

11/10/2020

Data protection officer launches information offensive - Event on "Schrems II" with 200 participants -

Kugelmann: Implementation of the ECJ ruling is a mammoth task

After the judgment of the European Court of Justice (ECJ) on data transfer to countries outside the EU on July 16, 2020, many companies and government agencies are in the grips of continued great uncertainty. Many people responsible are wondering which personal data they are still allowed to send to third countries such as the USA and on what legal basis. For this reason, the State Commissioner for Data Protection and Freedom of Information (LfDI) Rhineland-Palatinate is launching an information offensive - with events, a podcast episode and a test scheme.

Professor Dieter Kugelmann says: "Around four months after the Schrems II judgment, it is clear: It is a mammoth task to organize data transfer in countries outside the EU in a legally compliant manner. The question is of immense importance for the use of US software programs or the storage of data in a cloud. It may simply be that companies are no longer allowed to use proven programs without further ado. Since the so-called "Privacy Shield" has been overturned by the ECJ, standard contractual clauses are now particularly important. Every company, every government agency and every other person responsible should therefore analyze which data processing processes are taking place under their responsibility and at which point which personal data is transferred to countries outside the EU. It must then be checked exactly on what basis this can still happen and whether additional measures may need to be implemented. For us as a supervisory authority, it is clear: the responsibility for permissible data transfer lies with the person responsible, for example with the company. If we receive complaints that data transfers are not legally compliant after the ECJ ruling, we will have to examine them and, if necessary, impose sanctions. At the same time, we are supporting the upcoming conversion processes together with the other European data protection supervisory authorities. The cooperation event was organized by the LfDI and the data protection officers of Boehringer Ingelheim, BASF SE, SCHOTT AG and the Birkenstock Group. Around 200 participants took part. Among other things, the focus was on the following questions asked by the participants: How can data transmission be made practicable after the ECJ ruling? Are European solutions foreseeable, for example in the case of cloud services? What is the procedure if there is order processing and the subcontractor is based in the USA? Should everything be switched off at the moment, for example Facebook and Instagram? Professor Dieter Kugelmann introduced the topic with a short lecture at the event.

Podcast episode: The new episode of "Datenfunk" entitled "From Privacy Shield to Standard Contractual Clauses? The Schrems II

judgment of the ECJ and its consequences” revolves around the challenges after the ECJ judgement. Many controllers who have so far relied on the "Privacy Shield" are faced with the question of whether and how they can continue to transfer personal data to the USA: simply switch to standard contractual clauses? Implement additional guarantees? Encrypt? Or look around for a European product? Among other things, Philipp Richter and Sylvia Beck, both lawyers at the LfDI. Check scheme, talk about these questions: In order to specifically support those responsible and processors in Rhineland-Palatinate in the implementation of the Schrems II judgment, the LfDI has created an overview with individual test steps. With the help of the guidelines, those responsible can approach individual solutions for the data protection-compliant transmission of personal data to third countries. The test scheme also refers to further information on individual issues. More: The LfDI has published extensive information on its website about Schrems II and data transfer to third countries. A round table on "Schrems II" with representatives of business and the state government is planned for December 3, 2020. In addition, the LfDI is in talks with multipliers in the Rhineland-Palatinate economy in order to use their communication channels for targeted information letters to those responsible in Rhineland-Palatinate in the interest of both parties.

return