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P r e s s e release

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Berlin data protection officer takes part in Germany-wide audit

international data transfers from companies

Cross-border control of the data protection supervisory authorities of companies

to implement the Schrems II decision of the European Court of Justice

As part of a transnational control, the Berlin representative for

Data protection and freedom of information Data transfers by companies in

States outside the European Union or the European Economic Area

(third countries). The goal is the broad implementation of the requirements of the

European Court of Justice (ECJ) in its Schrems II decision of July 16

2020 (Case C-311/18).

In its Schrems II decision, the court found that transmissions in

the USA can no longer be based on the so-called Privacy Shield. Of the

Use of the standard data protection clauses for data transfers to third countries

furthermore only sufficient with the use of effective additional measures,

if the examination of the person responsible has shown that in the recipient country no

an equivalent level of protection for personal data can be guaranteed

can. The judgment of the ECJ requires a fundamental change in many cases

long-established business models and processes.

The authorities participating in the control now write the selected ones

companies on the basis of a common catalog of questions. It will

among other things, the use of service providers for sending e-mails and for hosting

of websites, for web tracking, for the administration of applicant data and

to the intra-group exchange of customer data and data

employees go. Each supervisory authority decides individually in which of these

Subject areas are checked and whether the catalog of questions is regionally adapted.

The Court has clearly stated its expectation that the authorities will

"Suspend or ban" transfers. Suspending a delivery can

are likely to succeed in many cases in cooperative dialogue with the companies.

Where this is not possible, the available ones will be used

responded to regulatory actions. The supervisory authorities are aware of the

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special challenges that the ECJ judgment on Schrems II for the

companies in Germany and Europe entails, consciously.

The joint questionnaires can be accessed [here](#).

Maja Smolczyk:

"The times when personal data was transferred to the US as before

were over after the Schrems II judgment. The European Court of Justice

has expressly obliged the supervisory authorities to prohibit impermissible data transmissions

to disallow. We are reacting to this with the examination that is now starting

Challenges."