

**Question for written answer E-000166/2024  
to the Commission**

Rule 138

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**Subject:** Does the proposed reform and reauthorisation of the Foreign Intelligence Surveillance Act cast a doubt over the Commission having signed the Data Privacy Framework?

On 28 February 2023, the European Data Protection Board (EDPB) questioned the US's ability to protect Europeans' personal data<sup>1</sup>. However, on 22 December 2023, Section 702 of the FISA<sup>2</sup>, which allows US intelligence agencies to access Europeans' emails and telephone conversations<sup>3</sup>, was extended until the end of April 2024. Furthermore, Section 504 of one of the draft reforms of the text<sup>4</sup> – the FRRA<sup>5</sup> – proposes to extend the scope of this law<sup>6</sup>. It sets out to expand the list of companies that can be drafted into US agencies' service and include cross connects. Data centres (subject to US law) would also be made to install interception modules.

All of this contradicts the EUCS<sup>7</sup>, currently under negotiation<sup>8</sup>, under which the Commission wants cloud providers to be required to demonstrate legal immunity from foreign jurisdictions.

The Commission had signed the DPF<sup>9</sup>, an agreement on data between the US and Europe<sup>10</sup>, on the basis that the FISA was going to be less far-reaching.

1. What does the Commission make of this development?
2. Does it see an urgent need to review the DPF?

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<sup>1</sup> 'Opinion 5/2023 on the European Commission Draft Implementing Decision on the adequate protection of personal data under the EU-US Data Privacy Framework', *EDPB*, 28 February 2023.

<sup>2</sup> Foreign Intelligence Surveillance Act.

<sup>3</sup> 'The Spy Law That Big Tech Wants to Limit', *Bloomberg*, 22 March 2023.

<sup>4</sup> 'H.R.6611 - FISA Reform and Reauthorization Act of 2023', US Congress.

<sup>5</sup> FISA Reform and Reauthorization Act.

<sup>6</sup> 'The FISA Reform and Reauthorization Act: A Wolf in Sheep's Clothing', *TechPolicy.press*, 12 December 2023.

<sup>7</sup> European Cybersecurity Certification Scheme for Cloud Services.

<sup>8</sup> 'EU cloud scheme slightly tones down sovereignty requirements', *Euractiv*, 22 November 2023.

<sup>9</sup> Data Privacy Framework.

<sup>10</sup> 'Data Protection: European Commission adopts new adequacy decision for safe and trusted EU-US data flows', Commission, 10 July 2023.