**3.16 Appropriate Safeguards & Model Contract Clauses**

If the transfer of personal data outside the UK is to a country which is not on the ICO or UK 'adequacy regulations' that provide adequate protection for the rights of the data then ICICI Bank may be able to comply with Data Protection Legislation with respect to the transfer by putting adequate safeguards in place such as, Standard Contractual Clauses (SCCs or model clauses).

This can be also achieved by putting in place model contract clauses (template transfer clauses published by the E Commission) with the third party. In March 2022, the UK Parliament approved the following documents, which provide adequate protection relating to transfer of personal data outside UK

* An International Data Transfer Agreement ("IDTA") for international data transfers from the UK, to countries without "essentially equivalent" privacy laws "
* An international data transfer addendum (the "Addendum") which amends the new EU SCCs so that they work for international data transfers from the UK to countries without "essentially equivalent" privacy laws.
* "A document setting out some "transitional proisions" for the next couple of years.
  + Contracts signed on or before 21 September 2022 can continue to use the old SCC until 21 March 2024. Those clauses will still be deemed to provide "appropriate safeguards" for the purposes of the UK GDPR until that date. From 22 March 2024, the old SCC will no longer be deemed to provide "appropriate safeguards" for the purposes of the UK GDPR, and as such all contracts that use them will need to be amended or replaced to use the IDTA or the Addendum.
  + Contracts signed after 21 September 2022 will need to use the IDTA or the Addendum in order to be effective.

Bank will review the existing agreements (for any requisite changes) effecting international data transfer six months before the end of transition period (i.e. in October 2023).

I-memo ICBK/IP/OVRSEAS&NONBANKING COMPLIANCE/2024-2025/22735357 has been raised on completion of above activity on 22nd May 2024 As an eXception, a data subject can instead give their consent to the international transfer of their personal data. ICICÍ Bank should ensure that such consent is freely given, specific and is an informed indication of the data subject's wishes. The consent should be obtained in writing or in a format which can be recorded (i.e. by way of tick box on an application or order form, which includes a description of the way in which ICICI Bank proposes to deal with the personal data and is often described in a privacy policy). As a data subject can withdraw their consent at any time, ICICI Bank should include details of how consent, once given, can be withdrawn.

Before relying on an appropriate safeguard to make a restricted transfer, bank must be satisfied that the data subjects of the transferred data continue to have a level of protection essentially equivalent to that under the UK data protection regime. This should be done by undertaking a transfer risk assessment (Transfer risk assessments | ICO), which takes into account the protections contained in that appropriate safeguard and the legal framework of the destination country (including laws governing public authority access to the data). If the assessment is that the appropriate safeguard does not provide the required level of protection, bank should inlude additional measures. This assessment is undoubtedly complex in many situations. Hence, the UK ICO issued guidance on this topic (Transfer risk assessments| ICO)..