

Commission Reviewed Adequacy Decisions under Data Protection Directive

News

Anna Pingen

On 15 January 2024, the Commission published its [review](#) of 11 existing adequacy decisions. The Commission's report marks the first assessment of the functioning of adequacy decisions for eleven countries and territories (Andorra, Argentina, Canada for commercial operators, Faroe Islands, Guernsey, Isle of Man, Israel, Jersey, New Zealand, Switzerland, and Uruguay). These adequacy decisions were adopted under Art. 25(6) of Directive 95/46/EC (the Data Protection Directive) and retained after the General Data Protection Regulation (GDPR) came into effect. They are now recognized as "living instruments" requiring ongoing monitoring and periodic reviews every four years to ensure continued compliance with EU standards.

The Commission finds that personal data transferred from the European Union to these eleven countries or territories continues to benefit from adequate data protection safeguards; therefore, the adequacy decisions adopted for them remain in place and data can continue to flow freely to these jurisdictions. The review further establishes that the data protection frameworks in these countries and territories have further converged with the EU's framework. As to government access to personal data, the review observed that the law of these countries or territories imposes appropriate safeguards and limitations and provides oversight and redress mechanisms in this area.

The report underscores the growing importance of adequacy decisions in the digital age, where data flows are crucial for the digital transformation of society and the global economy. Adequacy decisions ensure safe data flows that respect individual rights and promote convergence between privacy systems, thus facilitating commercial operations and international cooperation. They are particularly beneficial for small and medium enterprises in that they simplify compliance with GDPR transfer requirements.

The Commission plans to hold a high-level meeting with the relevant authorities in each of the countries and territories concerned in 2024. The objective is to enhance the dialogue between them by exchanging information and experiences.

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