

REVERSE CHRONOLOGY OF SCHREMS II

(Last Updated: 11 August 2020)

Date	Jurisdiction / Authority	Publication	Summary *
August 11, 2020	Serbia (Commissioner for Information of Public Importance and Personal Data Protection)	Press Release (in Serbian)	Press Release summarizing the Schrems II judgment and noting that in light of Privacy Shield 's invalidation, data controllers must find an alternative mechanism to transfer personal data to the U.S.
August 10, 2020	U.S. Secretary of Commerce Wilbur Ross and European Commissioner for Justice Didier Reynders	Joint Press Statement	Press Statement announcing discussions between the U.S. and EU regarding a Privacy Shield successor.
August 6, 2020	New Zealand Office of the Privacy Commissioner	Blog Post	Blog post noting that although the Schrems II judgement does not directly affect personal data transfers between the EU and New Zealand because such transfers are conducted on the basis of an adequacy decision , the judgement will likely have a significant impact on international data transfers generally.
July 31, 2020	The U.S. Department of Commerce	FAQs – Swiss-U.S. Privacy Shield FAQs – EU-U.S. Privacy Shield Program Update	The updated EU-U.S. Privacy Shield Program FAQs emphasize that the U.S. Department of Commerce will continue administering the Privacy Shield program while working with the EU "to limit the negative consequences of the Schrems II decision to the transatlantic data flows." The Swiss-U.S. Privacy Shield FAQs were updated to clarify that "[t]he Swiss-U.S. Privacy Shield Framework remains a valid mechanism to comply with Swiss data protection requirements when transferring personal data from Switzerland to the United States."
July 29, 2020	Italy (Office of the Guarantor for the protection of personal data)	Press Release (in Italian and English)	Statement announcing Schrems II judgment .
July 28, 2020	Germany (<i>Datenschutzkonferenz</i>)	Press Release (in German)	Press Release summarizing Schrems II judgment and emphasizing that although organizations

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			<p>may continue to use standard contractual clauses and binding corporate rules to transfer personal data from the EU to the U.S., data controllers must evaluate whether the standard contractual clauses and binding corporate rules ensure level of protection equivalent to EU law and, if needed, implement additional protective measures.</p>
	Spain (Spanish Agency for Data Protection)	Statement (in Spanish)	Statement announcing the Schrems II judgment and noting in particular that “The ruling, whose implications mark a new inflection point on the way in which international data transfers to the United States are made, establishes, in turn, the validity of the standard contractual clauses adopted by the European Commission to carry out international transfers of data. data between a controller established in the European Union and a processor outside the EU.”
July 27, 2020	Luxembourg (National Commission for Data Protection)	Press Release (in French and English)	Statement summarizing Schrems II judgment .
	Norway (Datatilsynet)	Questions and answers about new rules for the transfer of personal data to countries outside the EEA (in Norwegian)	Guidance noting the continued effectiveness of the two U.S. national security/surveillance laws cited in Schrems II : “Even if an approved transfer basis is used, these laws will mean that the level of protection in the transfer of personal data is not the same as in the EEA. In other words, it is absolutely decisive whether the data importer, the data importer's infrastructure or any subcontractors are subject to these or similar laws, and as a rule this will be the case.”
July 24, 2020	European Data Protection Board (EDPB)	Frequently Asked Questions on the judgment of the Court of Justice of the European Union in Case C-311/18	FAQs stating (inter alia): organizations relying on Privacy Shield do not have a grace period and transfers made in reliance in Privacy Shield are “illegal” and that the EDPB will provide guidance on additional protective measure to supplement the standard contractual clauses .
	Germany - Rheinland-Pfalz (State Commissioner for Data Protection and Freedom of Information in Rhineland-Palatinate)	FAQs on the ECJ ruling of July 16, 2020 (C-311/18), status: July 24, 2020	FAQs stating (inter alia): organizations relying on Privacy Shield must find an alternative transfer mechanism, there is no transition period, and whether or not standard contractual clauses can

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			be used for transfers of personal data to the USA is “under review”. “In the event that US security laws that conflict with EU data protection law are applicable to all data transfers from the EU to the USA, the level of protection in the USA as a whole cannot be regarded as equivalent to the level of protection prevailing in the EU. In this case, the standard contractual clauses, as they are formulated, do not constitute suitable guarantees for data transmission to the USA.”
July 23, 2020	Iceland (Data Protection Authority)	Statement (in Icelandic)	Statement summarizing Schrems II judgment .
July 21, 2020	Poland (Personal Data Protection Office)	Statement (in Polish and English)	Statement summarizing Schrems II judgment and noting in particular, with respect to standard contractual clauses , the need for controllers to conduct “an individual assessment of the level of protection afforded for such cross-border transfers, which must take into account not only the contractual provisions agreed between data exporters and importers, but also the laws in a third country ¹ , in particular those relating to possible access by the public authorities of that third country to the personal data transferred.”
July 20, 2020	Croatia (Personal Data Protection Agency)	Statement (in Croatian)	Statement summarizing Schrems II judgment and the statement issued by the EDPB from the EDPB’s 34th plenary session.
	Cyprus (Commissioner for Personal Data Protection)	Statement (in Greek)	Statement summarizing Schrems II judgment and emphasizing that organizations should allow cross-border transfers of personal data only if a “satisfactory level of protection” is provided and also should take additional protection measures where necessary.
	Denmark (Data Protection Agency)	Press Release (in Danish)	Press Release announcing Schrems II judgment .
	Lithuania (State Data Protection Inspectorate)	Press Release (in Lithuanian)	Press Release announcing Schrems II judgment .
	Netherlands (Dutch Data Protection Authority)	Press Release (in Dutch)	Press Release announcing Schrems II judgment .

¹ A “third country” means a country outside of the EEA.

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	Romania (National Authority for the Supervision of Personal Data Processing)	Press Release (in Romanian)	Press Release summarizing Schrems II judgment .
	Estonia (Data Protection Inspectorate)	Press Release (in Estonian)	Press Release summarizing Schrems II judgment , noting in particular that EU organizations must assess whether the standard contractual clauses ensure the protection of Europeans' personal data and advising that if such protection cannot be guaranteed, the transfer must be suspended or another appropriate safeguard must be found.
July 17, 2020	European Data Protection Board (EDPB)	EDPB Statement on the Court of Justice of the European Union Judgment in Case C-311/18 (in English)	Statement that (inter alia): <ul style="list-style-type: none"> • The EDPB will work with the European Commission and the U.S., to build “a new framework that fully complies with EU data protection law.” • When using standard contractual clauses, the data importer and exporter must assess whether the country to which data are sent offers adequate protection. If it does not, additional measures may be required. • Supervisory authorities must suspend or prohibit a transfer of data to a third country² pursuant to standard contractual clauses if the protection of the data transferred cannot be ensured.
	European Data Protection Supervisor (EDPS)	EDPS Statement following the Court of Justice ruling in Case C-311/18 (in English)	Statement that “The EDPS will continue to strive, as a member of the European Data Protection Board (EDPB), to achieve the necessary coherent approach among the European supervisory authorities ³ in the implementation of the EU framework for international transfers of personal data. [...] The EDPS notes that the Court, while in principle confirming the validity of

² *Id.*

³ A “supervisory authority” is an independent public authority appointed by an EU member state in accordance with the General Data Protection Regulation (“[GDPR](#)”) Art. 51 that is responsible for monitoring the application of GDPR.

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			<p>Standard Contractual Clauses (SCC), provided welcomed clarifications regarding the responsibilities of controllers and European DPAs to take into account the risks linked to the access to personal data by the public authorities of third countries.”</p>
	France (Commission Nationale de l'Informatique et des Libertés or CNIL)	Press Release (in English)	<p>Press Release announcing Schrems II judgment and noting in particular that “Beyond the summary shared by the CJEU in its press release, the CNIL is currently conducting a precise analysis of the judgment, together with its European counterparts assembled within the European Data Protection Board. This joint work aims at drawing conclusions as soon as possible on the consequences of the ruling for data transfers from the European Union to the United States.”</p>
	Germany – Berlin (Office of the Berlin Commissioner for Data Protection and Freedom of Information)	Press Release (in English)	<p>Press Release advising data controllers transferring personal data to the U.S. to immediately switch to service providers in the EU or a country providing appropriate data protection, particularly with regard to cloud services providers. The Press Release also cautions that data transfers to other countries including China, Russia and India may not be permissible.</p>
	Latvia (Data State Inspectorate)	Press Release (in Latvian and English)	<p>Press Release summarizing Schrems II judgment and the EDPB's response to the judgment.</p>
	UK Government	Statement	<p>Statement announcing Schrems II judgment and noting in particular that “The UK government is committed to ensuring high data protection standards and supporting UK organisations on international data transfer issues. It is disappointed that the EU’s adequacy decision for US Privacy Shield has been invalidated by the court in its judgment of 16th July 2020.”</p>
	European Commission	Press Release (in English)	<p>Press Release stating (inter alia) that the European Commission intends to modernize the</p>

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			standard contractual clauses and work with the U.S. to ensure safe transatlantic data flows.
	Czechoslovakia (Office for Personal Data Protection)	Statement (in Czech)	Statement announcing Schrems II judgment .
July 16, 2020 Reactions to Schrems II	Finland (Office of the Data Protection Officer)	Press Release (in Finnish)	Press Release announcing Schrems II judgment .
	Germany (The Federal Commissioner for Data Protection and Freedom of Information)	Press Release (in English)	Press Release stating (inter alia) that: <ul style="list-style-type: none"> • Personal data transfers to the U.S. require special safeguards. • EU supervisory authorities⁴ must evaluate for every processing operation whether the requirements of the CJEU's Schrems II judgment are met.
	Germany – Hamburg (Hamburg Commissioner for Data Protection and Freedom of Information)	Press Release (in German)	Press Release: <ul style="list-style-type: none"> • summarizing the Schrems II judgment; • opining that the CJEU's Schrems II judgment to maintain the standard contractual clauses as a valid method of transferring personal data is inconsistent with the reasoning behind the invalidation of Privacy Shield because the same concerns about surveillance by the U.S. government are applicable to data transferred pursuant to standard contractual clauses; and • stating that data protection authorities will have to evaluate international data transfers based on standard contractual clauses to the U.S., China, and post-Brexit UK.
	Germany - Rheinland-Pfalz (State Commissioner for Data Protection and Freedom of Information in Rhineland-Palatinate)	Press Release (in English)	Press Release <ul style="list-style-type: none"> • summarizing the Schrems II judgment • acknowledging challenges associated with transmitting personal data outside the EU, particularly to the U.S. and China; • stating that organizations can continue transfer personal data outside the EU on the basis of standard contractual clauses,

⁴ *Id.*

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			<p>provided that the transfer ensures; individuals' fundamental right to data protection.</p> <ul style="list-style-type: none"> noting that companies cannot free themselves from their audit obligations by using the standard contractual clauses; and emphasizing the importance of uniform application of the law and coordination by supervisory authorities.
	Germany – Thuringia (Thuringian State Commissioner for Data Protection and Freedom of Information)	Press Release (in German)	Press Release summarizing the Schrems II judgment and noting that the standard contractual clauses can continue to be used as mechanism to transfer personal data to the U.S., provided that certain conditions are met.
	Ireland (Data Protection Commission)	Press Release	Press Release summarizing the Schrems II judgment and noting that although the standard contractual clauses are still a valid transfer mechanism, “it is clear that, in practice, the application of the standard contractual clauses transfer mechanism to transfers of personal data to the United States is now questionable. The Press Release advises that this issue will “require further and careful examination” and “assessments will need to be made on a case by case basis.”
	Liechtenstein (Data Protection Office)	Press Release Guidance (both in German)	Press Release summarizing the Schrems II judgment . Guidance regarding international data transfers.
	Norway (Datatilsynet)	Press Release (in Norwegian)	Press Release summarizing the Schrems II judgment .
	Slovakia (Office for Personal Data Protection of the Slovak Republic)	Press Release (in Slovak)	Press Release announcing Schrems II judgment .
	Slovenia (Information Commissioner)	Press Release (in Slovenian)	Press Release summarizing the Schrems II judgment and noting that transfers of personal data to the U.S. are still possible using other transfer mechanisms, provided that appropriate safeguards are in place to ensure that individuals' fundamental privacy rights are protected.

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	Switzerland (Federal Data Protection and Information Commissioner)	Press Release (in English)	Press Release announcing Schrems II judgment .
	United Kingdom (Information Commissioner's Office)	Press Release	Press Release announcing the Schrems II judgment and stating, in part, that the Information Commissioner's Office "will work with UK Government and international agencies to ensure that global data flows may continue and that people's personal data is protected."
	U.S. State Department	Press Release	Press Release stating in part that: "[W]e are deeply disappointed that the Court of Justice of the European Union ("ECJ") has invalidated the EU-U.S. Privacy Shield framework . [...] The United States will continue to work closely with the EU to find a mechanism to enable the essential unimpeded commercial transfer of data from the EU to the United States."
	U.S. Department of Commerce	Press Release	Press Release stating in part that: "While the Department of Commerce is deeply disappointed that the court appears to have invalidated the European Commission's adequacy decision underlying the EU-U.S. Privacy Shield , we are still studying the decision to fully understand its practical impacts [...] We have been and will remain in close contact with the European Commission and European Data Protection Board on this matter and hope to be able to limit the negative consequences to the \$7.1 trillion transatlantic economic relationship that is so vital to our respective citizens, companies, and governments..."
July 16, 2020	Court of Justice of the European Union (CJEU)	Press Release: The Court of Justice invalidates Decision 2016/1250 on the adequacy of the protection provided by the EU-US Data Protection Shield (in English)	Press Release summarizing Schrems II judgment .
	Court of Justice of the European Union (CJEU)	Case C-311/18	Judgment invalidating the EU-U.S. Privacy Shield framework (inter alia) (" Schrems II ")

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December 19, 2019	Advocate General Saugmandsgaard ØE	Opinion of Advocate General in Case C-311/18	Opinion of Advocate General upholding the validity of the standard contractual clauses for the transfer of personal data to processors established in third countries under Directive 95/46/EC of the European Parliament and of the Council, as amended by GDPR .
October 23, 2019	European Commission	Press Release : EU-U.S. Privacy Shield: Third review welcomes progress while identifying steps for improvement	Press Release announcing the European Commission's third annual report on the functioning of the EU- U.S. Privacy Shield framework .
December 19, 2018	European Commission	Press Release : EU-U.S. Privacy Shield: Second review shows improvements but a permanent Ombudsperson should be nominated by 28 February 2019	Press Release announcing the European Commission's second annual report on the functioning of the EU- U.S. Privacy Shield framework .
October 17, 2017	European Commission	Press Release : EU-U.S. Privacy Shield: First review shows it works but implementation can be improved	Press Release announcing the European Commission's first annual report on the functioning of the EU- U.S. Privacy Shield framework .
July 12, 2016	European Commission	Press Release : European Commission launches EU-U.S. Privacy Shield: stronger protection for transatlantic data flows	Press Release announcing the European Commission's adequacy decision regarding personal information transferred to the U.S. pursuant to the U.S.- EU Privacy Shield framework .
February 2, 2016	European Commission	Press Release : EU Commission and United States agree on new framework for transatlantic data flows: EU-US Privacy Shield	Press Release announcing that the EU Commission and United States agreed on a new framework for transatlantic data flows: the EU-US Privacy Shield .
October 6, 2015	Court of Justice of the European Union (CJEU)	Case C-362/14 – Invalidation of Safe Harbor (“ Schrems I ”)	CJEU Judgment (inter alia) invalidating Safe Harbor (“ Schrems I ”).

* Translation based on Google Translate or similar automated translator

(Last updated August 11, 2020)