

Press Release
Communiqué de presse
Mitteilung für die Presse

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In view of the upcoming Article 31 Committee meeting on the EU-US Privacy Shield, the Article 29 Working Party would like to reiterate its position as expressed in its April 2016 public opinion (http://ec.europa.eu/justice/data-protection/article-29/documentation/opinion-recommendation/files/2016/wp238_en.pdf)

The objective of the Working party is to make sure that an essentially equivalent level of protection is maintained when personal data is processed under the Privacy Shield.

On 13 April 2016, the Working Party noted the improvements the first draft of the adequacy decision on the EU-US Privacy Shield offered compared to the invalidated Safe Harbour decision. However, it asked for clarifications and expressed a number of concerns on both the commercial and national security aspects of the draft adequacy decision and its annexes. These concern elements such as safeguards regarding automated processing, further restrictions on access by public authorities and effective independent redress. The Working Party urged the Commission to resolve these concerns and provide the requested clarifications in order to improve the draft adequacy decision and ensure the protection offered by the Privacy Shield is indeed essentially equivalent to that of the EU.

Considering the upcoming Article 31 Committee meeting, the Working Party hopes all these concerns will be addressed by the final decision by the Commission and its annexes, bearing mind that with this adequacy decision, the EU Commission, EU Member States and the USA have the possibility to set a worldwide “standard” for international transfers.

Once the Commission has adopted the adequacy decision, the Working Party will be in position to conduct a coordinated analysis of the documents and publish a statement as soon as possible.

Background information

Working Party Statement of 13 April 2016 on the opinion on the EU-U.S. Privacy Shield, available at http://ec.europa.eu/justice/data-protection/article-29/press-material/press-release/art29_press_material/2016/press_release_shield_en.pdf