

Transfers of Information outside the UK When can personal data be transferred outside the European Union?

Personal data may only be transferred outside of the EU in compliance with the conditions for transfer set out in Chapter V of the GDPR.

You may transfer personal data where the organisation receiving the personal data has provided adequate safeguards. Individuals' rights must be enforceable and effective legal remedies for individuals must be available following the transfer.

Adequate safeguards may be provided for by:

- a legally binding agreement between public authorities or bodies;
- binding corporate rules (agreements governing transfers made between organisations within in a corporate group);
- standard data protection clauses in the form of template transfer clauses adopted by the Commission;
- standard data protection clauses in the form of template transfer clauses adopted by a supervisory authority and approved by the Commission;
- compliance with an approved code of conduct approved by a supervisory authority;
- certification under an approved certification mechanism as provided for in the GDPR;
- contractual clauses agreed authorised by the competent supervisory authority; or
- provisions inserted into administrative arrangements between public authorities or bodies authorised by the competent supervisory authority.

The EEA is made up of the 27 EU Member States, which are currently:

Austria	Belgium	Bulgaria	Cyprus	
Czech Republic		Croatia		
Denmark	Estonia	Finland	France	Germany
Greece	Hungary	Ireland	Italy	Latvia
Lithuania	Luxembourg	Malta	Netherlands	Poland
Portugal	Romania	Slovakia	Slovenia	Spain
Sweden				

Plus Iceland, Liechtenstein and Norway

Countries outside the EEA, known as **third countries**, currently deemed to have an adequate level of protection for personal data are,

Argentina	Canada	Guernsey	Switzerland	Isle of Man
United Kingdom (EU Exit)				

As of yet, the **United States** does not have any centralized, formal **legislation** at the federal level regarding this issue, and state legislation varies. Any transfer of data to the US must be risk assessed.

Department of Health guidelines

In the case of person-identifiable data, regard must be paid to the guidelines issued by the Department of Health. This requires that such information is **NOT** transferred outside of the UK unless appropriate assessment of risk has been undertaken and mitigating controls put in place.

Important: The Trust must also consider the other Data Protection Principles before making an overseas transfer of person-identifiable data.

SAMPLE ONLY