

THE STATE COMMISSIONER FOR DATA PROTECTION AND FREEDOM OF INFORMATION

PRESS RELEASE

Press Office of the State Commissioner for the

Data protection and freedom of information

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Coordinated testing of international data transfers

Cross-country control

data protection supervisory authorities of companies

Implementation of the Schrems II decision of the European

Court of Justice

LfDI Brink: "The European Court of Justice has clear

Statements made on international data transfer. we

advise companies and work towards that

legally secure solutions can be found."

As part of a

transnational control

Data transfers by companies in countries outside

the

European

union

or

of

European

economic area (third countries). The goal is breadth

enforcement

the

requirements

of

European

Court of Justice in its Schrems II decision of 16 July

2020 (Case C-311/18). In it, the court found that

transmissions

not in the US

longer based on

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so-called Privacy Shields. The use of

Standard Privacy Clauses

for data transfers

in

Third countries is also only more effective when using

additional measures are sufficient if the examination of the

Responsible has shown that in the recipient country no

equivalent level of protection for personal data

can be guaranteed. The judgment of the ECJ requires in

many cases a fundamental conversion practiced for a long time

business models and processes.

The authorities participating in the control are now writing the
each selected company on the basis of a
common questionnaire. Among other things, it will
to the use of service providers for sending e-mails, for
Hosting of websites, for web tracking, for administration
of applicant data and the intra-group exchange of
Customer data and employee data go. Every
supervisory authority decides
individually,
in which of these
subject areas she becomes active.

The Court has clearly stated its expectation that the
Authorities “suspend or ban” illegal transfers. That
Suspending a transmission can be expected in many
Cases succeed in cooperative dialogue with the companies.
Where this is not possible, the available ones will be used
regulatory
measures
reacted.

the
Supervisory authorities are aware of the special challenges
which the ECJ judgment on Schrems II for the companies in
Germany and Europe entails, consciously. they stand for
comprehension questions
also

in the

further

Course

of

Examination procedure available to the extent that this is required

of the available capacities is possible.

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The State Representative

for data protection and

Freedom of Information Baden-Württemberg Stefan Brink:

"We

get in touch with the company. We want first

know what thoughts they have had

year after the Schrems II verdict, in order to assess the legal situation

react. We know the challenges for the

responsible bodies are large. We advise and expect

that the companies affected by the third country problem

affected are seriously looking for viable solutions."

The State Commissioner Brink continues to refer in particular

to what he has written in his handout "Schrems II - What is now in

Matters of international data transfer?".

The handout is on the website of the state commissioner

available: [https://www.baden-wuerttemberg.datenschutz.de/wp-](https://www.baden-wuerttemberg.datenschutz.de/wp-content/uploads/2020/08/orientation-aid-what-now-about-international-data-transfer.pdf)

[content/uploads/2020/08/orientation-aid-what-now-about-](https://www.baden-wuerttemberg.datenschutz.de/wp-content/uploads/2020/08/orientation-aid-what-now-about-international-data-transfer.pdf)

[international-data-transfer.pdf](https://www.baden-wuerttemberg.datenschutz.de/wp-content/uploads/2020/08/orientation-aid-what-now-about-international-data-transfer.pdf)

There is also an online lecture in the media library on the

State Commissioner's website

ready for retrieval:

<https://www.baden-wuerttemberg.datenschutz.de/mediathek/>.

In addition, as before, in the education center BIDIB des

State representative training courses and workshops on the subject

offered,

about company

included

to

support,

implement legally secure solutions in data processing.

The list of questions for the respective case groups can be found on the

Homepage of the state representative can be accessed:

[https://www.baden-wuerttemberg.datenschutz.de/koordinierte-](https://www.baden-wuerttemberg.datenschutz.de/koordinierte-examination-of-international-data-transfers/)

[examination-of-international-data-transfers/](https://www.baden-wuerttemberg.datenschutz.de/koordinierte-examination-of-international-data-transfers/)