

International Transfers



DOES THIS AFFECT YOU?

Most organisations will be transferring personal data to third countries in some form. Whether it's making intragroup transfers to parent companies, through the use of cloud service providers, or allowing remote access from third countries, in our increasingly global world, it will be the rule rather than the exception that personal data leaves the UK and EU borders. In 2020, The landmark case of Schrems II brought data transfers into sharp focus and since this case we have had a plethora of case law, guidance and new transfer agreements to understand and implement.

HOW DOES IT AFFECT YOU?

In practice, this means that before undertaking any transfer of personal data from the EU or UK to a third country which has not been granted an adequacy decision by the EU or UK you will need to:

- incorporate into new/existing contracts, the new EU standard contractual clauses or the UK's IDTA/Addendum as applicable;
- undertake a transfer risk assessment; essentially assessing the laws and practices of the country to which personal data is being sent; and
- implement supplementary measures (technical, organisational and/or contractual in nature) to address any risks identified.

Organisations can no longer simply append standard contractual clauses to a contract; instead any data transfer and the laws of the recipient country must be thoroughly scrutinised and assessed before proceeding. The enormity of these compliance measures cannot be overstated.

WHY ASHURST?

- **MARKET LEADING EXPERTISE** advising the world's leading businesses on their international transfers compliance projects;
- **TEAM OF PRIVACY EXPERTS ACROSS THE WORLD** and network of overseas data protection counsel which enables us to advise on data transfers to all jurisdictions;
- **ABILITY TO PRODUCE BESPOKE JURISDICTIONAL RISK ASSESSMENT** – We have created template jurisdictional risk assessments for key/high risk jurisdictions which we are happy to share and tailor for the particulars of your transfers (i.e. type of industry, type of data importer and types of personal data);
- We have our own **IN-HOUSE STANDARD CONTRACTUAL CLAUSES GENERATOR**;
- We can provide a **FULLY TAILORED AND BESPOKE PACKAGE TO MEET YOUR NEEDS**, flexing up or down as needed.

HOW CAN WE HELP?

Our dedicated data protection practice can help you navigate this new area of data protection law and work with you to map out your international data transfers compliance project by providing a fully tailored and bespoke package to meet your needs, flexing up or down as needed. This could take the form of providing a full end to end international data transfers compliance offering or working with you on discrete aspects. If you would like to discuss how we could support you or if you would like to discuss what the impact of data transfers means for your organisation, please contact us.

OUR EXPERTISE

Our dedicated data protection practice has successfully advised multiple clients

A FTSE 100 company

in relation to their risk appetite for international transfers, helping them form a strategy which meets their own risk tolerance

A UK insurer

on the scope of its international data transfers compliance project and providing strategic advice on its approach to categorisation of data transfer assessments

A global software testing company

in relation to its compliance with European data protection laws and an intra-group international data sharing agreement

A leading challenger bank

in relation to a data transfer impact assessment involving the supplier's Indian affiliate having access to over 200,000 customer records. Based on our assessment, we were able to introduce a number of supplementary measures to manage the potential risks around the transfer from the UK to India

A British multinational consumer goods company

in relation to its data protection compliance programme, including providing advice in respect of international transfers following Brexit

A global insurance and reinsurance company

supporting on all aspects of its international data transfers compliance project by acting as an extension of its Legal/Privacy team. This resulted in various workstreams ranging from the creation and operationalisation of a TIA template to defining the client's risk profile and methodology, and determining onwards transfers strategy

A leading global investor

in relation to the data protection provisions in various fund documents and the provision of advice relating to international transfers of personal data

An international petroleum provider

in relation to data protection advice on the rolling out of personnel administration system and related employee data transfer issues

An American growth equity firm

in relation to international transfer safe guards and drafting group wide standard contractual clauses

KEY CONTACTS



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Rhiannon "has an incredible depth of knowledge and is extremely adept at applying technical legal knowledge to commercial situations".

CHAMBERS AND PARTNERS, 2021

Andreas provides "very hands-on and pragmatic" advice.

CHAMBERS AND PARTNERS, 2021



TMT Team of the Year
BRITISH LEGAL AWARDS 2021

Law Firm of the Year
BRITISH LEGAL AWARDS 2019

"Advice on governance has been absolutely outstanding; they've been extremely critical to our success."

CHAMBERS AND PARTNERS UK