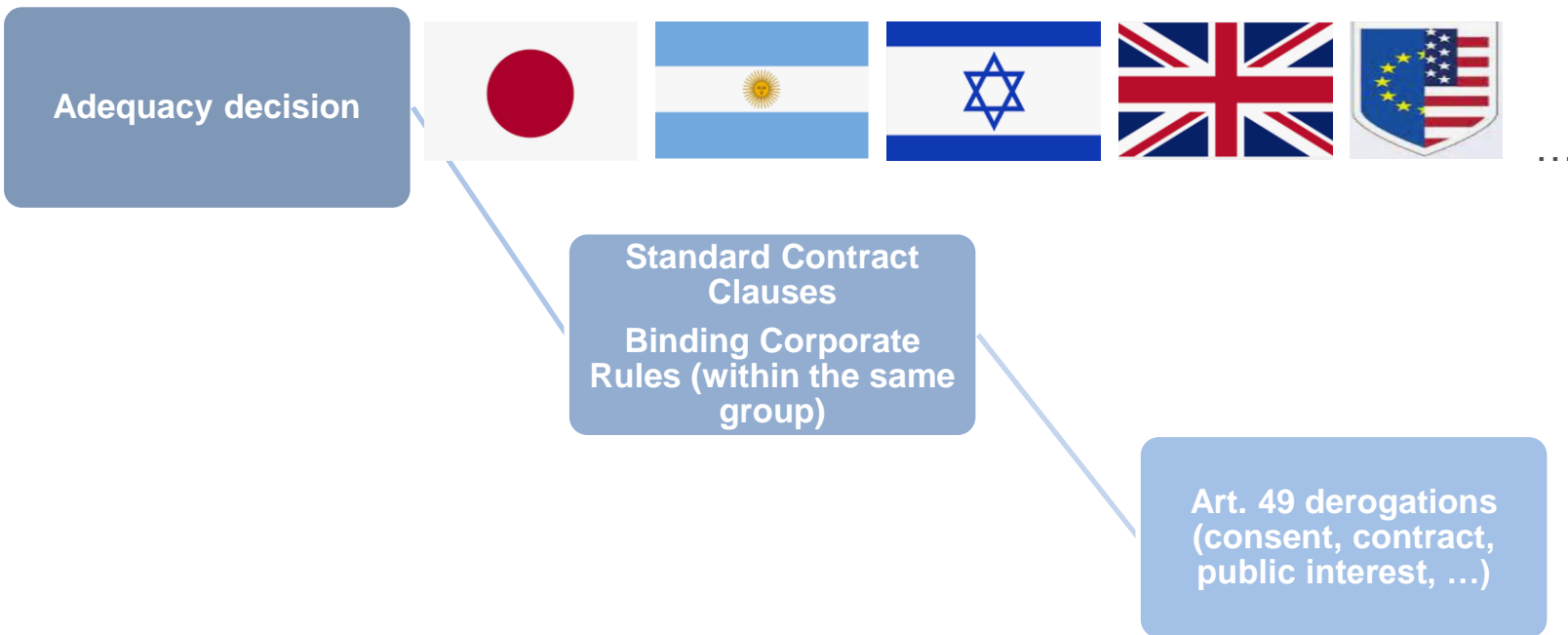




International transfers of personal data post Schrems II

International personal data transfers before Schrems II





International personal data transfers after Schrems

Adequacy decision



...

Assessment of local laws and their impact

SCCs
BCRs

where “in practice” impingement of effectiveness of SCCs (BCRs?): **supplementary measures**

(b) that it has no reason to believe that the legislation applicable to it prevents it from fulfilling the instructions received from the data exporter and its obligations under the contract and that in the event of a change in this legislation which is likely to have a substantial adverse effect on the warranties and obligations provided by the Clauses, it will promptly notify the change to the data exporter as soon as it is aware, in which case the data exporter is entitled to suspend the transfer of data and/or terminate the contract;

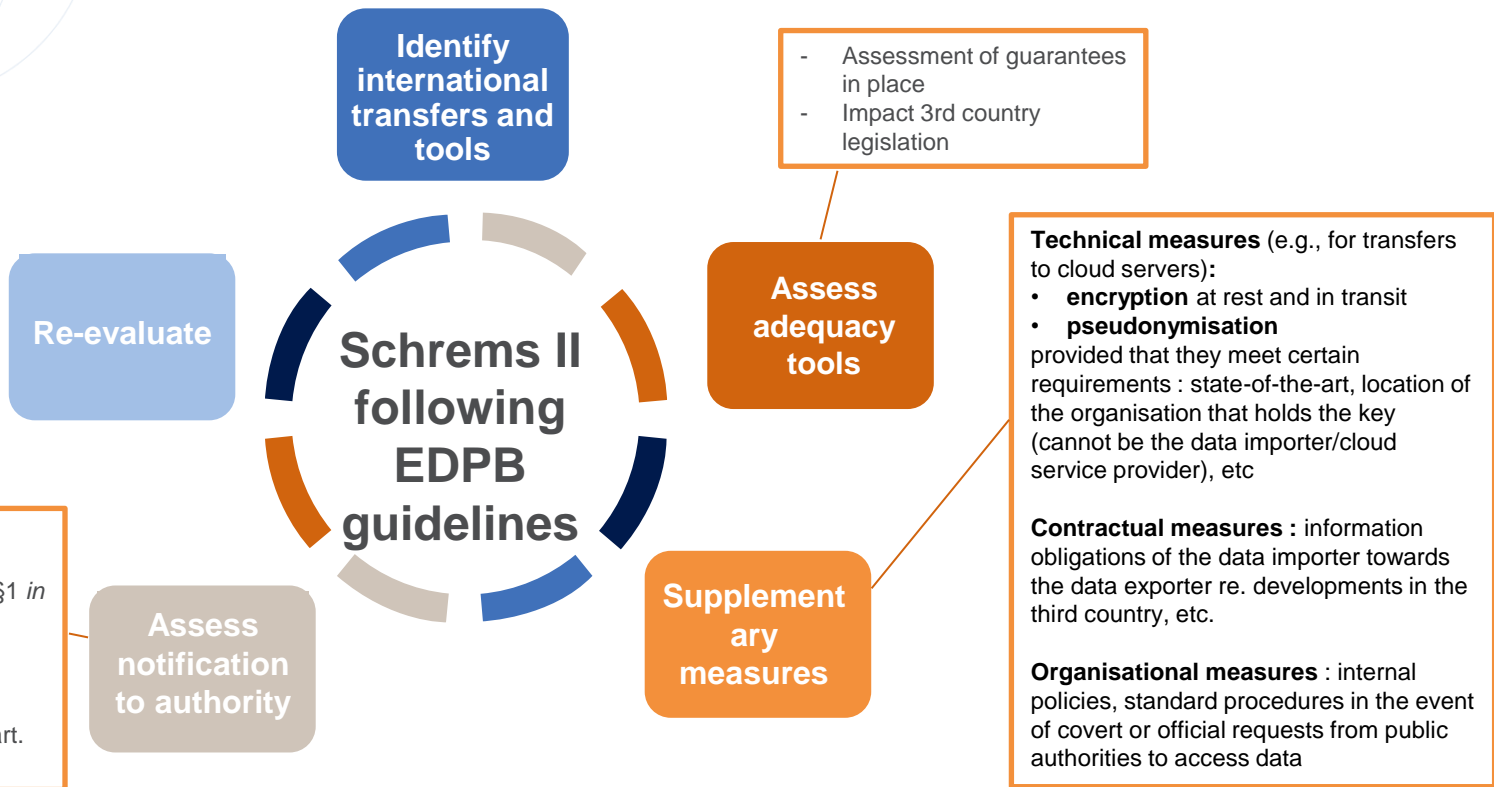
Art. 49 derogations (consent, contract, public interest, ...)

US: e.g. FISA, E.O. 12333, Cloud Act & other non-EEA countries



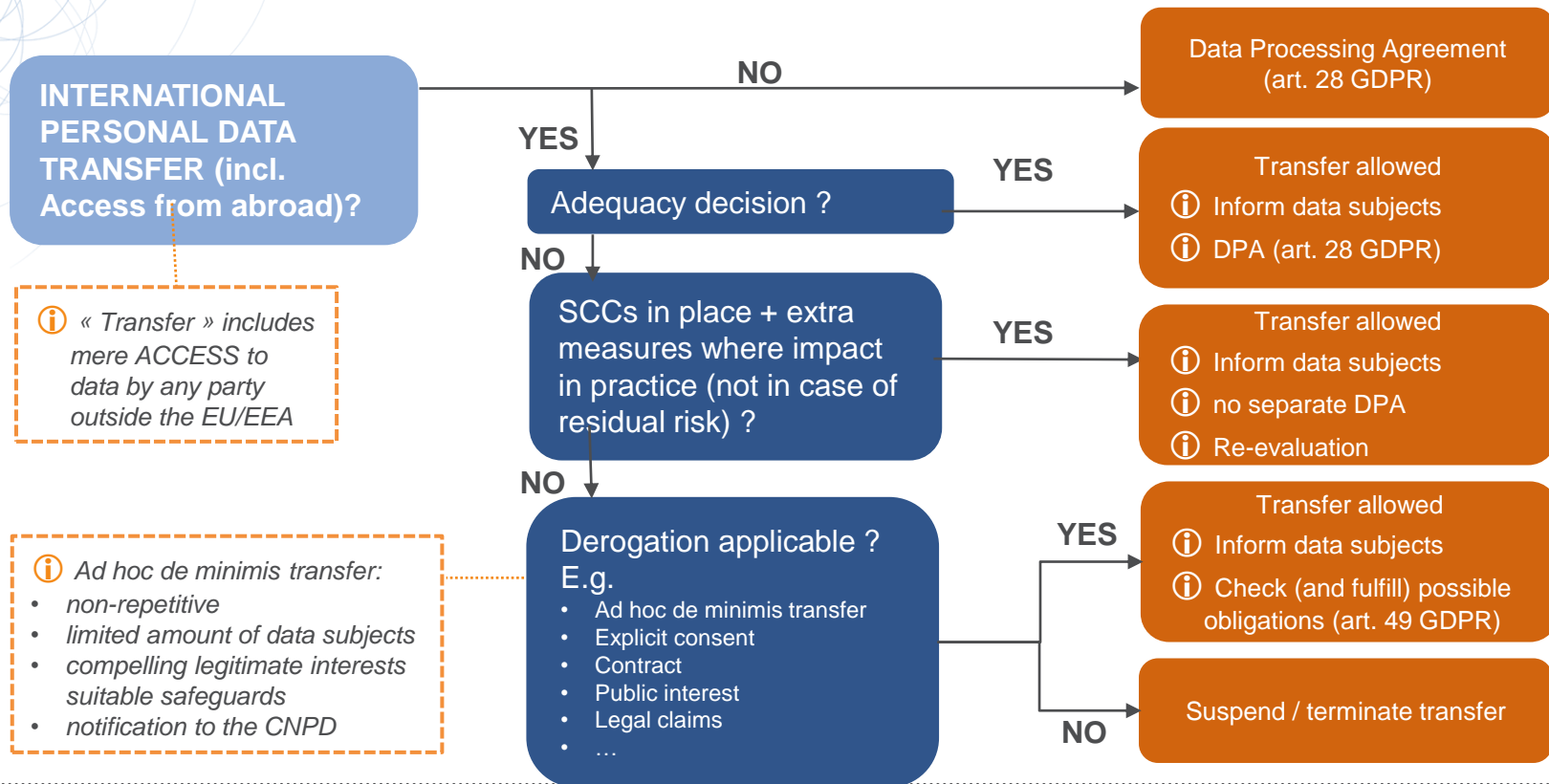


EDPB Guidelines re supplementary measures





Practical step plan



Recommendations



Identify and map international transfers (“*Know your transfers*”)



Propose SCCs to non-EEA partners having access to the data or otherwise processing them



SCCs can be proposed as (in principle) non-negotiable EU Model Clauses + supplementary measures (encryption !) if risk not just residual



Monitor and regularly re-evaluate measures



Remind to inform data subjects of international transfers (art. 13-14 GDPR)



Questions ?

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Questions?
At your disposal!

A brief presentation of our firm

Firm profile

Number of partners, associates and other legal staff.

- An international law firm practising Dutch, Belgian, Luxembourg and Dutch Caribbean law, founded in 1724.
- One of the largest law firms in the Benelux region:
 - 388 lawyers including 72 partners, including 14 female partners.
 - 10 of our lawyers are also university professors.
- Spread across 6 offices and 5 country desks:
Offices in Amsterdam, Brussels, London, Luxembourg, New York and Rotterdam.
- Our country desks focus on:
Germany, France, India, China and Japan.
We also monitor growth markets such as Brazil, Mexico, Indonesia, South Korea and Turkey.
- An independent firm with non-exclusive relations with the top law firms in more than 80 countries.

Office locations

