Flowchart: data transfers in the context of Brexit

1. Have you mapped your data transfers to the UK?
   No
   Yes

2. For these transfers, have you checked which of the available data transfers mechanisms best suits your situation?
   No
   Yes

   - Adopted by EDPS and approved by the EC
   - Adopted by the EC
   - Authorised by EDPS.
   - Approved by national supervisory authority, following an EDPB opinion.
   - Not feasible prior to Brexit.

3. Have you implemented the chosen data transfer mechanism?
   No
   Yes

4. Have you updated the internal documentation?
   No
   Yes

5. Have you updated the data protection notice?
   No
   Yes

   Your institution is adequately prepared.

First, map your processing activities involving transfers to the UK.

Note that an Art. 47 EU DPR adequacy decision prior to Brexit is unlikely.

Some instruments are exclusively available for transfers between public authorities

A legally binding and enforceable instrument, such as an administrative agreement, a bilateral or multilateral international agreement.

Administrative, non-binding arrangements, which nonetheless provide for effective data subject rights.

Binding and enforceable for the signatories

Authorised by EDPS

Adopted by the EC

Authorised by EDPS and approved by the EC

If none of the above: Art. 50 EU DPR allows derogations for specific situations, but only for occasional transfers and only on exhaustive grounds. This article should be relied on restrictively.

* Binding corporate rules and standard contractual clauses (adopted by the EC) under the old Directive 95/46 are still valid, but will need to be updated over time in line with the GDPR. In any case, before using old EC standard contractual clauses you should make sure to adapt them to Regulation (EU) 2018/1725 [EU DPR].