



SWIFT Ad-Hoc Clauses

To protect the transfer of messages to the US, SWIFT has first been using the Safe Harbour Agreement since 2007. After the CJEU ruling invalidating the Safe Harbour Agreement in 2015, SWIFT has taken measures to ensure continued compliance with EU data protection requirements.

SWIFT has worked together with the SWIFT Data Protection Working Group, composed of bank representatives assisting SWIFT on data protection matters, on a suitable alternative solution. The decision was taken not to rely on the EU-US Privacy Shield but rather to take the opportunity of building a tailor-made instrument.

As a result, SWIFT has implemented Ad Hoc Clauses, signed by our SWIFT group entities in Belgium and the US. The Belgian Privacy Commission issued a positive opinion on SWIFT's Ad Hoc Clauses in May 2016, considering that it adduces adequate safeguards, [[FR](#)/[NL](#)/[EN](#)]. The Clauses were formally confirmed by Royal Decree on 30th August 2016 and published in the [Belgian State Gazette on 15 September 2016](#).

While the Ad Hoc Clauses are key to the protection of message data, additional organizational and technical measures related to security and data minimisation complement the Clauses.

First, intra-European traffic remains processed and stored only in the European messaging zone. When sent to the Trans-Atlantic zone, the messages are stored within SWIFT, at our Operating Centre (OPC) in the US. They are kept for a strictly limited period of time, and solely for the purpose of enabling receiving customers to access and retrieve their messages during that limited period.

Messages stored at all our OPCs are subject to the same strict security and data protection standards, no matter where the OPCs are located. SWIFT's messaging services are annually audited by SWIFT external auditors and ISAE 3000 Type 2 reports are made available to customers upon request.