

30<sup>th</sup> December 2020

## Update: Brexit and Data Protection

In the light of recent events concerning the Brexit trade discussions, we thought it would be helpful to provide our customers and partners with a further data protection Brexit update. This should be read alongside our 11<sup>th</sup> December 2020 update (“December Update”) which can also be found on the Security and Compliance page of our website.

On the 24<sup>th</sup> December 2020, the UK and the EU reached a trade and co-operation agreement addressing the arrangements that will apply following the end of the Brexit transition period on the 31<sup>st</sup> December 2020. Importantly for cross-border data flows, this includes an extension for personal data transfers from the EU to the UK with the UK being considered a third country.

Importantly, the final provisions of the agreement include an interim provision for transmission of personal data to the UK. This is for four months from the agreement entering into force, extended by two months unless one of the parties objects, or, if earlier, until there is an adequacy finding for the UK. The agreement provides that:

- Personal data transfers from the EU (plus EEA countries) to the UK can continue without additional safeguards provided that the UK’s applicable data protection regime continues to apply.
- The UK may not exercise certain powers in its data protection legislation during this period without EU agreement.

Whilst this gives those organisations that have not yet addressed transfers of personal data from the EU to the UK additional breathing space whilst the Commission continues its assessment of adequacy for the UK, as can be seen from our December Update, Thomas had already put in place measures to ensure data protection compliance in the event of a no-deal Brexit. In the unlikely event that an adequacy ruling is not found within this additional period of time and no further extension is granted, these Thomas measures to ensure data protection compliance would again become applicable.

If you have any questions relating to this update, please contact your account manager in the first instance who can direct your questions as appropriate.

Kind regards,



**Guy Ballantine**  
COO

**Thomas International**