

NON-SAFE HARBOUR → EU-US PRIVACY SHIELD

In extension to the decision and the statements regarding the former Safe Harbour arrangement, the European Commission has come to an agreement with the US about a new set of rules, the purpose of which is to regulate and protect the transatlantic processing of personal data. The future set of rules will go by the name: "EU-US Privacy Shield".

The EU-US Privacy Shield set of rules is a reflection of the claims that were stated in the decision made by the European Court of Justice on 6 October 2015 when the former Safe Harbour agreement was declared invalid. For a more detailed reading, see our previous article about the Court's decision [here](#).

The new EU-US Privacy Shield set of rules will imply:

- i) Increased obligations for American companies handling European citizens' personal data – including the companies' publication of the obligations hereof;
- i) Specific obligations regarding the enforcement conducted by the US Department of Commerce and Federal Trade Commission (FTC) – e.g. through an increased partnership with the European Data Protection Authorities;
- i) Extended restrictions, surveillance and transparency for the US Government's access to personal data, including an annual joint review of the set of rules plus a prohibition against mass surveillance of personal data.
- i) Effective protection of European citizens' options to object and complain through the creation of a new Ombudsman, a deadline for companies to reply to complaints, an opportunity for European data protection authorities to refer complaints to the US Department of Commerce and to the Federal Trade Commission (FTC). In addition, Alternative Dispute resolution will be free of charge.

Our Opinion

The main purpose behind the new EU-US Privacy Shield is to ensure the protection of individuals' personal data. The final content of the new set of rules is expected to be established and published in the nearest future. We will naturally follow the development.

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Contacts



[Signe Renée West](#), Partner

Tel. +45 33 77 90 70

Mob. +45 30 37 96 70

Email srw@mwblaw.dk



[Pernille Nørkær](#), Partner

Tel. +45 33 77 90 40

Mob. +45 30 37 96 40

Email pno@mwblaw.dk



[Thomas Dahl Sørensen](#), Trainee

Tel. +45 33 77 90 06

Mob. +45 30 37 96 06

Email tds@mwblaw.dk