

---

## EU-US Privacy Shield data exchange deal: US must comply by 1 September, say MEPs

- EU-US deal on transfer of personal data does not provide enough protection
- MEPs say deal must be suspended if US fails to comply in full by 1 September 2018
- The Facebook-Cambridge Analytica data breach showed limits in the protection

### **The Civil Liberties Committee calls on the Commission to suspend the EU-US Privacy Shield since it fails to provide enough data protection for EU citizens.**

The data exchange deal should be suspended unless the US complies with it by 1 September 2018, say MEPs, adding that the deal should remain suspended until the US authorities comply with its terms in full.

### **Data breaches and the Privacy Shield**

Following the Facebook-Cambridge Analytica data breach, Civil Liberties MEPs emphasize the need for better monitoring of the agreement, given that both companies are certified under the Privacy Shield.

MEPs call on the US authorities to act upon such revelations without delay and if needed, to remove companies that have misused personal data from the Privacy Shield list. EU authorities should also investigate such cases and if appropriate, suspend or ban data transfers under the Privacy Shield, they add.

### **Concern over new US law**

MEPs are also worried about the recent adoption of the Clarifying Lawful Overseas Use of Data Act (CLOUD Act), a US law that grants the US and foreign police access to personal data across borders.

They point out that the US law could have serious implications for the EU and it could conflict EU data protection laws.

### Quotes

Civil Liberties Committee Chair and rapporteur [Claude Moraes](#) (S&D, UK) said: "The LIBE committee today adopted a clear position on the EU US Privacy Shield agreement. While progress has been made to improve on the Safe Harbor agreement, the Privacy Shield in its current form does not provide the adequate level of protection required by EU data protection law and the EU Charter. It is therefore up to the US authorities to effectively follow the terms of the agreement and for the Commission to take measures to ensure that it will fully comply with the GDPR."

### Next steps

The resolution was passed by 29 votes to 25, with 3 abstentions. The full House is expected to vote on the text in July.

### Background

The Privacy Shield is an agreement between the US and the EU allowing US companies considered to have an adequate level of data protection to transfer personal data from EU to the US.

The EU-US Privacy Shield is the successor to the 2000 Safe Harbour framework, which was invalidated by an EU Court of Justice ruling from October 2015 that did not consider the agreement strict enough on data protection for EU citizens. The EU Commission responded by negotiating the new Privacy Shield arrangement to ensure “adequate” protection of personal data transferred and stored by companies in the US.

This new framework for EU-US data transfers was adopted in July 2016.

### Further information

[Draft motion for a resolution on the adequacy of the protection afforded by the EU-U.S. Privacy Shield](#)

[Report from the Commission on the first annual review of the functioning of the EU-U.S. Privacy Shield](#)

[Data Privacy Shield: MEPs alarmed at undermining of privacy safeguards in the US \(press release April 2017\)](#)

[EP research: From Safe Harbour to Privacy Shield \(January 2017\)](#)

### Contacts

---

Iina LIETZÉN

Press Officer

☎ (+32) 2 28 40731 (BXL)

☎ (+33) 3 881 73472 (STR)

📱 (+32) 47 088 3910

🐦 [@EP\\_Justice](#)

✉ [iina.lietzen@europarl.europa.eu](mailto:iina.lietzen@europarl.europa.eu)

---