



The EU-U.S. Privacy Shield Framework FAQs

Q. What changed since the Privacy Shield Framework was announced in February?

- Over the past several months, the Department of Commerce and other U.S. Government agencies have worked closely with the European Commission to address the key issues raised by European Data Protection Authorities (DPAs) to make sure that the Framework is durable and can withstand a court challenge.
- The Privacy Shield Framework now addresses the issues that the DPAs themselves prioritized - bulk collection, the independence of the Ombudsperson, and the addition of an explicit data retention principle.

Q. When and how can companies join the Privacy Shield?

- Commerce will allow companies time to review the Framework and update their compliance programs and will begin accepting certifications to the Privacy Shield on August 1.
- For companies interested in joining the Framework, the Privacy Shield Principles and the accompanying letters from the International Trade Administration and Federal Trade Commission, which provide information regarding the oversight, administration and enforcement of the Framework, are the key components on which to focus, since companies joining the Framework will make an enforceable commitment to the Principles.
- To help companies prepare for the certification process, Commerce has released a “Guide to Self-Certification,” which is available at [commerce.gov/privacyshield](https://www.commerce.gov/privacyshield).
- Commerce’s Privacy Shield team will also conduct industry briefings to provide additional information about the certification process and answer companies’ questions as they prepare to certify.

Q. Can companies register with independent recourse mechanisms prior to August 1?

- Yes. As explained in the Framework, companies will need to identify an independent dispute resolution provider prior to self-certifying to the Privacy Shield and will need to register with that provider where required. Given this sequencing, private sector dispute resolution providers may enable companies to register through their programs prior to August 1.

Q. Is this a treaty?

- No. The Privacy Shield is a framework designed by the U.S. Department of Commerce and European Commission to provide companies on both sides of the Atlantic with a mechanism to comply with EU data protection requirements when transferring personal data from the European Union to the United States in support of transatlantic commerce.
- The Privacy Shield Framework has now been recognized as adequate for this purpose under EU law.
- The Framework consists of the following components.
 1. The Privacy Shield Principles: A code of conduct outlining protections for the handling of personal data transferred from the EU to the United States to which U.S.-based companies can make an enforceable commitment under U.S. law.
 2. Oversight and Enforcement: Letters signed at the highest level across all relevant U.S. Government Agencies outlining how the Framework will be administered and enforced.
 3. Ombudsperson Mechanism: A new mechanism to facilitate the processing of requests relating to national security access to data transmitted from the EU to the United States.
 4. Safeguards and Limitations: Letters from the Office of the Director of National Intelligence and Department of Justice describing the safeguards and limitations that apply to national security and law enforcement access to data.

Q. What does adoption of the Privacy Shield mean for EU individuals?

- The Privacy Shield Framework provides a set of robust and enforceable protections for the personal data of EU individuals.
- The Framework requires transparency regarding how participating companies use personal data, provides strong U.S. government oversight, and increases cooperation with EU data protection authorities (DPAs).
- The Privacy Shield Framework offers EU individuals access to multiple avenues to address any concerns regarding participants' compliance with the Framework, including free dispute resolution.
- The Framework ensures a continuing level of protection consistent with Privacy Shield Principles when personal data collected under the Framework is transferred to third parties.
- The Framework also makes it easier for EU individuals to understand and exercise their rights.