

**Question for written answer E-004472/2020
to the Commission**

Rule 138

Sophia in 't Veld (Renew)

Subject: Review of the EU-US data protection umbrella agreement

On 1 February 2017, the EU-US data protection umbrella agreement entered into force. The agreement was intended to improve protection of personal data relating to the prevention, investigation, detection, and prosecution of criminal offences ¹. Article 23 of the agreement requires the Commission and the US Government to conduct an initial joint review no later than three years after it enters into force.

1. Considering that the first joint review was due by 1 February 2020, when will the Commission make the findings of this review public?
2. Can it explicitly confirm that the umbrella agreement guarantees effective judicial redress for all EU citizens in the context of the EU-US Passenger Name Records Agreement and the Terrorist Finance Tracking Programme, and can it provide evidence that the exemptions on these data sets from judicial redress rights have been fully removed by the US ² ?
3. What are the implications of the invalidation of the EU-US Privacy Shield and the increased pressure on cloud providers falling under FISA 702 and transferring data using standard contractual clauses for the right of judicial redress, considering that the US explicitly only grants this right to citizens of designated countries that permit data transfers to the US for commercial purposes?

¹ Agreement between the US and the EU on the protection of personal information relating to the prevention, investigation, detection, and prosecution of criminal offences.

² In its March 2016 written answers to the Committee on Civil Liberties, Justice and Home Affairs, the Commission stated that 'the U.S. would be bound, in order to implement [the Umbrella Agreement], to remove from their legal system all exemptions which would go against the obligations of the Agreement. [...] the DHS also has the power to abrogate this exemption (without the need for any legislative action by the U.S. Congress) and it will be obliged to do so under the Umbrella Agreement'.