

ARTICLE 29 Data Protection Working Party



Brussels, 29 May 2015

Ms Danièle Chatelois
Chair of the APEC Data Privacy
Subgroup
By E-mail: Daniele.Chatelois@ic.gc.ca

Subject: Joint work on BCR and CBPR

Dear Ms Chatelois,

The Article 29 Working Party (WP29) thanks the APEC Data Privacy Subgroup for its expression of interest in carrying on WP29 and APEC's joint work on EU Binding Corporate Rules (BCR) and APEC Cross-Border Privacy Rules (CBPR), sent on 14 April 2015.

The WP29 shares the view that its fruitful cooperation with APEC should continue in order to develop practical tools that will help organizations implement both requirements from the BCR and CBPR systems.

In this regard, the WP29 welcomes the proposals made during the joint BCR-CBPR working team meeting held on 31 January 2015 in Subic (Philippines), attended by representatives from the APEC Data Privacy Subgroup and from a national DPA in the EU.

Further, the WP29 International Transfers' subgroup, mandated to work on the BCR-CBPR topic, held a teleconference on 27 March 2015 with an APEC representative, and with the companies which had kindly agreed to share their experience on implementing both BCR and CBPR systems within their organizations.

On the basis of these valuable exchanges, the proposed next steps were discussed by the WP29 during its last plenary meeting held on 14 and 15 April 2015. Amongst the five propositions made by the joint BCR-CBPR working team, the WP29 adopted three of them, i.e.:

This Working Party was set up under Article 29 of Directive 95/46/EC. It is an independent European advisory body on data protection and privacy. Its tasks are described in Article 30 of Directive 95/46/EC and Article 15 of Directive 2002/58/EC.

The secretariat is provided by Directorate C (Fundamental rights and Union citizenship) of the European Commission, Directorate General Justice, Freedom and Security, B-1049 Brussels, Belgium, Office No MO59 02/34

Website: http://ec.europa.eu/justice_home/fsj/privacy/index_en.htm

On a short/mid-term basis, develop:

- 1) A common application form based on the BCR application form WP133 and the CBPR Intake questionnaire, identifying similarities and differences, which could be completed by organizations and submitted to both national DPAs in the EU and APEC Accountability Agents to facilitate double certification;
- 2) A mapping of the company policies and associated personal data and privacy program practices and effectiveness tools that must be submitted with this common questionnaire to demonstrate compliance with both systems;

On a long term basis, develop:

- 3) A common processor referential mapping the requirements of EU processor BCR and APEC Privacy Recognition for Processors (PRP).

The WP29 is looking forward to pursuing further cooperation with the APEC in order to spur on the implementation of personal data protection and privacy programs by international companies, via the BCR and CBPR systems.

Yours sincerely,

On behalf of the Article 29 Working Party,



Isabelle FALQUE-PIERROTIN
Chairwoman