Press release from the Conference of Independent Data Protection Authorities

of the federal and state governments from December 28, 2020

Preliminary legal certainty for data transfers to the United Kingdom - draft Brexit agreement offers a four-month transition

period from January 1, 2021

No.20201230

|

12/30/2020

|

DSMV

|

datenschutz-mv.de

The conference of the independent data protection supervisory authorities of the federal and state governments (DSK) points

out to companies, authorities and other institutions in Germany that the final provisions of the draft trade and cooperation

agreement between the United Kingdom and the European Union provide for new transitional regulations for data transfers

which prevents the serious legal uncertainties previously feared (Article 10A Interim provision for transmission of personal data

to the United Kingdom, p. 406 ff.).

Accordingly, transfers of personal data from the EU to the United Kingdom of Great Britain and Northern Ireland should not be

regarded as transfers to a third country (Article 44 GDPR) for a transitional period. This period begins when the Agreement

comes into force and ends when the EU Commission has made adequacy decisions relating to the United Kingdom pursuant

to Art. 45 (3) GDPR and Art. 36 (3) Directive (EU) 2016/680, after four months at the latest. This end date can be extended by

two months if none of the parties involved objects.

Andreas Schurig: "For the time being, transfers to the United Kingdom are still possible under the previous conditions. Serious

difficulties for the companies concerned are thus avoided for the time being. However, the EU Commission is now obliged to

present viable adequacy decisions that also reflect current case law of the European Court of Justice and will have to be

carefully examined by the Member States as well as by the European Data Protection Board."

Questions to Mr. Andreas Schneider, spokesman for the Saxon data protection officer, 0351-85471-120;

andreas.schneider@slt.sachsen.de