



# **EDPS strategy for EUIs to comply with the “Schrems II ruling”**

**Supervision and Enforcement Unit  
European Data Protection Supervisor  
10/12/2020**

# Court of Justice (Gr. ch.), “Schrems II”

16 July 2020, C-311/18

- The standard of « **essential equivalence of protection** » is **extended to transfers** carried out on the basis of **appropriate safeguards**

# Court of Justice (Gr. ch.), “Schrems II”

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## On the validity of the use of SCCs:

- The validity of SCCs (Decision 2010/87) depends on whether such a standard clauses decision incorporates **effective mechanisms** that make it possible, **in practice**, to ensure essential equivalence of protection, if need be with **supplementary measures**

# Court of Justice (Gr. ch.), “Schrems II”

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## SA's role

- Unless there is a valid adequacy decision, **SAs are required to suspend or prohibit a transfer** of personal data to a third country, **where** they take the view, **in the light of all the circumstances** of that transfer, that **the clauses are not or cannot be complied with** in that country and that the protection

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Privacy Shield is invalid :

- **surveillance programmes** based on Section 702 FISA and EO 12333 read in conjunction with PPD-28 **do not comply with the principle of proportionality;**
- the **lack of effective remedies** in the US essentially equivalent to those required by Article 47 of the Charter;

# EDPS Compliance strategy with the “Schrems II ruling” for EUIs

## Objectives:

- ensure that both ***ongoing*** and ***future*** transfers comply with the «standard of « essential equivalence of protection »
- via ***short term*** and ***medium term*** actions for both ***EUIs*** and the ***EDPS***

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## Priority criteria

- Transfers ***towards private entities***
- Transfers ***towards the US***

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## Action plan

- Mapping and ***reporting*** on certain categories of transfers
- ***Caution for future services*** and new processing operations



# EDPS Compliance strategy with the “Schrems II ruling” for EUIs

## Action plan – short term

- Mapping and **reporting** on certain categories of transfers
- **Caution for future services** and new processing operations

# EDPS Compliance strategy with the “Schrems II ruling” for EUIs

Action plan – medium term

- Transfer impact assessments (***TIAs***)

# Thank you for your attention!

For more information:

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