

Trans-Atlantic Data Privacy Framework

The Executive Order signed by President Biden marks an important step towards the implementation of the new Trans-Atlantic Data Privacy Framework

On March 25, 2022, the United States and the European Commission announced an agreement in principle on a new Trans-Atlantic Data Privacy Framework (“Framework”). The Framework provides a means by which personal data can flow freely between the EU and participating US companies. The Framework seeks to address privacy concerns adjudicated by the Court of Justice of the EU in the July 2020 *Schrems II* decision, which led to the invalidation of the Privacy Shield frameworks. Following the announcement, the US and EU indicated that this agreement in principle will next be translated into legally valid documents.

On October 7, 2022, [President Biden signed an Executive Order \(E.O.\)](#) on Enhancing Safeguards for United States Signals Intelligence Activities, designed to implement the commitments undertaken by the U.S. government under the Trans-Atlantic Data Privacy Framework.

Consistent with equivalent EU standards, the Executive Order seeks to add additional safeguards to the collection of data for U.S. intelligence activities, including a requirement that such activities should only be conducted where “necessary and proportionate”. It also creates new legal redress mechanisms for EU and other individuals, including a first line review with a Civil Liberties Protection Officer and a second line review with a Data Protection Review Court with binding enforcement powers. Importantly, these additional safeguards will also be available for other EU data transfer mechanisms, such as Binding Corporate Rules (BCRs) and Standard Contractual Clauses (SCCs).

Oracle welcomes these developments and will continue to monitor the progress made by the European Commission to initiate the process for a new EU-U.S. adequacy decision. Please note that Oracle has and continues to rely on appropriate data transfer safeguards such as its Binding Corporate Rules for Processors (BCR-p) and Standard Contractual Clauses, where and as applicable to transfers of EU/EEA, Swiss and UK personal data.