

EU Data Protection Authorities Demand Privacy Shield Clarification

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BRUSSELS - The EU's data protection authorities want clarification on the powers of the ombudsman, assurances on bulk data collection and a review of the privacy shield data transfer framework in two years, according to their verdict on the EU-U.S. agreement, released today.

"We believe that we don't have enough security guarantees in the status of the ombudsperson ... in order to be sure that this is really an independent authority," said Isabelle Falque-Pierrotin, the chair of the so-called Article 29 Working Party of the EU's data protection authorities.

The two-year review is intended to analyze how the privacy shield complies with the EU's incoming General Data Protection Regulation, which will be implemented at that time.

The DPAs took umbrage to the privacy shield's six exceptions for bulk data collection, "which if massive and indiscriminate is not acceptable," Falque-Pierrotin said.

The privacy shield will allow companies to transfer Europeans' data to the U.S. without breaking EU law. It was signed by EU and U.S. negotiators February 2, after its predecessor, safe harbor, was struck down by the European Court of Justice in October.

Falque-Pierrotin said privacy shield was an improvement on safe harbor, but too many elements were informal.

"We cannot consider them as forming an integral part of the adequacy decision since they haven't been yet put into writing," she said.

Falque-Pierrotin said the alternative data transfer mechanisms, including model clauses and binding corporate rules, were still valid.

"Until the Commission has taken final decision, there is nothing changed for them, which means they can still be used in this period," she said.