
PRIVACY SHIELD FORCED US TO BE 'TRANSPARENT' ABOUT INTELLIGENCE AGENCIES

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13.07.2016

12.07.2016

EurActiv

The controversial Privacy Shield agreement, which was signed today (12 July), forced the United States to be unusually transparent about the operations of its intelligence agencies, a top American official has claimed.

The European Commission inked the controversial Privacy Shield agreement for data transfers to the US today. Companies will be able to sign onto the deal starting 1 August.

US Secretary of Commerce Penny Pritzker and EU Justice Commissioner Věra Jourová defended the new agreement against criticism that it won't stand up in court.

Privacy Shield took months of negotiations and was blasted by EU privacy watchdogs for having shoddy data protection safeguards.

Pritzker told journalists in Brussels that the US government bent over backwards to meet the EU's demands for a stricter deal, including a guarantee that if personal data is collected in bulk once it's transferred to the US, it can't be mass or indiscriminate.

It's quite unusual how transparent we're being in terms of how our intelligence communities operate, Pritzker said.

Under an Obama administration directive, bulk collection of data is only allowed in six cases, although critics argue they're loosely defined. They include cases of terrorism, cybersecurity and espionage.

National diplomats voted to approve the deal last Friday, although four countries abstained.

Critics of Privacy Shield say the agreement won't stand up in court and is likely to land at the European Court of Justice (ECJ) again, like its predecessor, the Safe Harbour argument. Safe Harbour was ruled illegal by an ECJ decision last October.

Companies will be able to sign up to Privacy Shield. More than 4,000 companies used Safe Harbour to transfer data to the US and switched to other legal agreements after October's decision, including model contract clauses and binding corporate rules.

Google has already announced it would use Privacy Shield once it's up and running.

National privacy watchdogs will meet 25 July in Brussels to agree on how they'll enforce the new deal.

Once the United Kingdom leaves the EU, it will also have to negotiate a similar arrangement in order for companies to continue transferring data from the bloc.

Jourová told reporters today that it was still early to say whether the EU would give the UK such a deal, which would guarantee that its data protection laws meet EU standards.

The UK data protection office said British companies will still need to respect the sweeping new EU data protection regulation set to go into effect in 2018, but the UK government will decide whether or not to enforce the law after it leaves the EU.

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