

I very much appreciate the the opportunity to comment on the European Data Protection Board (EDPB) 05/2021 on the Interplay between the application of Article 3 and the provisions on international transfers as per Chapter V of the GDPR (“Guidelines”). I have followed the recent developments on the international transfers with much curiosity and eager.

Turning to the Guidelines themselves, although I (and many other I am certain) particularly appreciate the clarification in relation to the ‘non-exhaustive’ list of appropriate Technical and Organizational measures which will be sufficient (in the view of EDPB representatives) to effectively protect personal data transferred to ‘inadequate’ jurisdictions when those transfers are also covered by the Standard Contractual Clauses, the general public would find elaboration of any additional measures considered similarly appropriate very helpful when deciding between hosting services as for many services out there, neither end to end encryption nor pseudonymization are appropriate. Clarification as to whether there are technical measures which the EDPB would deem to be appropriate, and where the data subject remains identifiable when data is hosted in an inadequate jurisdiction (such as the USA) would be immensely helpful.

Furthermore, with regards of the Example 5, it would be advisable to make a further clarification (even if the title of the example states it is a business trip) that such access should be temporary and limited in time. Otherwise, it can be interpreted in such a way that long term secondments or semi-permanent reallocations are also falling under this category.

Many thanks for your attention.

Best regards