



International Data Transfers:

The end of the world as we know it?

Thursday 29 September 2022

Agenda

- Introduction
- Background
 - › Value of privacy
 - › Summary refresher
- State of play
 - › EEA/UK vs US
 - › China PIPL
- Panel discussion
- How Securys can help
- Audience Q&A

Our panel



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International Data Transfers: Is this the end of the world as we know it?



THE VALUE OF TRUST

WE THINK



PRIVACY IS ABOUT **TRUST**



TRUST RUNS **BOTH WAYS**



ORGANISATIONS HAVE **MANY STAKEHOLDERS**



BUILDING TRUST DRIVES **MEASUREABLE RETURNS**

THEREFORE



PRIVACY SHOULDN'T BE A **DISTRESS PURCHASE**



IT'S NOT JUST ABOUT **AVOIDING FINES**

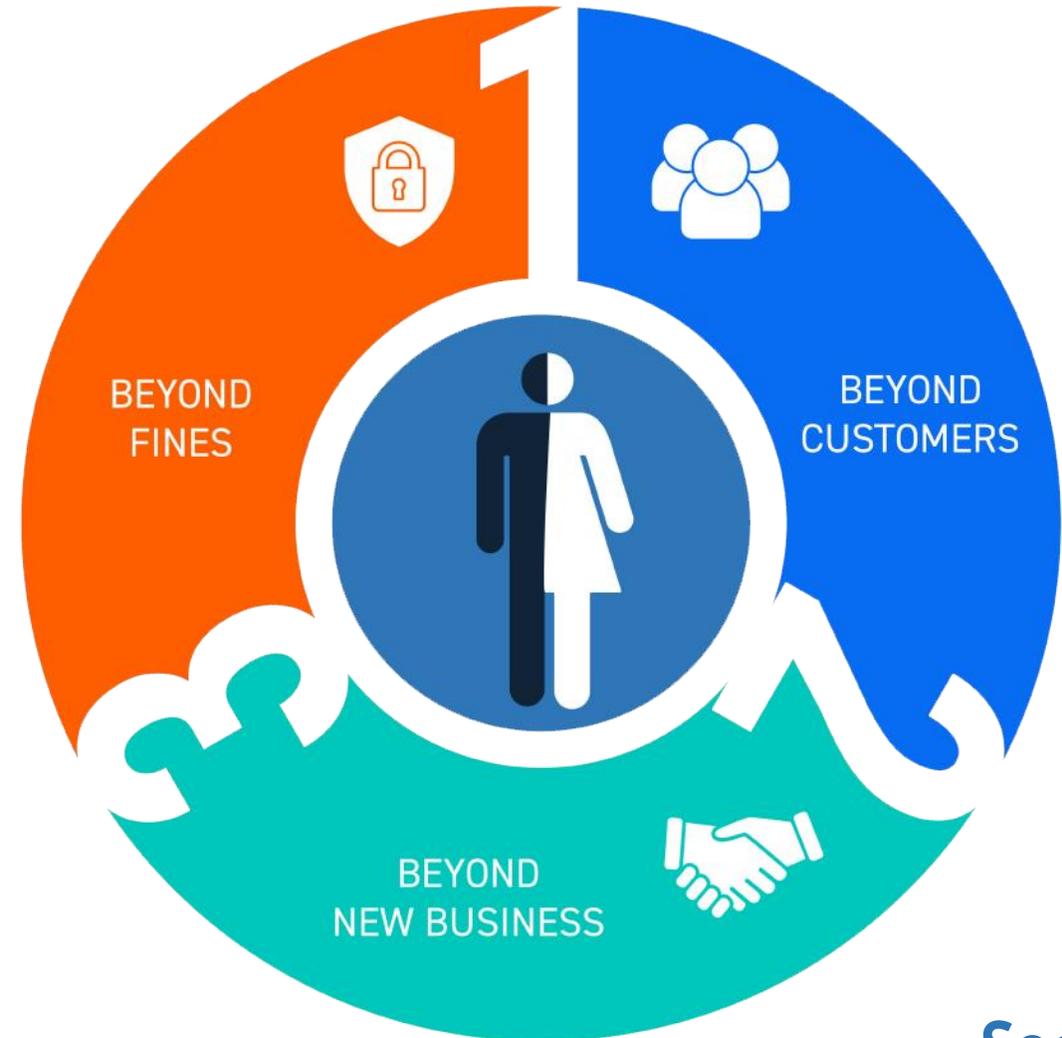


IT'S A ROUTE TO **SUCCESS**

Privacy is about people

- Stakeholder communities
 - Consumers and customers
 - Employees
 - Suppliers
 - Shareholders & investors
 - Collaborators
 - Families & dependants
 - The public

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Background

- Convention 108 was established to enable international transfers of personal data

Reaffirming at the same time their commitment to freedom of information regardless of frontiers;
Recognising that it is necessary to reconcile the fundamental values of the respect for privacy and the free flow of information between peoples,

- Recital 6 of GDPR says:

Technology has transformed both the economy and social life, and should further facilitate the free flow of personal data within the Union and the transfer to third countries and international organisations, while ensuring a high level of the protection of personal data.

- But the story of the past two years has been increasing tensions over transfers.
- Privacy teams face ever-growing workloads to enable normal international commerce
- There is a risk of “Balkanisation” of data and services

EEA/UK state of play

EEA

- US (and other) transfers in trouble
 - › ECJ decision on Schrems II in July 2020
 - › German court decisions rule out US transfers
 - › EDPB rules out some US transfers
 - › CNIL decision against Google Analytics
 - › Danish DPA decision against Google Analytics
 - › Berlin DPA transfer guidance: “Bei vielen Cloud-Diensten keine ergänzenden Maßnahmen möglich“
- Promises regarding PrivacyShield2, but FBI vs Faganza, midterms, end of Roe v Wade threaten progress

UK

- Introduced DPDI bill
 - › Unilateral adequacy decisions
 - › Significant variance in ePrivacy
 - › Limitation of LIA and DPIA
 - › Relaxation of DPO requirement
 - › Less limitation of purpose
 - › Focus on “data as currency”
- Possible withdrawal from NI agreement
- Adequacy sunset clause exists “*for the specific purpose of guarding against future divergence by the UK*”

China PIPL

- International transfers must meet at least one of the following conditions:
 - › Passing a security assessment organized by the regulator (not yet available);
 - › Undergoing personal information protection certification (not yet available)
 - › Concluding an agreement with a foreign receiving party, agreeing on both sides' rights and obligations, and supervising their personal information handling activities' satisfaction of the personal information protection standards provided in this Law (model clauses not yet available);
 - › Other conditions provided in laws or administrative regulations or by the regulator
- Data subjects must be notified in detail
- Separate consent to international transfers must be obtained
- Critical information infrastructure operators and personal information handlers above a particular scale shall store personal information collected within China.
- CAC security assessment required for
 - › Critical information infrastructure operators needing to transfer information internationally
 - › Personal information handlers exceeding a given volume of data subjects (not yet defined) needing to transfer information internationally
- Foreign organisations can be warned or blacklisted by the regulator, prohibiting or limiting provision of information to them

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Panel Discussion

How Securys can help you support your effort

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Advisory



Privacy and data strategy



Policy and procedure frameworks



Privacy by design



Process review and design

Operational



Privacy office operations



Data flow mapping and risk-scoring



Transparency and data subject rights



Consent mechanisms and management

Transfer Management



Transfer Impact Assessments



Vendor assessment and contract review



SCCs and IDTAs



Safeguards and security

Global reach, local knowledge

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Q&A

More questions? Need help?
Get in touch by email or on our website

Contact details / next steps

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