



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL JUSTICE, FREEDOM AND SECURITY

Directorate C : Civil justice, rights and citizenship  
**Unit C5 : Data protection**

**Notifications under Article 26(3) of Directive 95/46/EC (cut-off date: 31.05.2007)**

The majority of authorisations contained in DG JLS folders begin in the year of 2002. Only the folders concerning Portugal, Spain, Greece and Finland contain a few authorisations with prior dates, beginning in the year of 1999.

Not more than 10 out of 27 Member States have notified authorisations. The destination countries most frequently are the USA, India and South Africa.

The means used to adduce adequate level of protection are mainly Standard Contractual Clauses. The model of Standard Contractual Clauses of the decision of 2002/16/EC is used predominantly. The predominant purposes of the notified transfers indicated are management of human resources and management of costumers, clients and suppliers.

*Notifying Member State / Authorising body / Language / Format*

<b>Notifying Member State</b>	<b>Authorising body</b>	<b>Language</b>	<b>Format</b>
Belgium	Commission de la protection de la vie privée	French	Letter
Bulgaria	./.		
Czech Republic	./.		
Denmark	Data Protection Agency	English	Letter

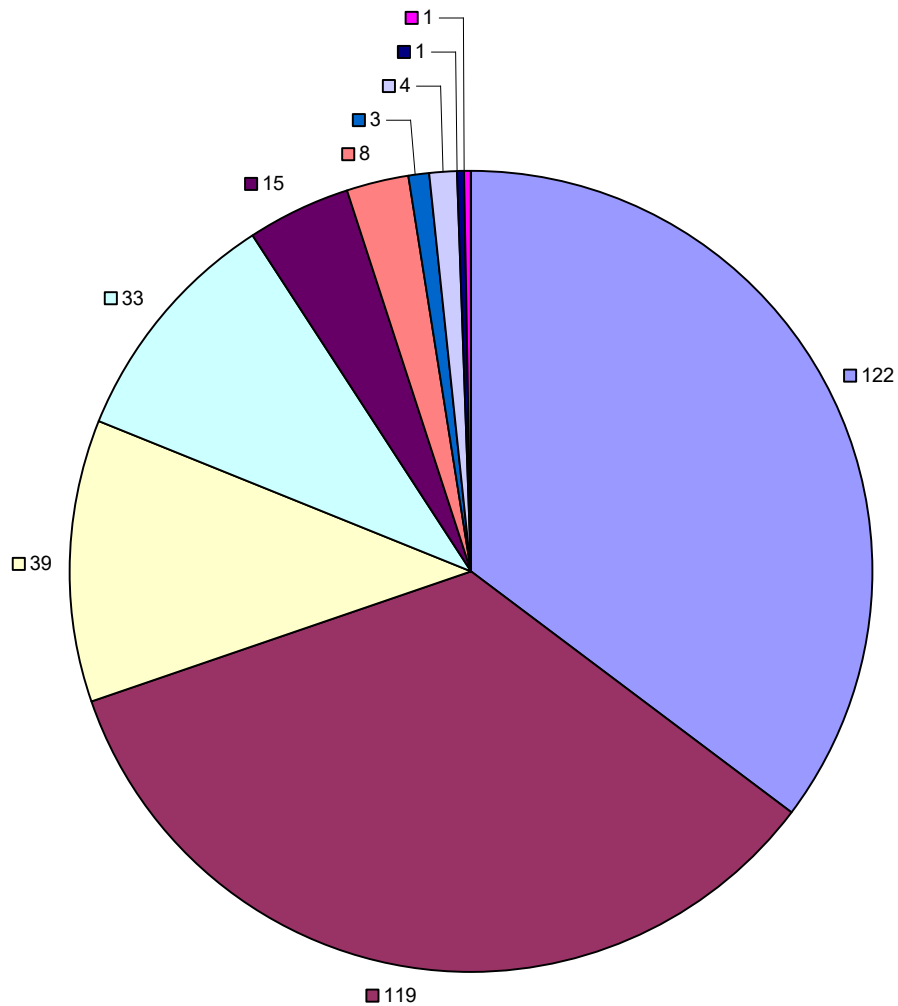
Germany	DPA NRW 24x Regierungspräsidium Darmstadt 6x DPA Schleswig-Holstein 3x DPA Berlin 3x Federal DPA 1x Regierung Mittelfranken 1x	German	Letter
Estonia	./.		
Ireland	./.		
Greece	Hellenic Data Protection Authority	Greek	Letter
Spain	Agencia Española de protección de datos	Spanish	Letter
France	./.		
Italy	./.		
Cyprus	./.		
Latvia	./.		
Lithuania	./.		
Luxembourg	./.		
Hungary	./.		
Malta	./.		
Netherlands	Ministry of Justice	Dutch	Letter
Austria	Datenschutzkommission	German	Letter 20x E-mail 13x
Poland	./.		
Portugal	Comissão Nacional de Protecção de Dados	Portuguese	Letter
Romania	./.		
Slovenia	Informacijski pooblaščenec	English and Slovene	Letter 1x E-mail 2x
Slovakia	./.		
Finland	Data Protection Ombudsman	Finnish	Letter
Sweden	./.		
United Kingdom	./.		

*Notifying Member State / Number of notifications / Destination country / Miscellaneous*

<b>Notifying Member State</b>	<b>Number of notifications</b>	<b>Destination country</b>	<b>Miscellaneous</b>
Belgium	1	USA 1x	
Denmark	1	Multiple third countries – worldwide subsidiaries and affiliates of SAP	

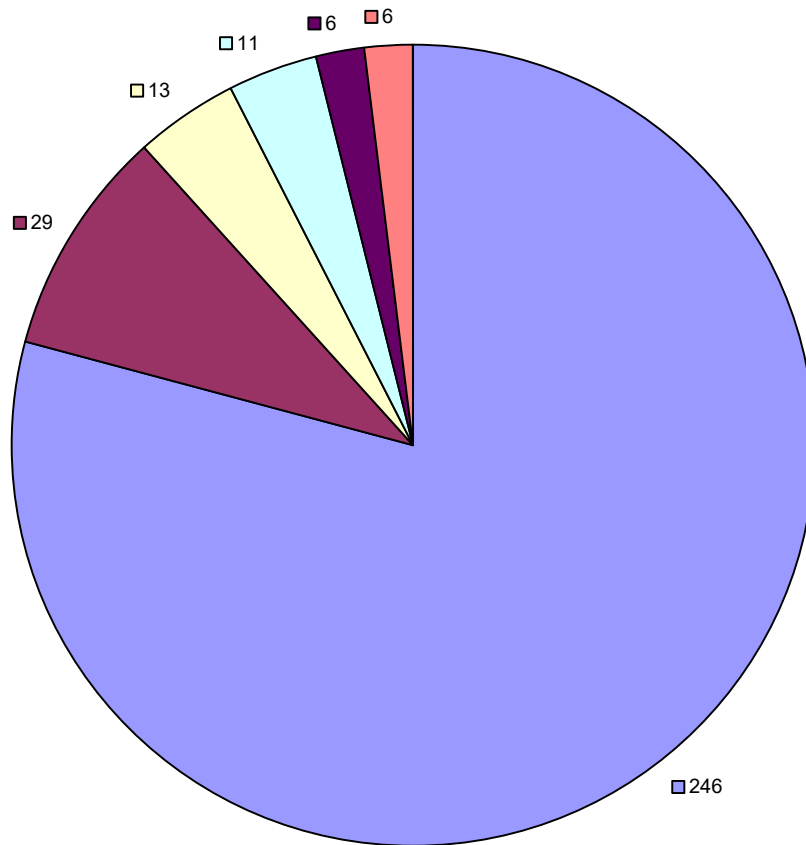
Germany	39	USA	38x	- assumes that the Commission informs the other Member States of their notified authorisations
Greece	15	USA Switzerland	10x 2x	
Spain	122	USA Chile India Morocco Philippines Peru	76x 11x 6x 6x 4x 4x	
Netherlands	119	USA India South Africa Turkey	91x 15x 13x 5x	- designed an "Application form for a permit" which is in my opinion very useful to check the content of the authorised transfer without going through the entire contract - transmitted documents are always clearly arranged
Austria	32	USA India Brazil	22x 7x 3x	
Portugal	4	USA India	3x 1x	
Slovenia	3	USA Turkey	2x 1x	
Finland	8	Estonia USA Australia	4x 3x 1x	

## Notifying Member States



Spain	Netherlands	Germany	Austria	Greece
Finland	Slovenia	Portugal	Denmark	Belgium

## Main destination countries

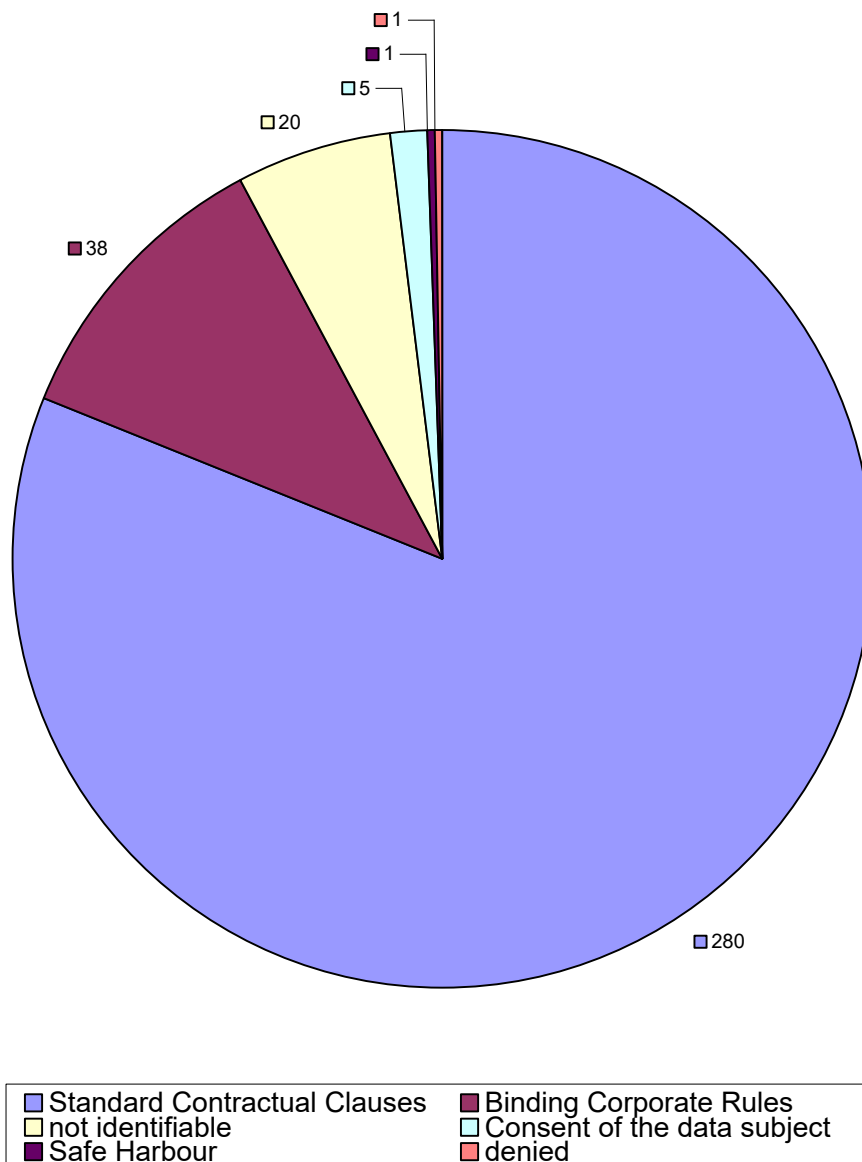


USA India South Africa Chile Morocco Turkey

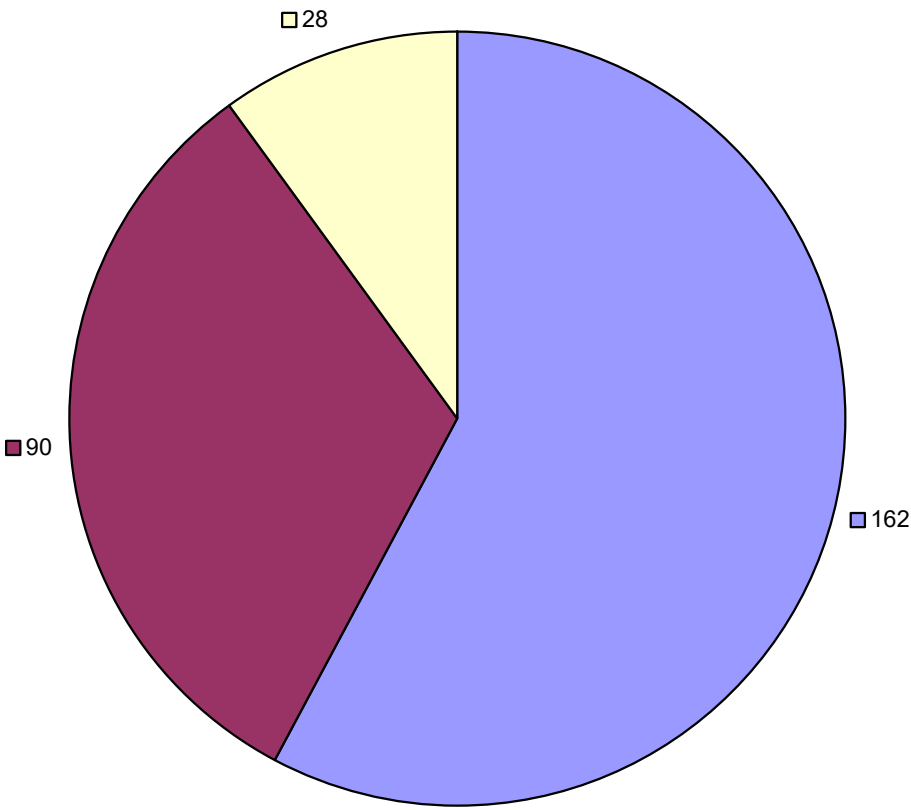
*Notifying Member State / Means used to adduce adequate protection / Model of Standard Contractual Clauses*

<b>Notifying Member State</b>	<b>Means used to adduce adequate protection</b>		<b>Model of Standard Contractual Clauses</b>	
Belgium	Standard Contractual Clauses	1x	2002/16/EC	1x
Denmark	Standard Contractual Clauses	1x	2001/497/EC	1x
Germany	Standard Contractual Clauses	10x	2001/497/EC	6x
	Binding Corporate Rules	28x	2002/16/EC	4x
	not identifiable	1x		
Greece	Standard Contractual Clauses	1x	2002/16/EC	1x
	Consent of the data subject	5x		
	Safe Harbour	1x		
	not identifiable	8x		
Spain	Standard Contractual Clauses	117x	2001/497/EC	29x
	not identifiable	5x	2002/16/EC	84x
			2004/915/EC	4x
Netherlands	Standard Contractual Clauses	116x	2001/497/EC	47x
	Binding Corporate Rules	2x	2002/16/EC	51x
	not identifiable	1x	2004/915/EC	18x
Austria	Standard Contractual Clauses	26x	2001/497/EC	5x
	Binding Corporate Rules	5x	2002/16/EC	17x
	Authorisation denied	1x	2004/915/EC	4x
Portugal	Standard Contractual Clauses	2x	2001/497/EC	1x
	not identifiable	2x	2002/16/EC	1x
Slovenia	Standard Contractual Clauses	3x	2002/16/EC	1x
			2004/915/EC	2x
Finland	Standard Contractual Clauses	3x	2001/497/EC	1x
	Binding Corporate Rules	3x	2002/16/EC	2x
	not identifiable	2x		

## Means used to adduce adequate protection



# Models of Standard Contractual Clauses



■ 2002/16/EC ■ 2001/497/EC ■ 2004/915/EC