

Transfers from a US Controller to EEA processors (Renvois) Controller (US)? Processor (US)? Sub-processor (EEA)? Controller (US)

Article By:

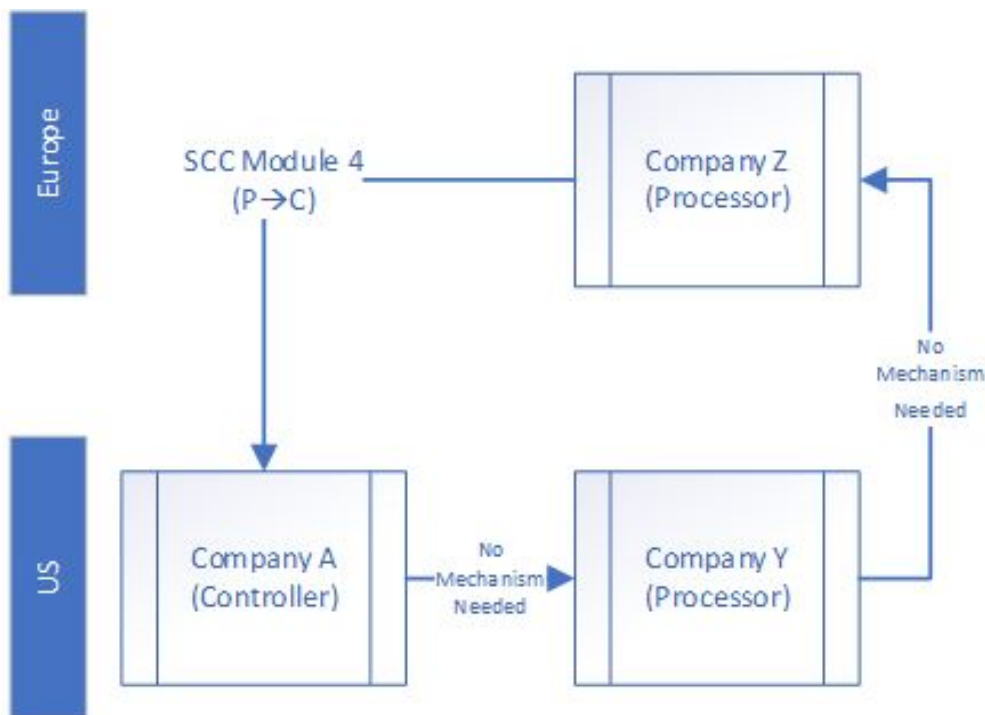
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The following is part of Greenberg Traurig's ongoing series analyzing cross-border data transfers in light of the [new Standard Contractual Clauses](#) approved by the European Commission in June 2021.

Visual



Description and Implications

- Cross border transfers in the United States don't need an SCC. Company A is not required under U.S. law or the GDPR to put in place safeguards when it transmits (exports) data. Company Y is not required under U.S. law or the GDPR to put in place a safeguard when it transmits (exports) personal data to Company Z.
- SCC Module 4. Article 46 of the GDPR requires that a *processor* that transfers data outside of the EEA to a non-adequate country must utilize a safeguard. The EDPB has confirmed that this requirement applies when an EEA processor (Company Z) sends data to a controller (Company A).¹
- Subsequent Onward Transfers from Company A do not require safeguards. If Company A sends data it received from Company Z to subsequent controllers or processors, it is not required to utilize a safeguard.
- Transfer Impact Assessments. Section 14 of SCC Module 4 does not typically require Company Z or Company A to conduct a transfer impact assessment (TIA) of U.S. law. However, that a TIA would be required if Company Z combined the personal data it received from Company Y, with its own personal data (e.g., did a data enhancement or a data append).
- Law enforcement request policy. Section 15 of SCC Module 4 does not typically require that Company A take specific steps in the event it receives a request from a public authority for access to personal data. However, that a law enforcement policy might be warranted if Company Z combined the personal data that it received from Company Y, with its own personal data (e.g., did a data enhancement or a data append).

[1] EDPB, Guidelines 05/2021 on the interplay between the application of Article 3 and the provisions on international transfers as per Chapter V of the GDPR at para. 13.