

Important decision from Court of Justice of the European Union on transfer of personal data

On 16 July 2020, the Court of Justice of the European Union (“CJEU”) ruled on the mechanisms for data transfers under GDPR, in a case known as “Schrems II”. Please see the full press release here:

<https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-07/cp200091en.pdf>

In this case, the CJEU confirmed that the Standard Contractual Clauses (the “SCCs”) issued by the European Commission for the transfer of personal data to data processors established outside of the EU is a valid transfer mechanism under GDPR. The Court also concluded that the EU–US Privacy Shield framework is NOT a valid mechanism for data transfers under GDPR, as it provides insufficient safeguards to protect the personal data of EU citizens in the US. Please note OCLC does not base the transfer of personal data to the US on EU-US Privacy Shield.

Rather, OCLC and its related entities use SCCs as its main mechanism for data transfers outside the EU. This way OCLC guarantees an equal and legally sufficient level of protection of personal data in all countries where OCLC provides services. The European Data Protection Board (EDPB) has issued further guidance on application of the Schrems II ruling to the use of SCCs, guidance which OCLC is in the process of implementing.

We at OCLC take security of library and user data very seriously. This court ruling is a welcome confirmation of our approach to compliance. OCLC will continue to monitor this situation and provide additional information as warranted.

The OCLC Standard Contractual Clauses are a part of the [OCLC Data Processing Agreement](#) and are available here:

<https://policies.oclc.org/content/dam/legal/privacy/standard-contractual-clauses-between-oclc-and-affiliates.pdf>.

If you would like to know more about how OCLC processes personal data, please see our page on Security, Privacy, and Compliance: <https://www.oclc.org/en/privacy.html>.