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Privacy Shield fails data protection test

Europe's national data protection authorities have voiced substantial concerns regarding a planned data transfer agreement between the EU and US. The so-called Privacy Shield proposal does not provide sufficient legal safeguards for protecting Europeans' personal data when it is transferred across the Atlantic, according to the data protection bodies.

Like the data protection authorities, The European Consumer Organisation (BEUC) has repeatedly pointed out the Privacy Shield's many shortcomings:

- Opaque system for EU citizens looking for redress and lack of independent US data protection authority;
- Weakening of fundamental EU data protection principles such as purpose limitation (limits to how data can be used by a company) and data minimisation (only collecting the data that is absolutely necessary);
- Restriction of EU data protection rights for data processed in the US, such as the right to receive information about what personal data a company has stored;
- No time limit for companies to keep data.

Monique Goyens, Director General of BEUC, commented:

"The Privacy Shield has as many holes as a Swiss cheese. EU consumers' rights to privacy should not expire once their personal data travels outside the EU but this agreement does nothing to really prevent that from happening.

"The Commission must heed this call from Europe's data protection supervisors who basically give the Privacy Shield in its current version their thumbs down. European consumers expect their rights to be upheld.

"Too much time has passed already since the European Court struck down the Privacy Shield's predecessor Safe Harbor. Data protection bodies need to start checking that no unlawful transfers of personal data to the US are taking place. Fundamental rights cannot be paused.

"The EU would be well advised to defend its standards more vigorously. This permissive attitude sends a worrying signal about how serious we take our own laws and values."

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