

International Data Transfers Under the GDPR

The GDPR imposes restrictions on the transfer of personal data outside the EU to other countries or international organisations.

Transfers may be made when the EU Commission has decided that a third country (which is a country outside of the EU), a territory or one or more specific sectors in the third country, or an international organisation ensures an adequate level of protection.

In the absence of such a decision, you may complete a transfer of personal data outside the EU if the recipient provides at least one of the following safeguards:

- A legally binding agreement between public authorities or bodies
- Binding corporate rules
- Standard data protection clauses adopted by the EU Commission
- Standard data protection clauses adopted by a supervisory authority and approved by the EU Commission
- Compliance with an approved code of conduct approved by a supervisory authority
- Certification provided by the GDPR
- Contractual clauses agreed and authorised by the supervisory authority
- Provisions inserted into administrative agreements authorised by the supervisory authority

In the absence of an EU Commission decision or the appropriate safeguards, you may still undertake the international transfer if it meets at least one of the following conditions:

- It will be made with the individual's informed consent.
- It is necessary for the performance of a contract between the individual and the organisation.
- It is necessary for the performance of a contract made in the interests of the individual.
- It is necessary for important public interests reasons.
- It is necessary for the establishment, exercise or defence of legal claims.
- It is necessary to protect the vital interests of the individual or other people in the event that they are physically or legally unable to provide consent.
- It is made from a register.

Even when there is not an EU Commission, there are no adequate safeguards and none of the exemptions apply, you may transfer the data as long as it meets the following conditions:

- The data transfer is not being made by a public authority in the exercise of its public powers.
- The data transfer is not repetitive.
- The data transfer involves data related to only a limited number of individuals.
- The data transfer is necessary for the purposes of the compelling legitimate interests of the organisation.
- The data transfer is made subject to suitable safeguards put in place by the organisation .

