



GDPR Toolkit

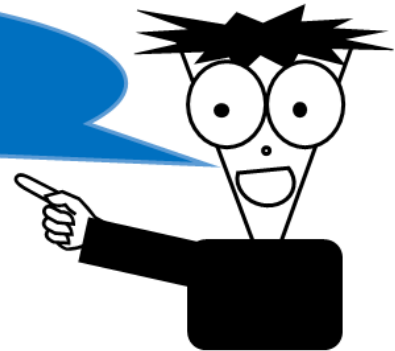
DATA TRANSFER POLICY

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INTRODUCTION

Please read the READ ME User Guide first to make sure you know and understand the need to add, amend, or delete in order to reflect your people, processes and technologies as well as the data you hold and the jurisdiction(s) you operate in.

Please browse through this READ ME guide to make sure you understand before starting to use the toolkit



The READ ME User Guide will help you navigate around the GDPR-Toolkit and identify what you need to do for your organisation.

DISCLAIMER

GDPR can be complicated and there are different laws in UK, EU, Jersey and Guernsey. Simply having Templates, Documents, Samples and Guidance does not make you compliant.

The reason for this disclaimer is that I cannot warrant or guarantee materials for every system or circumstance or jurisdiction and the client/user/recipient is obliged to review, test and where necessary customise or take advice to generally assert that they are satisfied before using this “live”.

If DIY isn't for you, that's OK. I'm rubbish at electrical work, plumbing or carpentry. Call an expert. There are many out there and data protection is too important for you, your organisation and the people who trust you with their data for you to get it wrong.

SUPPORT

For those organisations without the resources, skills or experience I can help with training or provide support to customise the documents to meet your particular needs. TimHJRogers@AdaptConsultingCompany.com

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INTERNATIONAL DATA TRANSFER PROCEDURE

TITLE	ACC GDPR International data transfer policy, procedure and forms.docx	DATE	10/04/18
LOCATION	V:\Data2018\product_gdprtoolkit\ACC GDPR International data transfer policy, procedure and forms.docx	VERSION	Ver 1
AUTHOR	[Author]	Pages	3 of 6
APPROVER	[Approver]		

1. INTERNATIONAL DATA TRANSFER POLICY

These procedure base is based on guidance from the UK ICO and related to Data Protection (Jersey) Law 2018

<https://www.jerseylaw.je/laws/enacted/Pages/L-03-2018.aspx>

<https://www.jerseylaw.je/laws/enacted/Pages/L-04-2018.aspx>

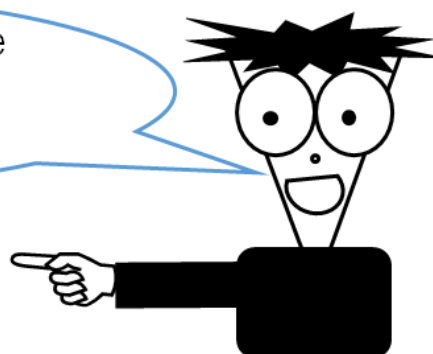
The GDPR imposes restrictions on the transfer of personal data outside the European Union, to third countries or international organisations.

These restrictions are in place to ensure that the level of protection of individuals afforded by the GDPR is not undermined.

[Organisation name] may transfer personal data where the organisation receiving the personal data has provided adequate safeguards. Individuals' rights must be enforceable and effective legal remedies for individuals must be available following the transfer.

Take a risk-based approach, and make sure everyone else agrees

   + Comment



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Adequate safeguards may be provided for by:

- a legally binding agreement between public authorities or bodies;
- binding corporate rules (agreements governing transfers made between organisations within in a corporate group);
- standard data protection clauses in the form of template transfer clauses adopted by the Commission;
- standard data protection clauses in the form of template transfer clauses adopted by a supervisory authority and approved by the Commission;
- compliance with an approved code of conduct approved by a supervisory authority;
- certification under an approved certification mechanism as provided for in the GDPR;
- contractual clauses agreed authorised by the competent supervisory authority; or
- provisions inserted into administrative arrangements between public authorities or bodies authorised by the competent supervisory authority.

The GDPR limits [Organisation name] ability to transfer personal data outside the EU where this is based only on [Organisation name] own assessment of the adequacy of the protection afforded to the personal data.

A transfer, or set of transfers, may be made where the transfer is:

- made with the individual's informed consent;
- necessary for the performance of a contract between the individual and the organisation or for pre-contractual steps taken at the individual's request;
- necessary for the performance of a contract made in the interests of the individual between the controller and another person;
- necessary for important reasons of public interest;
- necessary for the establishment, exercise or defence of legal claims;
- necessary to protect the vital interests of the data subject or other persons, where the data subject is physically or legally incapable of giving consent; or
- made from a register which under UK or EU law is intended to provide information to the public (and which is open to consultation by either the public in general or those able to show a legitimate interest in inspecting the register).

The first three derogations are not available for the activities of public authorities in the exercise of their public powers.

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2. INTERNATIONAL DATA TRANSFER PROCEDURE

To comply with the above Policy [Organisation name] will

1. Ensure that any transfer is made with the individual's informed consent (eg via opt-in, contract or other transparent notice)
2. Ensure that it is necessary for the purposes of the compelling legitimate interests of the organisation, provided such interests are not overridden by the interests of the individual.(eg there is no other practicable or cost effective solution / service available.)
3. Ensure that any suitable safeguards put in place by the organisation (in the light of an assessment of all the circumstances surrounding the transfer) to protect the personal data.
4. Ensure that any there is assessment of the adequacy of the protection afforded to the personal data. (eg by reference to certification, audit, inspection or similar)

If you have a DPO, you must seek their advice. The DPO should provide advice on the above. You should record your DPOs advice on the DPIA.

3. DOCUMENT CONTROL

[document owner] is the owner of this document and is responsible for ensuring that this procedure or process is reviewed in line with the review requirements.

Consultation Phase: A document which is circulated for comment to key stakeholders to ensure support for scope, format, and content.

Draft Phase: Ostensibly the last draft, capturing all the points from the previous consultation phase and circulated for comment before being finalised.

Final Phase: A document which is FINAL. This is the baseline document which may subsequently amend over time.

VERSION	DESCRIPTION OF CHANGE	AUTHOR	APPROVAL	DATE OF ISSUE
Consultation	Initial Issue for consultation.	[Author]	[Approver]	March 2018

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FORM

<p>PROPOSED INTERNATIONAL TRANSFER</p> <p>Summary notes, plus attached supporting documentation</p>	
<p>DATA PROCESSING IMPACT ASSESSMENT</p> <p>Summary notes, plus attached DPIA</p>	
<p>SAFEGUARDS</p> <p>Summary notes, plus attached Review, Report and Recommendation</p> <p>(that any suitable safeguards put in place by the organisation (in the light of an assessment of all the circumstances surrounding the transfer) to protect the personal data)</p>	
<p>SUMMARY RECOMMENDATION</p> <p>Summary notes, plus attached Review, Report and Recommendation</p> <p>(that it is necessary for the purposes of the compelling legitimate interests of the organisation, provided such interests are not overridden by the interests of the individual.(eg there is no other practicable or cost effective solution / service available.))</p>	

Signed
Data Protection Officer or Equivalent

Signed
Director or Equivalent