



101 complaints on EU-US data transfer

KPMG Legal Tóásó Law Firm

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101 complaints by noyb on EU-US transfer

Data protection complaints have been filed by noyb against

- **101 EU data controllers** incl. **Hungarian data controllers**, and
- **Google** and/or **Facebook** as data processors



due to the fact that the EU controllers still

- use Google Analytics and Facebook Connect on their websites, and thus
- forward personal data to the US;

thereby, ignoring **a major judgment** of the Court of Justice of the European Union (CJEU) (C-311/18; Schrems II) that invalidated the Privacy Shield one month ago. The Privacy Shield was the framework and legal basis for transatlantic data transfer between the EU and the US.





What is noyb?

noyb - European Centre for Digital Rights is a not-for-profit organization based in Austria.

noyb aims to launch strategic court cases and media initiatives in support of protection of personal data.

noyb is planning to increase the pressure on EU and US companies to adopt the Schrems II. ruling of the CJEU in their data transfer agreements.

The co-founder and honorary chair of noyb is the Austrian lawyer and privacy activist, Max Schrems who is famous for campaigns against Facebook for privacy violation.





CJEU's judgement



In the Schrems II. decision, CJEU:

Invalidated the EU-US Privacy Shield;



Stated that Standard Contractual Clauses (SCCs) may not be the legal bases of data transfer if a third country does not ensure adequate protection;

Claimed that data transfers to US companies that fall under US surveillance laws, such as Google, Facebook, violate the GDPR and the fundamental right to privacy.





Conclusion



Based on the **updated terms of use of Facebook and Google** it can be concluded that:

Google and Facebook both qualify as data processors;

Google continues to accept data transfer under SCCs;

Facebook continues to accept data transfers under both the invalidated EU-US Privacy Shield and SCCs.



Therefore, the complaints concluded that EU Controllers are unable to ensure adequate protection of the data transferred to Facebook or Google.





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