

## **Data Transfers from Europe to the United States – important update for EuRA members.**

The European Commission has granted an “adequacy decision” in favour of the US, which simplifies the compliance requirements for relocation companies which transfer personal data to the US.

The key points arising from the EU’s decision are:

1. The “adequacy decision”, which removes the need for documentation such as EU Standard Contractual Clauses, applies to US data importers (for example, American-headquartered RMCs) which register under the new EU-US Data Privacy Framework.
2. Registration is done via a new Framework website:  
<https://www.dataprivacyframework.gov/s/>.
3. US relocation companies which have maintained their registration under the old Privacy Shield will find that they are automatically registered under the new Framework.
4. For the moment, the Framework applies only to personal data transferred to the US from EU countries, but similar adequacy decisions will now follow for data transfers from the UK and Switzerland.
5. Relocation companies which register under the Framework are required to update their Privacy Notices, to include reference to the Framework, no later than 10<sup>th</sup> October 2023.

Be aware that the European privacy activist, Max Schrems, has announced that that he will be challenging the Framework, with the case likely to come before the European Court of Justice by the beginning of 2024. This means that many companies may decide to leave existing SCCs in place until the Court has issued a ruling next year.

For further information or guidance on the new Framework, please contact Gordon Kerr, EuRA’s Strategic Consultant – Legal Services ([gordonkerr@gklegal.co.uk](mailto:gordonkerr@gklegal.co.uk)).