



**16/EN
WP 246**

**EU-US PRIVACY SHIELD
F.A.Q. FOR EUROPEAN INDIVIDUALS**

Adopted on 13 December 2016

This Working Party was set up under Article 29 of Directive 95/46/EC. It is an independent European advisory body on data protection and privacy. Its tasks are described in Article 30 of Directive 95/46/EC and Article 15 of Directive 2002/58/EC.

The secretariat is provided by Directorate C (Fundamental rights and rule of law) of the European Commission, Directorate General Justice and Consumers, B-1049 Brussels, Belgium, Office No MO59 02/27

Website: http://ec.europa.eu/justice/data-protection/index_en.htm

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What is the Privacy Shield?

The [Privacy Shield](#)² is a self-certification mechanism for US based companies. This framework has been recognized by the European Commission as providing an adequate level of protection for personal data transferred from an EU entity to US based companies and thus as an element for offering legal guarantees for such data transfers.

The EU-US Privacy Shield mechanism is in full effect since the 1st of August 2016.

The Privacy Shield applies to any type of personal data transferred from an EU entity to the US including commercial, health or human resource related data, as long as the recipient US company has self-certified to the Framework.

How do I benefit from the Privacy Shield?

The Privacy Shield relies on commitments taken by US companies to respect the principles, rules and obligations laid out by the Privacy Shield framework.

This framework grants you a certain number of rights when your personal data have been transferred from an EU entity to the US. Notably, you have the right to be informed of such transfer and to exercise your rights of access, for example of correction and of deletion of your personal data transferred³. You can verify whether a US based company has certified by checking the online Privacy Shield list, available here: www.privacyshield.gov.

It is encouraged to address possible queries regarding the processing of your data to the US company, first.

If your concern has not been resolved by the Privacy Shield company or you have reasons to not address it directly, your national data protection authority will stand ready to help you to resolve the matter.

How do I lodge a complaint?

In case you think that the US Privacy-Shield company has violated its obligations stemming from the EU-US Privacy Shield Framework or has violated the rights entitled to you under the Privacy shield principles, you can complain about it.

¹ In this context, European individuals means any natural person, regardless of his/her nationality, whose personal data have been transferred to a US company under the EU-US Privacy Shield.

² The decision on the adequacy of the EU-U.S. Privacy Shield Framework (“Privacy Shield”) or (“Framework”) was adopted by the European Commission on July 12, 2016. It was designed by the European Commission and the U.S. Department of Commerce to replace the Safe-Harbor-Decision 2000/520/EC which were declared invalid by the European Court of Justice in 6 October 2015.

³ For more detailed information as to the guarantees for the data transferred and as to your rights under the EU-U.S. Privacy Shield, please consult the [Guide to the EU-US Privacy Shield published by the European Commission](#).

If you want to lodge a complaint regarding an US Privacy Shield certified company, or a company that claims to have been certified, please use the common complaint form available here (soon available) or contact your national DPA⁴. Please provide your national DPA with as many details on the matter as possible, enabling your DPA to handle your complaint in the best way.

An informal panel of EU DPAs will be set up in order to handle complaints concerning human resources personal data transferred from an EU entity to an US Privacy Shield company in the context of employment relationship, or when the US recipient company has voluntarily chosen to commit to cooperate with the EU DPAs.

The informal panel of EU DPAs will launch an investigation during which both parties will have the possibility to express their views. If necessary in order to resolve the case, the informal panel can issue an “advice” which is a binding decision that the US Privacy Shield company will have to comply with.

Where the informal panel of EU DPAs is not competent, EU DPAs have the possibility to refer the complaint to US authorities (notably, the FTC committed to give priority consideration to those referrals and the DoC has a clear deadline to act on complaints). In any cases, depending on the circumstances of the case, the competent national DPA may also directly exercise its powers (such as prohibition or suspension of data transfers) toward the EU data exporter.

For getting more information about the possibility to lodge a complaint, you may ask further information to your national data protection authority.

The data protection authorities are currently developing a common complaint form that may be used by EU individuals to submit a complaint. The complaint form will be provided as soon as possible. The complaint form will be optional, so you can lodge a complaint already by contacting your national DPA.

*Please note that requests relating to **access by US public authorities for intelligence activities** are subject to another procedure. Please contact your national DPA for more information.*

⁴ Whenever the words “national data protection authority”, “EU DPA” or “EU handling authority”, this also refers to the EDPS, which will be the EU handling authority in case where your personal data have been transferred to an US Privacy Shield certified company by an EU institution.