

JARGON BUSTER

Adequacy decision = A decision of the EU that a country outside of the EEA has an adequate level of data protection and can therefore receive personal data from the EEA without the requirement for any further safeguards . The list of countries (as at 23 July 2019) are: Andorra, Argentina, Canada (commercial organisations), Faroe Islands, Guernsey, Israel, Isle of Man, Japan, Jersey, New Zealand, Switzerland, Uruguay and the USA (limited to the Privacy Shield framework).

Appropriate safeguard = A legal mechanism put in place to provide for the transfer of personal data internationally as described in Article 46 of the GDPR (it includes standard contractual clauses and binding corporate rules).

EEA = Countries in the EU plus Iceland, Liechtenstein and Norway.

EU-US Privacy Shield = A program that US companies can sign up to and those listed on the EU-US Privacy Shield are able to receive personal data from the EEA without an appropriate safeguard in place.

Transition period = A standstill period in which trade between the UK and EU would continue on current terms whilst a new deal is negotiated.

TRANSFERS FROM THE UK

- **During the transition period**
The current EU withdrawal agreement provides for a transition period. Assuming that the data protection position as set out in the draft withdrawal agreement remains as currently drafted, transfers of personal data can continue as they are now until the end of the transition period.
- **In the event of a no-deal or after the transition period**

The table below explains the safeguards that need to be put in place for the international transfer of personal data. It does not cover other actions that organisations may need to take after the UK leaves the EU, such as potentially appointing a representative in an EU member state.

FROM	TO	IS A TRANSFER PERMITTED?	DETAILS
UK	EEA	Yes	The UK government has indicated that it will treat the EEA countries as adequate so no further safeguard is required.
UK	Countries with an adequacy decision (except for the USA)	Yes	The UK government has indicated that the UK will deem any countries that the EEA has determined as being adequate, as being adequate to the UK.
UK	Countries outside of the EEA and without an adequacy decision	Only if an appropriate safeguard is in place OR In some circumstances a transfer may be permitted where a derogation applies in accordance with Article 49 of the GDPR.	The UK will incorporate the GDPR into UK law and so UK organisations can still use binding corporate rules, model clauses or derogations for specific situations as set out in Article 49 of the GDPR

TRANSFERS FROM THE EEA TO THE UK

