

Brussels, 19 June 2012

**ARTICLE 29 DATA PROTECTION WORKING PARTY**

**European data protection authorities adopted working document on Binding Corporate Rules for Processors**

**During its 86th plenary meeting on 6 and 7 June 2012 in Brussels, the European data protection authorities, assembled in the Article 29 Working Party, adopted a working document on Binding Corporate Rules (BCR) for processors. This working document includes a full checklist of the requirements for BCR Processors and is designed both for companies and for data protection authorities.**

The new initiative is based on the success of the BCR for controllers, companies' expectations and the proposal to explicitly include BCR for controllers as well as processors in the future legislative framework of the European Union.<sup>1</sup>

BCR are internal rules applicable to entities of a multinational company and contain key principles legally covering the transfers of personal data coming from the European Union. Today, for transfers of personal data outside of the European Union, BCR are an alternative to the Safe Harbor Principles (for transfers to the United States) or to the Standard Contractual Clauses adopted by the European Commission.

Processor BCR are internal codes of conduct regarding data privacy and security and will guarantee to clients of data processors that transfers made in relation with the performance of services agreement are adequately framed and protected according to EU data protection laws.

The Article 29 Working Party has already developed some tools<sup>2</sup> to facilitate the use of BCR for controllers, intended to regulate the transfers of personal data that are originally processed by the company as controller (for example data relating to its customers, its employees, etc.).

With its new [working document \(WP 195\)](#), the Article 29 Working Party provides a checklist describing the conditions to be met in order to facilitate the use of BCR for processors ("BCR for third party data"). The checklist defines what must be found in BCRs, and what must be presented to DPAs in the BCR application. Similar guidelines already exist for BCR for controllers ([WP 153](#)).

The working document aims to meet the expectations of companies acting as data processors by giving them the possibility to make use of BCR in the context of international transfers of personal data, for example in the context of outsourcing activities or cloud computing.

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<sup>1</sup> [http://ec.europa.eu/justice/data-protection/document/review2012/com\\_2012\\_11\\_en.pdf](http://ec.europa.eu/justice/data-protection/document/review2012/com_2012_11_en.pdf), see articles 42 and 43.

<sup>2</sup> See WP153 (toolbox to check all conditions to be met), WP155 (FAQs), WP 154 (Example of BCR), WP107 (European cooperation procedure) and WP 74 and 108 (initial papers).

The Article 29 Working Party will continue its work on BCR for processors by developing a European coordination procedure, similar to the existing procedure for BCR for controllers<sup>3</sup> and by drafting an EU application form.<sup>4</sup>

### **Background information**

The Article 29 Working Party on the Protection of Individuals with regard to the Processing of Personal Data is an independent advisory body on data protection and privacy, set up under Article 29 of the Data Protection Directive 95/46/EC. It is composed of representatives from the national data protection authorities of the EU Member States, the European Data Protection Supervisor and the European Commission. Its tasks are described in Article 30 of Directive 95/46/EC and Article 15 of Directive 2002/58/EC. The Article 29 Working Party is competent to examine any question covering the application of the data protection directives in order to contribute to the uniform application of the directives. It carries out this task by issuing recommendations, opinions and working documents.

[http://ec.europa.eu/justice/data-protection/index\\_en.htm](http://ec.europa.eu/justice/data-protection/index_en.htm)

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<sup>3</sup> see WP 107 and the Mutual recognition system

<sup>4</sup> see WP133 for BCR for controllers.