

Press Release - WP29 Review Team

First Annual Joint Review of the Privacy Shield

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On 12 July 2016¹, the European Commission adopted the EU-U.S. Privacy Shield adequacy decision (“Privacy Shield”). The Privacy Shield entrusts the Commission with the task to assess the findings of the adequacy decision, including on the basis of the factual information collected in the context of an Annual Joint Review².

The first annual Joint Review of the Privacy Shield took place on the 18 and 19 September 2017 in Washington DC.

8 representatives of the Article 29 Working Party, Commissioners as well as experts at staff level, were designated to be part of the WP29 Review Team that accompanied the Commission during this two-day meeting with U.S. authorities and companies.

A detailed agenda was prepared in advance. As stated in the opinions of the WP29 issued last year³, important concerns on both the commercial aspects and aspects relating to government access to personal data transferred under the Privacy Shield for the purposes of Law Enforcement and National Security had to be addressed. Both aspects were discussed and the WP29 Review Team was able to ask a wide range of questions to fulfill its factfinding mission.

The WP29 Review Team has collected information on the concrete operation and enforcement of the Privacy Shield, as well as on the evolution of the relevant legislation and case-law in the US. During this Plenary. These documents were reported to the WP29.

The Working Party, through its competent subgroups, will now analyze this information in order to assess the robustness of the Privacy Shield.

The Commission has started preparing its own report, in accordance with the adequacy decision⁴. The WP29 Review Team has been consulted on it but will provide only general and facts-based feedbacks reported, as the members of the WP29 Review Team cannot comment on the analysis and suggestions of the Commission before the Working Party 29 conducts its own analysis. This one is expected to be made public at the November Plenary.

¹ Commission Implementing Decision (EU) 2016/1250 of 12 July 2016 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequacy of the protection provided by the EU-U.S. Privacy Shield, OJ L 207, 1.8.2016, p.1.

² See recitals 145-149 and Article 4(4) of the decision.

³ See WP237 and WP238.

⁴ See recital 149