

Submission to edpb concerning clarification regarding Data Transfers

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There is one case that we considered an 'international data transfer' when I was still working for a bank. This is the case:

Data is physically stored and processed in the data center of the bank. However, the analysts or administrators that are accessing the data for their daily work, e.g. trouble-shooting, debugging, etc. are physically located in countries outside the 'GDPR-area', e.g. Indonesia Bali for remote working or India.

The access can either be from staff members of the bank or from staff members of another service provider that offers this type of work. The technical access is via encrypted connections, either by VPN into the bank network or HTTPS-access to a system like a Citrix-Server (operated by the bank, within the bank network).

Technically, such access requires the data to be transferred from the bank network to the PC of the administrator in order for the data to be displayed on the screen. Typically, not the complete database content is transferred, but only the single records that need to be considered for the specific work case.

Does this technical data transfer constitute a data transfer according to the GDPR? Reading the clarification text, I assume not, but maybe such cases should be explicitly mentioned. I assume that style of work becomes less and less uncommon as more work is out-sourced or remote working is done from 'warmer countries'.