

From Privacy Shield to the Trans-Atlantic Data Privacy Framework

IN 2020, the Court of Justice of the European Union invalidated the EU-U.S. Privacy Shield as a means to transfer EU personal data across the Atlantic. On March 25, 2022, the EU and U.S. announced an agreement “in principle” on a new framework. But before companies can rely on it, the proposal must go through the EU adequacy process. Here’s what that looks like. ↗

The commission can adjust the draft decision in response to input from the EDPB, Parliament, the Council and other stakeholders and/or consider their feedback as part of subsequent reviews. Major revisions at this stage are unlikely given the length of technical and political negotiations to this point.

The 2016 implementing decision supporting Privacy Shield was adopted by 25 Member States with two abstentions.

This entire process has historically taken several months — five in the case of Privacy Shield in 2016 and four in the case of the U.K. adequacy.

↓ EU APPROVAL PROCESS

