

Privacy & Data Protection

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- CJEU's ruling confirms possibility of parallel GDPR investigations, p.19
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UK receives adequacy status, with review after 4 years

On 28th June 2021, the European Commission adopted two decisions confirming the UK as an adequate jurisdiction for GDPR and Law Enforcement Directive purposes. The adoption of the decisions came just as the interim data transfer window under the Brexit Trade Agreement was due to expire on 30th June — just in time to allow the uninterrupted free flow of personal data from the EU to the UK.

The issue of international data transfers has been the main area of concern from a data protection perspective regarding

Brexit. Formal adoption of the decisions within the interim data transfer window means that organisations do not need to put in place additional transfer mechanisms, such as Standard Contractual Clauses, to legitimise the transfer of data from the EU to the UK.

For the first time, the adequacy decisions include a so-called sunset clause, which strictly limits their duration. The decisions will automatically expire four years after their entry into force (i.e. 27th June 2025). They will only be renewed if the UK continues to ensure an adequate level of data

protection from the EU's perspective. The Commission has stated it will continue to monitor the legal framework in the UK and could intervene at any point if the UK deviates from the level of protection currently in place.

This is particularly relevant because the UK announced it could revise its data protection framework for a more liberal approach in the coming months following recommendations made by a special taskforce commissioned by the prime minister. If the Commission

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EDPB releases final recommendations on supplementary measures

The European Data Protection Board has adopted a final version of its recommendations on supplementary measures for the purposes of legitimising data transfers following the *Schrems II* judgment.

Although the recommendations are not binding, they reflect the interpretative understanding of the law by the EU Supervisory Authorities, and are there-

fore likely to be reflected in enforcement action.

The first version of the recommendations was issued for consultation in November 2020.

The final recommendations retain the six step approach outlined in the draft recommendations to considering proposed data transfers, which form a 'transfer impact assessment'.

The six steps are: know your transfers; verify the data transfer mechanism; assess the law or practice of the third country to ensure that it does not impinge on the effectiveness of the transfer mechanism identified as part of step 2; identify supplementary measures to address the deficiencies identified as part of step 3, if necessary; and

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