



European
Commission

TRANS-ATLANTIC DATA PRIVACY FRAMEWORK

March 2022

The European Commission and the United States reached an agreement in principle for a **Trans-Atlantic Data Privacy Framework**.

Key principles

- ◆ Based on the new framework, **data will be able to flow freely and safely** between the EU and participating U.S. companies
- ◆ A new set of rules and **binding safeguards to limit access to data** by U.S. intelligence authorities to what is **necessary and proportionate** to protect national security; U.S. intelligence agencies will adopt procedures to ensure effective oversight of new privacy and civil liberties standards
- ◆ **A new two-tier redress system** to investigate and resolve complaints of Europeans on access of data by U.S. Intelligence authorities, which includes a **Data Protection Review Court**
- ◆ **Strong obligations for companies** processing data transferred from the EU, which will continue to include the requirement to self-certify their adherence to the Principles through the U.S. Department of Commerce
- ◆ **Specific monitoring and review mechanisms**



Benefits of the deal

- ◆ Adequate protection of Europeans' data transferred to the US, addressing the ruling of the European Court of Justice (*Schrems II*)
- ◆ Safe and secure data flows
- ◆ Durable and reliable legal basis
- ◆ Competitive digital economy and economic cooperation
- ◆ Continued data flows underpinning €900 billion in cross-border commerce every year

Next steps: The agreement in principle will now be translated into legal documents. The U.S. commitments will be included in an Executive Order that will form the basis of a draft adequacy decision by the Commission to put in place the new Trans-Atlantic Data Privacy Framework.

