



## Full Text of the EU-US Privacy Shield Agreement. A Step Forward?

Genuine push by the EU to control American spies, or trivial attempt at boosting public opinion?

Par [Guillaume Kress](#)

Mondialisation.ca, 09 mars 2016

Région : [Europe](#), [USA](#)

Thème: [Intelligence](#), [Police State & Civil Rights](#)

*On February 29, the European Commission published the full text of the EU-US Privacy Shield Agreement, which deals with privacy issues regarding transfers of personal data - issues that seriously damage transatlantic relations.*

Here is a brief history of the agreement:

- On September 23, 1980, the OECD [set guidelines](#) and principles for governing the protection of privacy and trans-border flows of personal data.
- In 1995, the European Union (EU) adopted a [Data Protection Directive](#) based on the OECD's principles. The Data Protection Directive became [effective](#) on October 25, 1998 and required « that transfers of personal data take place only to non-EU countries that provide an 'adequate' level of privacy protection. »
- On [July 26, 2000](#), the European Commission agreed to adopt the 'Safe Harbour' principles to facilitate data flows specifically between the United States and European Union Member States. US companies [could now "send and receive European personal data"](#) if they self-assessed and self-certified that their data transfer measures were 'secure.'
- But Safe Harbour was not « secure ». By 2013, [Edward Snowden](#) famously leaked information that pushed the EU to take action not only against the Safe Harbour agreement, but also against the NSA's surveillance programs (i.e., PRISM). Take a look at [Ernst-Oliver Wilhelm's article](#), which provides a clear outline of many points that were being discussed about Safe Harbour from 2010 to 2015.

- In the [landmark case](#) *Schrems v. Data Protection Commissioner* on [October 5, 2015](#), the Court of Justice of the European Union (CJEU) invalidated Safe Harbor on the grounds that it gave insufficient protection against American spy agencies.
- Months later, on February 2, 2016, the European Commission and the U.S. reached a new agreement regarding cross-border data transfers known as the « EU-US Privacy Shield », [said to be worth some \\$260 billion](#). [The full text](#) was released on February 29. [Heather Antoine](#) summarized some of its key points:

« - Greater obligations on companies to publish their commitment to protecting Europeans' personal data with robust monitoring by the Department of Commerce and enforcement by the Federal Trade Commission

- Companies will have to promise not to collect more personal information than needed for their services

- Clearer safeguards and transparency obligations on US government access by disallowing indiscriminate mass surveillance on personal data and implementing an annual joint review to regularly monitor the functioning of the arrangement

- Providing EU citizens with avenues for redress if their data protection rights become compromised. US companies may be directly liable for violations, and European Data Protection Authorities can refer complaints to the Department of Commerce and the Federal Trade Commission. For complaints regarding possible access by national intelligence authorities, an Ombudsperson will be created to address the concerns. »

The [EU announced](#) that it will suspend the agreement « should the current or next US administration fail to adhere to the new rules under the so-called EU-US Privacy Shield. »

[Read the EU-U.S. Privacy Shield agreement in full here.](#)

La source originale de cet article est Mondialisation.ca

Copyright © [Guillaume Kress](#), Mondialisation.ca, 2016

Articles Par : [Guillaume Kress](#)

**Avis de non-responsabilité** : Les opinions exprimées dans cet article n'engagent que le ou les auteurs. Le Centre de recherche sur la mondialisation se dégage de toute responsabilité concernant le contenu de cet article et ne sera pas tenu responsable pour des erreurs ou informations incorrectes ou inexacts.

Le Centre de recherche sur la mondialisation (CRM) accorde la permission de reproduire la version intégrale ou des extraits d'articles du site [Mondialisation.ca](#) sur des sites de médias alternatifs. La source de l'article, l'adresse url ainsi qu'un hyperlien vers l'article original du CRM doivent être indiqués. Une note de droit d'auteur (copyright) doit également être indiquée.

Pour publier des articles de [Mondialisation.ca](http://Mondialisation.ca) en format papier ou autre, y compris les sites Internet commerciaux, contactez: [media@globalresearch.ca](mailto:media@globalresearch.ca)

[Mondialisation.ca](http://Mondialisation.ca) contient du matériel protégé par le droit d'auteur, dont le détenteur n'a pas toujours autorisé l'utilisation. Nous mettons ce matériel à la disposition de nos lecteurs en vertu du principe "d'utilisation équitable", dans le but d'améliorer la compréhension des enjeux politiques, économiques et sociaux. Tout le matériel mis en ligne sur ce site est à but non lucratif. Il est mis à la disposition de tous ceux qui s'y intéressent dans le but de faire de la recherche ainsi qu'à des fins éducatives. Si vous désirez utiliser du matériel protégé par le droit d'auteur pour des raisons autres que "l'utilisation équitable", vous devez demander la permission au détenteur du droit d'auteur.

Contact média: [media@globalresearch.ca](mailto:media@globalresearch.ca)