

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 UK -

Draft Brexit deal offers four-month transition period from January 1st

2021

The conference of the independent data protection supervisory authorities of the federal and

Countries (DSK) assigns companies, authorities and other institutions in Germany

points out that in the final provisions of the draft trade and

cooperation agreement between the United Kingdom and the European

schen Union a new transitional regulation for data transfers is provided,

which prevents the serious legal uncertainties previously feared (Article 10A

Interim provision for transmission of personal data to the United Kingdom, p. 406 ff.).

According to this, transfers of personal data from the EU to the

the Kingdom of Great Britain and Northern Ireland for a transitional period

Transmissions to a third country (Art. 44 GDPR) are considered. this period

begins when the agreement enters into force and ends when the EU Commission

adequacy decisions relating to the United Kingdom pursuant to Article 45(3).

GDPR and Art. 36 Para. 3 Directive (EU) 2016/680, but at the latest

after four months. This end date can be extended by two months if

none of the parties involved objects.

Andreas Schurig: "This means that transmissions to the United Kingdom are

possible under the previous conditions. Serious difficulties for

the affected companies are thus initially avoided. However, now the

The EU Commission has a duty to present viable adequacy decisions that

also take into account the current case law of the European Court of Justice

and by the Member States as well as by the European Data Protection Board

will have to be carefully examined."

Questions to Mr. Andreas Schneider, spokesman for the Saxon data

protection officer, 0351 – 85471-120; [andreas.schneider@slt.sachsen.de](mailto:andreas.schneider@slt.sachsen.de)