ARTICLE 27 OF THE GDPR

Article 27 of the GDPR requires organisations outside the European Economic Area (EEA), that process EEA residents’ data to appoint a Representative providing that processing:
- Is on a large scale or includes special categories of data
- Is not occasional and is likely to result in a risk to the rights and freedoms of the data subject

The Representative must act as the first point of contact for both EEA residents and GDPR supervisory authorities throughout the EU.

THE IMPACT OF BREXIT

Whilst the UK is a member of the EU, then non-EEA organisations can appoint a single representative to cover both the UK and the rest of the EU member states.

Post Brexit

Post Brexit, UK law will require controllers or processors located outside the UK that process personal data on UK citizens to appoint a UK representative.

EU law will continue to require organisations based outside the EEA and processing data on EU residents, including a post Brexit UK, to appoint an EU representative.

If an organisation processes personal data of data subjects residing in a limited number of EU states then its representative should have a presence in one of those states.

Plan to put your representation structures in place now, so they are effective immediately upon Brexit

BREXIT BREAKDOWN - WHAT DOES THIS MEAN?

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THE DPO CENTRE PLEDGE

Put your EU and UK representation requirements in place with The DPO Centre straightaway and we will:
- Put an agreement in place that covers all eventualities
- Only charge the fee relevant to the eventual outcome
- Cancel the UK representation contract if Brexit is reversed

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COUNTRIES ADOPTING THE GDPR

The GDPR is an EU regulation that is enforced throughout the 28 European member states. The ultimate arbiter of the legislation is the Court of Justice of the European Union (CJEU) based in Luxembourg.

The GDPR has also been adopted by members of the European Economic Area and Switzerland.

ADEQUACY

Under Article 45 of the GDPR, a third country can be deemed “adequate” by the European Commission if its levels of data protection are essentially equivalent to those provided in the EU through the GDPR.

If a country is deemed adequate, then cross-border data transfers to organisations within that country can be conducted without further safeguards or controls.

There is a defined process for making adequacy decisions and adequacy cannot be granted immediately.

Adequate countries
- Andorra
- Argentina
- Canada
- Faroe Islands
- Guernsey
- Israel
- Isle of Man
- Japan
- Jersey
- New Zealand
- Switzerland
- Uruguay
- USA (Privacy Shield)

Representation requirements are independent of adequacy. Representation is required to ensure a local point of contact both for data subjects and the supervisory authority. If an organisation processes the personal data of data subjects residing in a limited number of EU states then its representative must have a presence in one of those states.