

Privacy and Cyber Regulatory Update



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Privacy Regulation: International

EC Publishes Revised SCCs

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- Existing SCCs pre-dated GDPR
- CJEU invalidates Privacy Shield
- Revised SCCs iterated between European Commission and European Data Protection Board



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3

EU SCCs- Key Deadlines

- **Currently** (since 27 June 2021): parties can use the new SCCs
- **27 September 2021**: parties must use the new SCCs for new contracts and when making substantive changes to existing contracts
- **27 December 2022**: all existing contracts must be updated to incorporate new SCCs

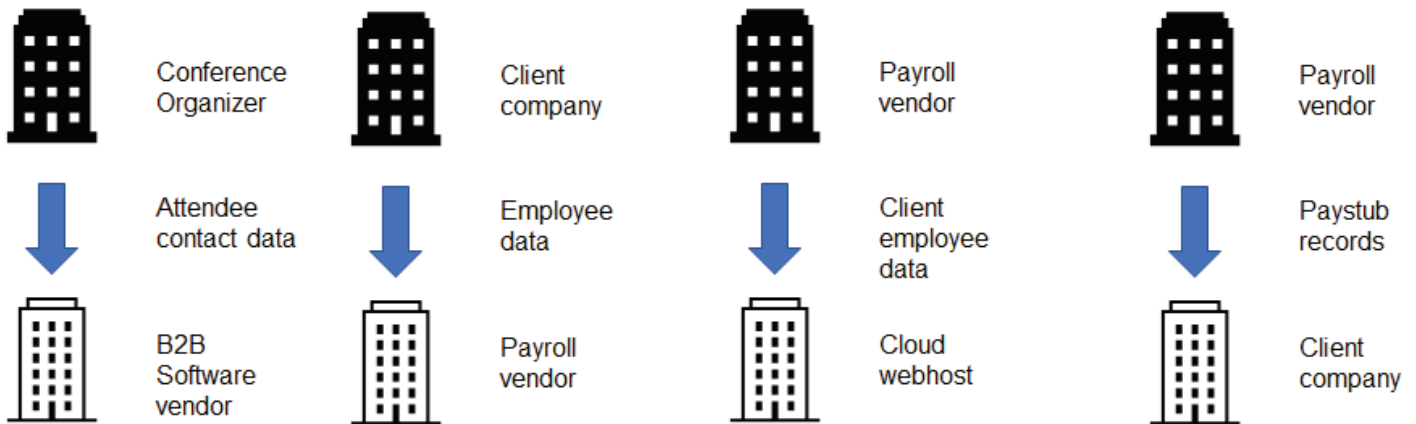
https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/standard-contractual-clauses-scc/standard-contractual-clauses-international-transfers_en

COMMISSION IMPLEMENTING DECISION (EU) 2021/914 ("SCCs") Article 4

4

EU SCCs- Structure and Transfer Types

Controller > Controller Controller > Processor Processor > (sub)Processor Processor > Controller



GDPR Article 4

5

EU SCCs- Notable Changes

- Clause 14: Importer's legal environment and government access to data

Clause 14

Local laws and practices affecting compliance with the Clauses

MODULE ONE: Transfer controller to controller

MODULE TWO: Transfer controller to processor

MODULE THREE: Transfer processor to processor

MODULE FOUR: Transfer processor to controller (where the EU processor combines the personal data received from the third country-controller with personal data collected by the processor in the EU)

- (a) The Parties warrant that they have no reason to believe that the laws and practices in the third country of destination applicable to the processing of the personal data by the data importer, including any requirements to disclose personal data or measures authorising access by public authorities, prevent the data importer from fulfilling its obligations under these Clauses. This is based on the understanding that laws and practices that respect the essence of the fundamental rights and freedoms and do not exceed what is necessary and proportionate in a democratic society to safeguard one of the objectives listed in Article 23(1) of Regulation (EU) 2016/679, are not in contradiction with these Clauses.

SCCs Clause 14

6

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