures.

sufficient if the examination of the person responsible has shown that there is no equivalent in the recipient country

level of protection for personal data can be guaranteed. The judgment of the ECJ requires in

In many cases, a fundamental change in long-established business models and processes.

The authorities participating in the control now write the selected companies on the basis

a common catalog of questions. Among other things, the use of service providers for e-

Mail dispatch, hosting of websites, web tracking, administration of applicant data and around the

Group-internal exchange of customer data and employee data. Each supervisory authority

decides individually in which of these subject areas it will work.

The Court has made it clear that it expects authorities to "suspend or

to forbid". In many cases, the suspension of a transmission can probably be discussed in a cooperative dialogue with the

companies succeed. Where this is not possible, available regulatory information will be used

measures responded. The supervisory authorities are aware of the special challenges posed by the ECJ ruling

Schrems II entails for companies in Germany and Europe. They stand for understanding

questions are also available in the further course of the examination procedure, insofar as this is in accordance with the existing

which capacity is possible.

The catalog of questions for the respective case groups can be accessed here.

Press releases are only sent as PDF via the press release.

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