

Different models to facilitate the
cross-border exchange of
personal data
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General principles

Article 44 GDPR



*the conditions laid down in this Chapter
are complied with by the controller and processor*

*ensure that the
level of protection of natural persons guaranteed by this Regulation is
not undermined*

General principles



GDPR confirms criteria already set out in Directive 95/46 →
International Transfers (ITs) only possible if:

- Other relevant provisions of GDPR are complied with (i.e.: legitimacy of processing operation), AND
- Country of destination offers **adequate level of protection**, OR
- Exporter has provided **appropriate safeguards** by means of o(6)Tw 3 3

Adequacy decisions



- Formal **legal act adopted by the EU Commission** (with participation of EDPB and MS)
- May affect an **international organization, a**

Derogations for specific situations



- Already provided for in Directive 95/46 →
 - Explicit **consent**
 - Transfer necessary for the **performance of a contract** between the data subject and the controller or concluded in the interest of the data subject in which the data subject
 - **Important reasons of public interest**
 - Establishment, exercise or **the tax**



Thank you very much for your
attention!



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