

# Schrems II: Are BCRs similarly affected by Schrems II like SCCs?

*Yes, BCRs and SCCs are both covered by Schrems II.*

BRUSSELS, BELGIUM, October 19, 2020 /EINPresswire.com/ -- Webinar FAQ 1: Are BCRs similarly affected by Schrems II like SCCs?

Yes, BCRs and SCCs are both covered by Schrems II.

FAQ No. 6 of the EDPB Schrems II FAQs make it clear that "...the Court's assessment applies as well in the context of BCRs..." and "supplementary measures along with BCRs, following a case-by-case analysis of the circumstances surrounding the transfer, would have to ensure that U.S. law does not impinge on the adequate level of protection they guarantee."

See <https://bit.ly/2IKWvh1> at page 3.

The reason so much time was dedicated at the beginning of the webinar to Data Protection by Design and by Default (DPbDD) was to highlight the obligations of controllers under Article 25 GDPR, applicable to all processing.

Article 25(1) and (2) require that controllers must (emphasis added):


"Taking into account the state of the art, the cost of implementation and the nature, scope,


SCHREMS II  
FAQ #

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Watch this video & read the answer at:

 [SchremsII.com/FAQS](https://SchremsII.com/FAQS)

 PLEASE share your comments below with the rest of the LinkedIn Working Group community.

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context and purposes of processing as well as the risks of varying likelihood and severity for rights and freedoms of natural persons posed by the processing, the controller shall, both at the time of the determination of the means for processing and at the time of the processing itself, implement appropriate technical and organisational measures, such as pseudonymisation, which are designed to implement data-protection principles, such as data minimisation, in an effective manner and to integrate the necessary safeguards into the processing in order to meet the requirements of this Regulation and protect the rights of data subjects.

“The controller shall implement appropriate technical and organisational measures for ensuring that, by default, only personal data which are necessary for each specific purpose of the processing are processed...”

When data use/privacy policies agreed to by data subjects are breached, contract claims do little to remedy damage to their fundamental rights. This is why DPbDD is required, and why the implementation of technical and organisational controls is specifically mentioned as a basic requirement of GDPR compliance.

Schrems II further emphasized this point, as the CJEU highlighted that the surveillance functions of the U.S. government are not bound by restrictions contained in contracts between an EU Data Exporter and Non-EU Data Importer. This is why “supplementary measures” are required to ensure that SCCs and BCRs (which are contractual) contain more than promises and can prevent breaches of fundamental rights.

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The Schrems II Webinar - Lawful Data Transfer - with NOYB, EDPS and industry experts was held on 8 October 2020. Over 2,300 registered and submitted over 900 questions. These 900+ questions were distilled down to the top 25 Frequently Asked Questions (FAQs). These FAQs are being posted to the LinkedIn Schrems II group for comments by the community. If you are not already a member of the Schrems II LinkedIn group, we encourage you to join to learn and participate in the discussion. A summary, transcript and replay of the webinar can be viewed at [SchremsII.com/learn](https://schremsii.com/learn).

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