

Workday Submission on the European Data Protection Board's Draft Recommendations on Binding Corporate Rules for Processors

[Workday](#), the AI platform for managing people, money, and agents, submits the following feedback to the European Data Protection Board (EDPB) regarding the draft Recommendations 1/2026 on the application for approval and the elements and principles of Binding Corporate Rules for Processors (BCR-P). Please contact Barbara Cosgrove at barbara.cosgrove@workday.com if you would like further information.

Introduction

Workday views the BCR-P as a critical instrument in the global data protection toolkit. Currently, Workday maintains a multi-layered approach to international transfers: we certify to the EU-U.S. Data Privacy Framework (DPF) and systematically enter into Standard Contractual Clauses (SCCs) with our customers to provide legal certainty. The availability of scalable, high-standard transfer mechanisms are essential to global services. Standardised tools like BCR-Ps, when applied appropriately, significantly reduce administrative friction and costs for businesses while strengthening foundational principles like Accountability and Transparency. Workday welcomes the EDPB's efforts to modernise the BCR-P framework; however, we have concerns regarding proposed changes that may undermine the practical utility of BCR-Ps as a "gold standard" for international data transfers and elevate formal sequencing over substantive safeguards, introducing administrative burden and documentation costs without a clear demonstrable increase in data protection.

Scope of BCR-P (Section 1.2)

Workday highlights the following potential challenges stemming from Paragraph 6 of the draft Recommendations, which indicates that BCR-Ps are unsuitable for covering initial transfers from an external controller to a processor member of the BCR-P group located in a third country.

- **Departure from Established Practice:** This represents a significant shift from long-standing guidance¹ by the Article 29 Working Party, which explicitly recognized BCR-Ps as covering data received from an external EU controller.
- **Redundant "Two-Tier" Framework:** Excluding initial transfers forces organisations to implement a redundant second mechanism (such as Standard Contractual Clauses) for the first leg of a transfer, while relying on BCR-Ps only for subsequent intra-group operations. Requiring a separate transfer tool, such as SCCs, for the initial leg of a transfer, while relying on BCR-Ps only for subsequent intra-group processing, creates a redundant "two-tier" framework. It also does not strengthen the level of protection afforded to data subjects, as BCR-Ps already embody comprehensive, binding, and enforceable commitments subject to rigorous regulatory scrutiny.

¹Working Document on Binding Corporate Rules for Processors
<https://ec.europa.eu/newsroom/article29/items/614110>

- **Undermining the "Gold Standard"**: Suggesting that EDPB-approved BCRs, the most heavily audited transfer mechanism, are insufficient for an initial transfer risks weakening the perceived value and coherence of the entire BCR framework. We believe BCR-Ps represent a uniquely robust, accountability-based framework, and are concerned that if BCR-Ps are relegated to a secondary, intra-group-only mechanism, the significant resources required to obtain and maintain them will no longer be justifiable for many organisations, discouraging the adoption of this tool.

We urge the EDPB to clarify that approved BCR-Ps may cover initial transfers from external controllers to group members in third countries, provided Article 47 GDPR requirements are met.

Proportionality in Audit Governance (Section 3.3.1)

While Workday supports robust oversight, the requirement in Section 3.3.1 to systematically communicate audit results to the board of the liable BCR member and the ultimate parent entity risks creating unnecessary administrative burden. Mandatory board-level reporting for every audit, including those with no significant findings, can lead to information overload. This limits a board's ability to focus on strategic risks or serious deviations.

We recommend the EDPB adopt a more proportionate, risk-based approach where escalation is determined by the severity, scope, and recurrence of audit findings. This aligns with established GDPR accountability requirements and allows compliance functions to remediate lower-risk findings efficiently.