

# BINDING CORPORATE RULES

Global data flows are soaring, but the legal tools available to manage transfers of personal data are often wanting. In recent years, the courts have invalidated the Safe Harbor framework and now they have other legal mechanisms in their sights. Brexit further complicates how multinational organisations are able to transfer their data.

So how can you manage your strategic data flows while ensuring compliance with strict data protection legislation like the GDPR?

To discover how Shoosmiths can help support you, don't hesitate to get in touch with a member of the team.

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## WHY GO FOR BCRs

There are many crucial advantages in achieving BCR status:

**Customer Perception:** Your customers will see you as being "best in class" when it comes to having BCR status, which in turn will significantly save time on negotiations and queries about your privacy compliance and assist in tender processes. You will also be able to send them a BCR processor agreement that they can enter into

**Relationships with DPAs:** By virtue of your negotiations with DPAs on BCRs you can foster good relationships with them, which will be beneficial for future compliance

**Accountability under GDPR:** One of the key tenets of GDPR compliance is to show how you are accountable under GDPR and having BCRs, which you can show on your website, will prove your accountability to regulators, customers and employees. All your GDPR requirements can flow under the BCRs

**Global applicability:** We have been working on producing BCRs that are GDPR compliant since late 2017 and this will enable you to have the benefit of the BCRs plus all of your GDPR requirements in one place as well as accommodating other privacy laws such as CCPA, Brazil, Turkey etc

**Structural framework:** BCRs mandate a form of structural internal compliance, unlike GDPR, which will help future ongoing privacy compliance and mitigate against the risk of apathy post implementation

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## WHAT ARE BCRs?

- A typical multinational has many transfers of personal data outside of the EEA (transfers also incorporate access to data)
- Usually companies employ standard contractual clauses as their mechanism for ensuring legality of these transfers
- Standard contractual clauses are currently under legal challenge at the Court of Justice of the European Union as a means to transfer personal data outside EEA (and are likely to be struck out) and the Privacy Shield is not a global solution
- There are basically two global solutions: a global data transfer agreement (DTA) or BCRs
- BCRs mean a collection of global policies and procedures that a multinational signs up to apply globally

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## WE CAN HELP YOU:

- **BE ENGAGED** — **working productively with data protection authorities:** We build constructive relationships with DPAs on your behalf, taking the pressure off you when you need it most
- **BE OPTIMISED** — **Shoosmiths' GDPR Drive:** road test your GDPR compliance against our proven Drive methodology:
  - » optimise the way you use personal data and ensure ongoing GDPR compliance through our comprehensive audit/ reviews and reports service
  - » address noncompliance issues through our specially—tailored service, helping you identify and mitigate key risks
- **BE COMPLIANT** — **Review, drafting and updating of documents:** Do you want to avoid any unnecessary compliance headaches? Our expert data protection legal advisors can help you with your key policies, procedures and other documents
- **BE ON TOP OF YOUR RELATIONSHIPS** — **managed contract update and negotiation service:** robust commercial contracts are a powerful management tool. We can help you find the right solutions at the right time so that your contracts work for you
- **BE READY** — **Rapid Response On Call Team and in-house support for breaches:** when a critical incident occurs you need a team that hits the ground running. Using tried and tested systems, we give you straightforward and pragmatic solutions when you need them most
- **BE STREAMLINED** — **data subject requests:** struggling with DSARs? We use innovative tools, templates and in-house experts to streamline this complex and time-intensive task and help you get the job done
- **BE SUPPORTED** — **data protection experts at your disposal:** there's often no substitute for face-to-face meetings. Our expert team can set up mini clinics within your organisation to address live issues, deliver targeted support and keep you ahead of the game
- **BE IN THE KNOW** — **training:** training your staff and turning them into your first line of defence is key to ensuring effective compliance. Our expert data protection team can offer:
  - » bespoke e-learning tools
  - » collaborative training and networking sessions with your peers to share best practice
  - » one-on-one training and/or legal training sessions
- **BE FOREWARNED** — **data breach test:** forewarned is forearmed. Our 'breach out' room exercise can help you work through responding to a data breach scenario and test your processes. Get the facts you need to protect your organisation

If you would like more information on the benefits of using Shoosmiths, don't hesitate to get in touch with a member of the team.

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## CONTACT US



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