

What counts as a restricted transfer?

As a general rule, UK transfer rules kick in when an organisation in the UK (or outside the UK but covered by the UK GDPR) sends (or in some cases, makes accessible) data to a separate organisation located outside of the UK.

This is the case even if the data will still be protected by the UK GDPR itself (because the UK GDPR still applies to the person outside the UK who's receiving the data).

Remember that sending data to someone in the EEA still counts as a restricted transfer - although that will be covered by UK adequacy regulations, so no transfer safeguards are required.

It's the **physical location of the data** that's relevant here – in other words, where in the world the organisation will actually be handling the data. It's not a transfer if the data stays inside the UK, even if an organisation is registered overseas. Similarly, the citizenship, residency status, or nationality of someone handling the data aren't relevant - it's just about where they're physically located.