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Light and shadow on the Privacy Shield

The report of the European Data Protection Board (EDPB) on the third annual review ("joint review") of the EU-US data protection agreement Privacy Shield welcomes positive developments. Nevertheless, there are still major points of criticism.

The Federal Commissioner for Data Protection and Freedom of Information (BfDI), Ulrich Kelber, assesses the developments in a differentiated manner: The important supervisory body, the Privacy and Civil Liberties Oversight Board, is again fully staffed. A new ombudsperson has been appointed. These are the first important steps towards better supervision of the security authorities in the USA and thus also to the protection of European citizens, more must follow. In addition, there is still a lack of verification as to whether the US companies certified according to the Privacy Shield actually comply with its requirements.

The Joint Review, which took place in Washington in September 2019 with the participation of an employee of the BfDI, was influenced by the oral hearings in the so-called "Schrems II" proceedings before the ECJ. In this procedure, in which essential statements on the requirements for data transfers to third countries are expected, the judges also asked many questions about the Privacy Shield. The decision of the ECJ is expected in the first half of 2020.

The EU-US Privacy Shield is an agreement between the European Union and the American government that establishes the conditions under which data can be transmitted from the EU to certified American companies in a legally compliant manner.

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.