

EDPB issues the draft adequacy decision on the EU-U.S. Data Privacy Framework to the test

At its meeting today, the European Data Protection Board (EDPB) issued its opinion on the draft adequacy decision on the EU-U.S. Data Privacy Framework (EU-US DPF) passed. Overall, the BfDI welcomes the improvements that have now been made, but also shares the criticism made by the EDSA.

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The Federal Commissioner for Data Protection and Freedom of Information (BfDI) Professor Ulrich Kelber said: We see the will to create an appropriate level of protection for data subjects whose personal data is transmitted to companies in the USA. Significant progress has been made particularly in the area of government access for purposes of national security. We have concerns as to whether the new regulations guarantee a level of protection in all points that is essentially equivalent to the EU data protection standards.

The progress made compared to the previous agreement, the so-called Privacy Shield, clearly addresses the criticisms of the ECJ from the Schrems II judgment. This includes the establishment of a new redress mechanism to provide effective legal protection for data subjects in the EU.

The EDPB sees cause for concern above all in the mass collection of data, the "bulk collection", for which neither an independent prior check nor a systematic independent subsequent review by a court or an independent body is provided. The European Commission had drafted the adequacy decision on the EU-U.S. DPF published on 13 December 2022 and requested the EDPB to comment, which is a necessary part of the decision's adoption process. The BfDI was intensively involved as the main and secondary rapporteur in the preparation of the EDSA statement.

From the point of view of the BfDI, the EU-U.S. DPF also made an important contribution to secure and trustworthy data transfers in an international context: The progress made in the transatlantic context are important prerequisites that we can build on at this year's meeting of the G7 data protection supervisory authorities in June in Japan.

The EDPB's opinion can be found on the panel's website.

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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.

Pursue

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.