



WEBINAR

Schrems II & the Invalidity of the Privacy Shield



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**We want to
hear from you!
Send your questions to:
lisa.hofmann@pridatect.com**



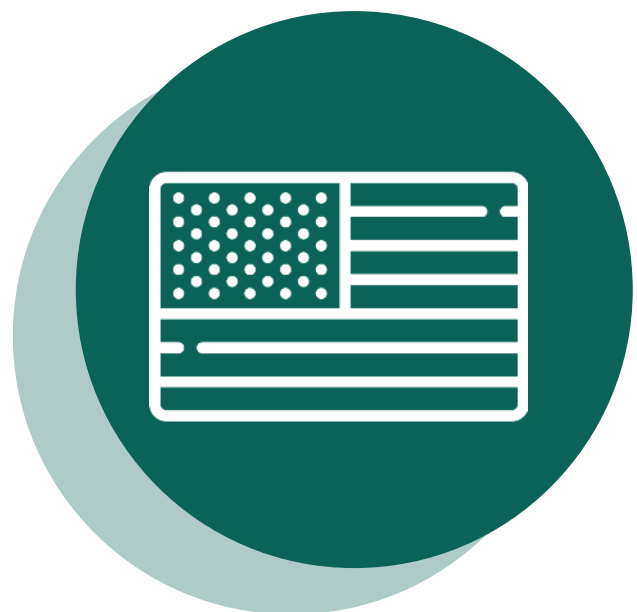
01. Introduction:



GDPR prohibits the transfer of data to countries that are not part of the European Union, unless there is an adequate guarantee of security or it is within one of the cases included in the regulations.



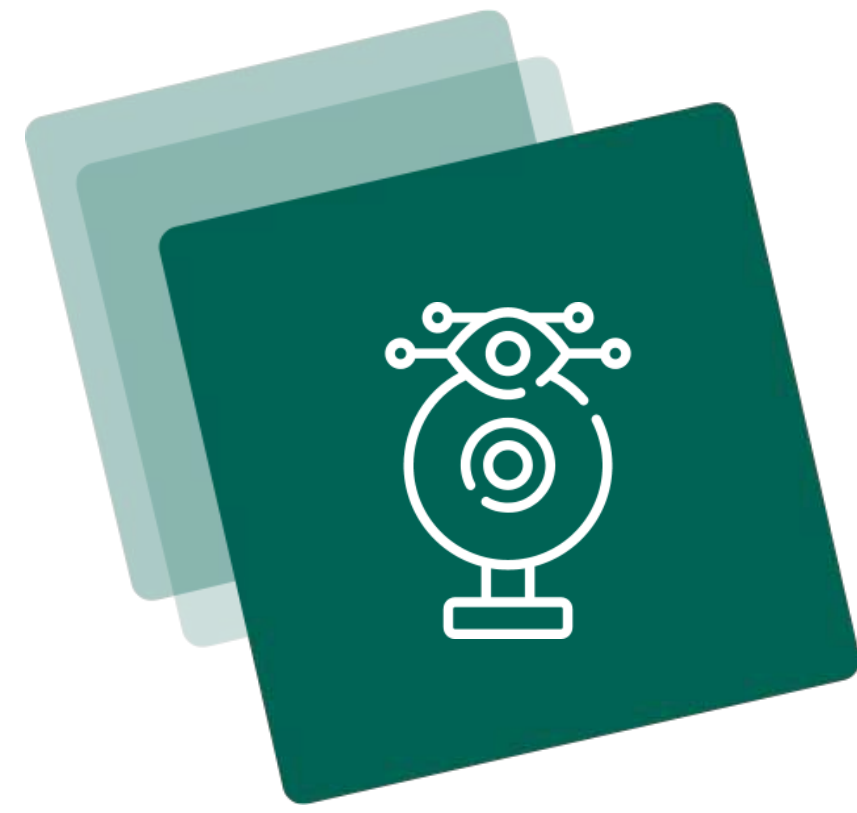
The Privacy Shield guaranteed the security of international transfers to those US companies that had been certified.



The Schrems II ruling has declared the Privacy Shield invalid, which is a change for international data transfers between the European Union and the United States.



01. Content



What are international data transfers?



What is the Schrems II Case?

What is Privacy Shield and why is it no longer valid?



Standard contract clauses. Are they still valid?



How do you make international data transfers now?

02. Starting point: International data transfers



The GDPR primarily applies to controllers and processors located in the European Economic Area (the EEA) with some exceptions.

1. What is the scope of the GDPR?

- Individuals risk losing the protection of the GDPR if their personal data is transferred outside of the EEA.
- On that basis, the GDPR restricts transfers of personal data outside the EEA, or the protection of the GDPR, unless the rights of the individuals in respect of their personal data is protected in another way, or one of a limited number of exceptions applies.
- A transfer of personal data outside the protection of the GDPR (which we refer to as a 'restricted transfer'), most often involves a transfer from inside the EEA to a country outside the EEA.

“The GDPR restricts the transfer of personal data to countries outside the EEA, or international organisations. These restrictions apply to all transfers, no matter the size of transfer or how often you carry them out.”

02. Starting point: International data transfers (II)



2. What is an international data transfer?

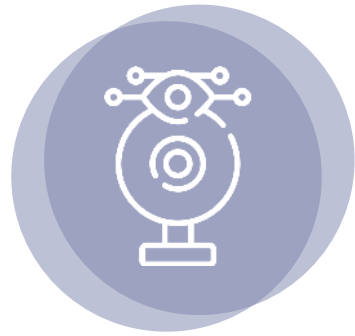
International data transfers involve a flow of personal data to third countries outside the European Economic Area. That is, where GDPR does not apply.

3. Can they still be carried out?

Yes, there are other mechanisms to enable transfers, such as Standard Contractual Clauses (SCCs) and Binding Corporate Rules (BCRs).



03. What is the Schrems II case?



This is the second installment revolving around complaints made by activist and lawyer Max Schrems, following the controversy with Facebook and the transfer of personal data to the United States.

- Previously, the Schrems I case involved the invalidation of the **Safe Harbor**, which already guaranteed the protection of data transferred from the EU to the United States. For that reason, the **Privacy Shield** was approved.
- Max Schrems has once again expressed his concern about data security, this time about SCCs (Standard Contract Clauses) and Privacy Shield.

“International data transfers should be suspended if there are no guarantees about their security”.”

04. What is the Privacy Shield?



The Privacy Shield is an adequacy decision by the European Commission, which guaranteed the security of international transfers to those US companies that had been certified.

Its aim was to ensure that personal data of European Union citizens was secure when they were transmitted to US companies.



Companies that would have been certified under the Privacy Shield could guarantee the security of the data under it.



International transfers can only be made when they comply with the guarantees described in the GDPR.



05. Why is the Privacy Shield no longer valid?



On the basis of the national security and public interest of the United States, exceptions are allowed that may jeopardize the privacy of data transferred from citizens of the European Union.

- The privacy principles required by the Privacy Shield, could not be fulfilled taking into account the US Law.
- The right to privacy and data protection provided for in the EU Charter of Fundamental Rights may be infringed, and the ECJ has therefore decided to annul the Privacy Shield.

“The Privacy Shield is no longer a guarantee of secure data protection”.

06. Standard contract clauses. Are they still valid?



The Court of Justice of the European Union has decided that the standard contract terms may continue to be used.

These are clauses to be included in the contract that must be signed by both parties before an international transfer of data, thus allowing it to be carried out with security guarantees.



“SSCs may not be used in cases where national legislation prevents compliance”



06. How to make international data transfers following the ruling?

All transfers of personal data between the EU and the US that were being carried out in accordance with the Privacy Shield must be carried out on the basis of another guarantee or be suspended.

Assess how international data transfers have been addressed with customers, suppliers, etc., and whether there are legitimate reasons to transfer data.



It is important to analyse whether the legislation of the country of destination will comply with all the requirements of the EES.



The appropriate security should be chosen for the transfer or, if there is no security, the transfer should be suspended.



Pridatect, a platform to simplify the process of identifying risks and protecting data



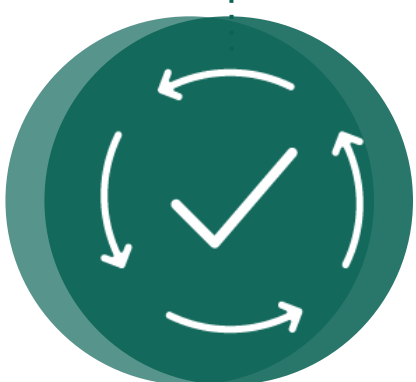
DETECT AND IDENTIFY RISKS

Detect and identify risks in your personal data processing (customers, employees, suppliers...). With the Pridatect platform we can identify and analyse the threats and vulnerabilities in your processes.



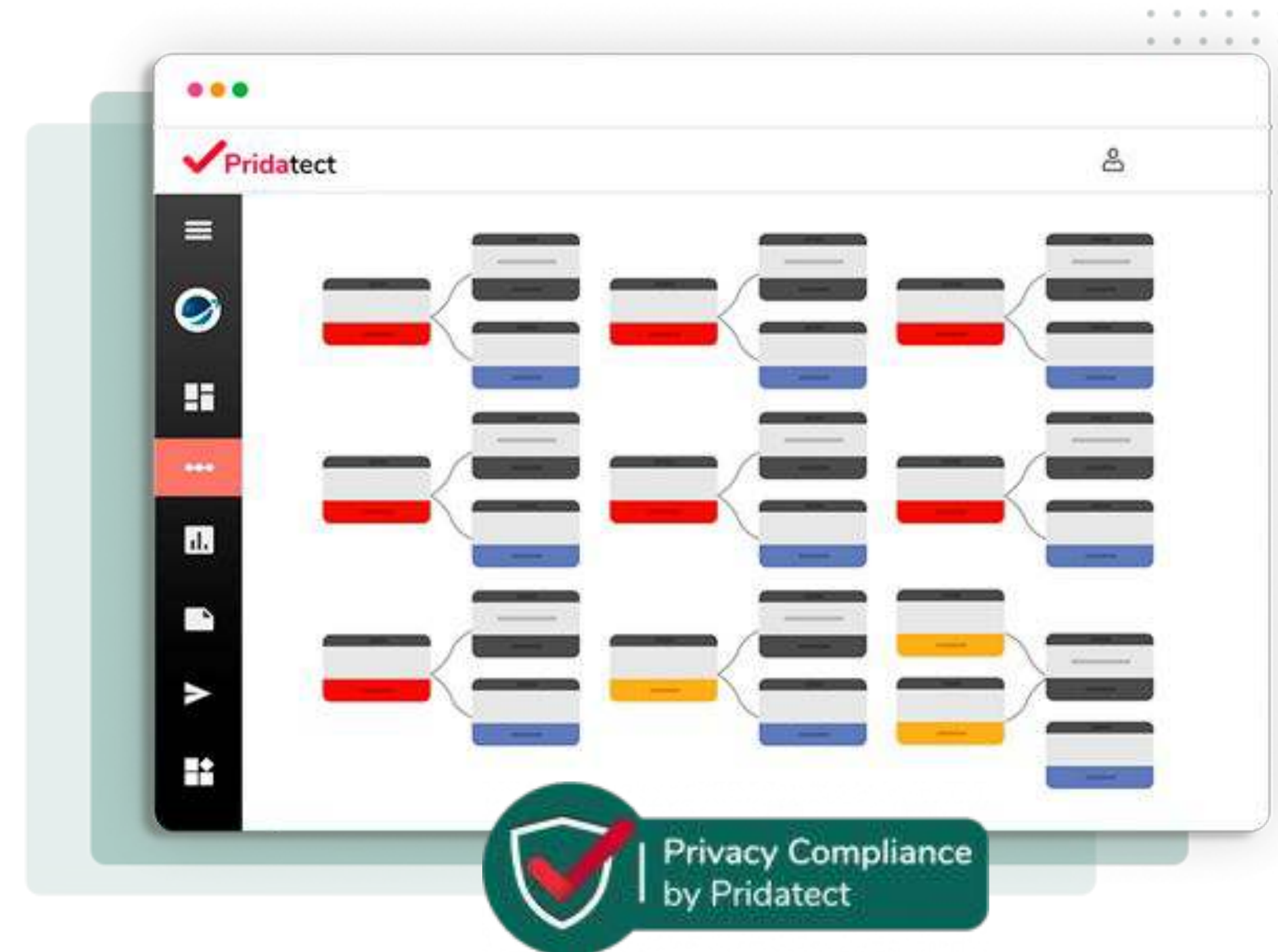
DEFINE AND SUGGEST MEASURES

Knowledge of the risks in your company allows us to define the necessary measures to reduce and mitigate them. Pridatect helps you with the definition and suggestions of measures for your company.



PROGRAMME MONITORING AND IMPLEMENTATION

Data protection is an on-going task within a company. Pridatect not only helps with the initial implementation, but also with the continuous monitoring of risks, measures and task management among your company's employees.



Trusted technology solution for your data protection

Everything you need to comply with GDPR



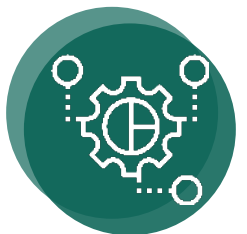
Risk assessment

Eliminate data risks



Impact assessment

Automated impact assessment



Compliance analysis

Identify gaps in your data protection



Processing Activities

Have an up-to-date record of processing activities



Data map

Map your company's data flows



TOMs

Defines technical and organizational measures to reduce risk



Privacy reports

Generates privacy reports automatically



International transfers

Manages international data transfers



Security Gap Management

Successfully handles security breaches



Fulfillment of your website

Generates privacy policies, cookie policies, terms and conditions



Subject access rights

Manages requests for access rights and subjects



Secure Userdesk Cloud

100% secure, collaborative cloud environment



External DPO service

Virtual DPO for your company



Contracts with suppliers

Generate the contracts you need for GDPR



Document Automation

Create legal documents based on our models



Try Pridatect!

Take control of data protection management and ensure that everyone in your company has the necessary guidelines to prevent putting data at risk when teleworking. At Pridatect we help you to detect risks and take the appropriate measures.

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Request your
free demo



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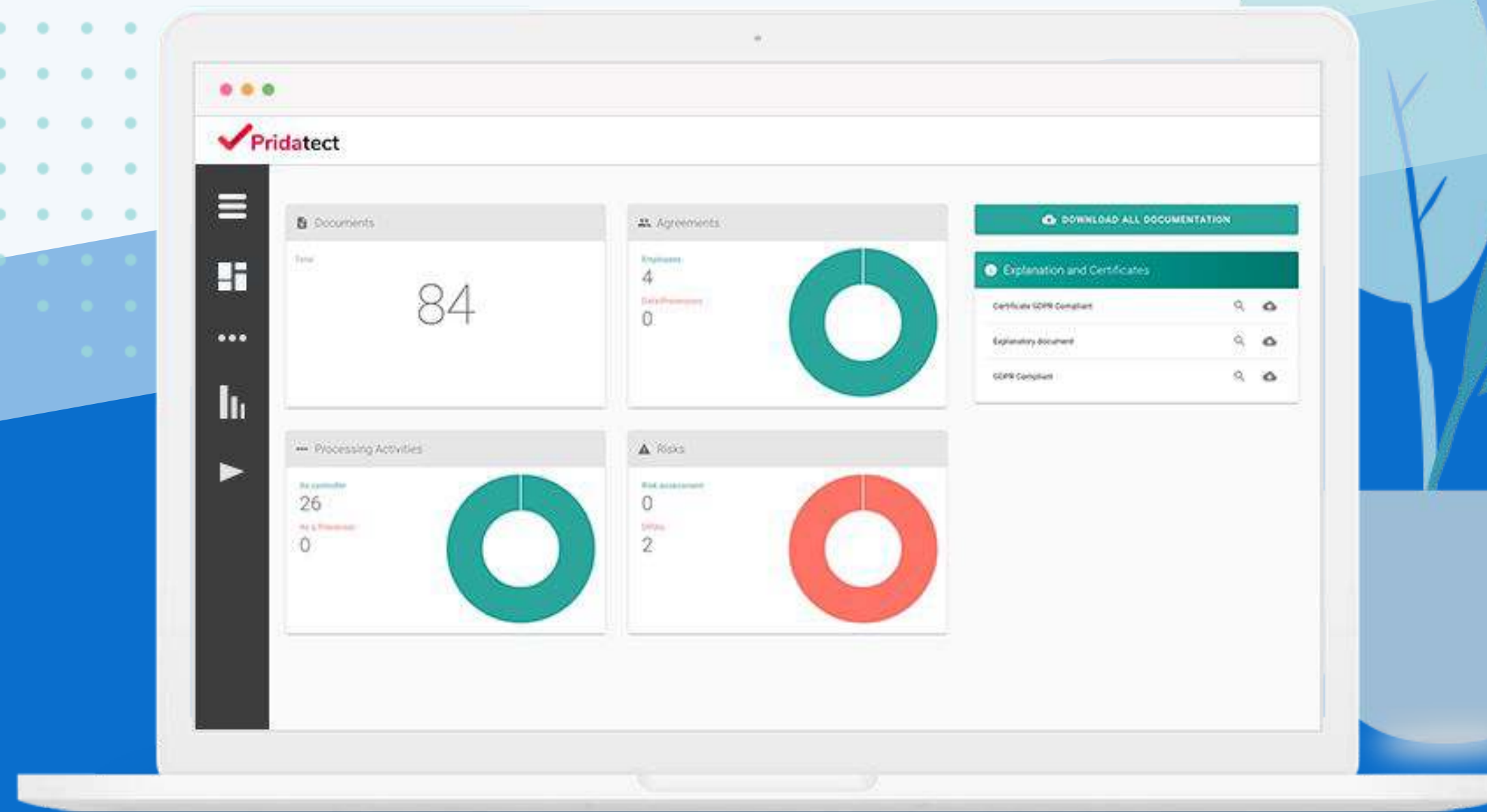
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Thanks for joining our Webinar!