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## BfDI answers questions from members of the Bundestag about the EU-US Privacy Shield

In the Digital Agenda Committee of the German Bundestag, the Federal Commissioner for Data Protection and Freedom of Information, Ulrich Kelber, explained the current status of the EU-US Privacy Shield.

In its opening statement, the BfDI reported on the results of the second joint review of the Privacy Shield, in which the European Data Protection Board (EDPB) was involved. Ulrich Kelber: We were actually able to identify improvements compared to the previous year. However, there are still concerns. This applies above all to the independence and the actual competences of the ombudsperson who is yet to be installed.

The subsequent discussion with the members of parliament focused on questions about developments in the USA, the alternatives to the Privacy Shield and the surveillance powers of the US security services. The BfDI summarized its point of view in a triad: First, we need critical and constructive dialogue with the Americans. Secondly, it is right and important that the European courts set further legal guidelines. And thirdly, for improvements in data protection law, of course, you also need pressure within the USA. The discussions and data protection legislation procedures there, such as in California, show that this is actually increasing. So there is reason to hope for further progress.

The BfDI assured the deputies that they would continue to work intensively on the dialogue with the US side. Karsten Behn, an employee of the BfDI in the function of rapporteur for the EDPB, is part of the delegation that carries out the annual reviews of the Privacy Shield.

The EU-US Privacy Shield was created by the EU Commission on July 12, 2016 as the legal basis for data transfers from the EU to US companies. In this adequacy decision, it states that US companies that are certified under the Privacy Shield meet a level of data protection that allows data to be transmitted to them without further security. The Privacy Shield thus replaces the Safe Harbor Agreement, which the European Court of Justice declared invalid in 2015.

publications

Second Annual Joint EU-US Privacy Shield Report

contact finder

Here you can find out in just a few clicks who is responsible for your inquiry or complaint about data protection.

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.

company

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.