

UK-US data bridge finalised as extension to EU-US Data Privacy Framework

The UK government has published the *Data Protection (Adequacy) (United States of America) Regulations 2023 (SI 2023/1028)*. These were laid before Parliament on 21 September 2023 and come into force on **12 October 2023**. The Regulations are an adequacy decision for the US, known as the **UK-US data bridge**.

The UK-US data bridge authorises the US as providing an adequate level of protection for data transfer purposes where the transfer is to an organisation in the US listed on the EU-US Data Privacy Framework (DPF) as participating in the UK Extension to the DPF. Any transfer of personal data covered by the UK GDPR will then be subject to the principles of the DPF. The UK-US data bridge has the same US supervisory authorities as the DPF; the US Federal Trade Commission (FTC) and the US Department of Transportation (DoT).

The UK government has also published supporting documents including a factsheet for UK organisations (<https://www.gov.uk/government/publications/uk-us-data-bridge-supporting-documents/uk-us-data-bridge-factsheet-for-uk-organisations>) which provides more detail and some background on the US Executive Order 14086 which now designates the UK as a qualifying state allowing all UK individuals whose personal data has been transferred to the US under any transfer mechanisms (not just the UK-US data bridge) access to the redress mechanism if they believe that their personal data has been accessed unlawfully by US authorities for national security purposes.

Organisations relying on the UK-US data bridge will need to ensure that the data importer is properly listed as participating in the DPF as not all organisations are eligible (for example banking, insurance and telecoms are not subject to the jurisdiction of the FTC or DoT and cannot participate).

Listed organisations can elect to participate in the UK-US data bridge either: (i) as part of their annual re-certification to the EU-US Data Privacy Framework, or (b) outside of their annual certification to the EU-US Data Privacy Framework provided that they make their election no later than six months from 17 July 2023.

Both UK and US relocation businesses may need to make changes to their privacy notices, records of processing and contracts – including contracts with clients and suppliers – to reflect their reliance on the UK-US data bridge.

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