Binding Corporate Rules Authorisation

The Information Commissioner gives this authorisation pursuant to paragraph 9 of Schedule 4 to the Data Protection Act 1998 (the ‘Act’).

WHEREAS:

A. Paragraph 8 of Part I of Schedule 1 to the Act (the ‘8th Principle’) provides that personal data shall not be transferred to a country or territory outside the European Economic Area (EEA) unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

B. Paragraph 9 of Schedule 4 to the Act (‘Paragraph 9’) provides that the 8th Principle does not apply where the transfer has been authorised by the Commissioner as being made in such manner as to ensure adequate safeguards for the rights and freedoms of data subjects.

C. WP74\(^1\) envisages that a group of companies may ensure adequate safeguards by implementing binding corporate rules (‘BCR’) throughout the group and sets out what an applicant must demonstrate to data protection authorities in order for an authorisation to be granted.

D. In each case the Information Commissioner is in receipt of all necessary information which has demonstrated that the BCR meets requirements of WP74, WP108\(^2\) and WP153\(^3\).

1. The Information Commissioner hereby authorises transfers of personal data by the entities in the groups listed in Appendix 1 from the jurisdiction of the UK Information Commissioner to entities within their corporate group situated outside the EEA which are made on the basis of, and in accordance with, their BCR as being made in a manner which ensures adequate safeguards for the rights and freedoms of data subjects provided that in respect of each application:

---

\(^1\) Working document: Transfers of personal data to third countries: Applying Article 26(2) of the EU Data Protection Directive to binding corporate rules for international data transfers – Adopted on 3 June 2003

\(^2\) Working document establishing a model checklist application for approval of binding corporate rules – Adopted on 14 April 2005

\(^3\) Working document setting up a table with elements and principles to be found in binding corporate rules – Adopted on 24 June 2008
1.1. this authorisation shall apply only to transfers of those categories of personal data identified in the BCR documents listed in Appendix 1;

1.2. The authorisation shall take effect from the date it is granted unless otherwise specified;

1.3. the BCR shall be interpreted, applied and enforced in accordance with the representations made in the application form, WP133, or equivalent background papers and any other representations; and

1.4. The entities listed at Appendix 1 notify the Information Commissioner of any significant changes to their BCR as referred to in paragraph 4.2 of WP74.

2. If the Information Commissioner is satisfied that any entity has contravened or is contravening any of the provisions of their BCR, the Commissioner may serve on the UK entities within a group a notice withdrawing this authorisation. Such notice shall take effect on a date to be specified in the notice and the group shall be removed from Appendix 1.

3. Any indulgence granted by the Information Commissioner for failure by entities to comply with the terms of this Authorisation will not prejudice his right to enforce on a subsequent occasion.

James Dipple-Johnstone
Deputy Commissioner
for the Information Commissioner

Dated 6 October 2017
Appendix 1 to Information Commissioner’s binding corporate rules authorisation.

This appendix lists the entities authorised to transfer personal data, the documents making up those entities BCR, the date on which the authorisation was granted by the Information Commissioner and, in appropriate cases, its effective date.

1. **General Electric Company (GE)**, incorporated in the State of New York is the ultimate parent company of the GE Group which is comprised of companies or other entities in which GE owns, directly or indirectly, more than 50 per cent of the voting rights, or in which the power to control the entity is possessed by or on behalf of GE.

   The GE BCR consists of the Employment Data Protection Standards dated 01 December 2005

   Date of authorisation – 15 December 2005

2. **Koninklijke Philips Electronics NV (Philips)** having its registered seat in Eindhoven, The Netherlands is the ultimate parent company of the Philips Group which is comprised of companies or other entities in which Philips owns, directly or indirectly, more than 50 per cent of the issued share capital, has 50 per cent or more of the voting power at general meetings of shareholders, has the power to appoint a majority of the directors or otherwise directs the activities of such other legal entity.


   Date of authorisation – 2 April 2007
3. **Atmel Corporation (Atmel)**, incorporated in the State of Delaware, is the parent company of the Atmel Group which comprises of the subsidiaries and affiliates in which it has a controlling interest.

The Atmel BCR consists of the Atmel Deed of binding corporate rules dated 10 April 2009 together with its appendices which are:

1. The Atmel corporation list of subsidiaries;
2. The Atmel organisational structure;
3. The Atmel corporation details of data transfers; and
4. The Atmel corporation fundamental data processing principles.

Date of authorisation – 22 April 2009

4. **Accenture Limited (Accenture)**, incorporated in Bermuda, is the parent company of the Accenture Group which comprises the subsidiaries in which is has direct or indirect control though ownership or otherwise.

The Accenture BCR consists of the Accenture Inter Company Agreement dated 29 April 2009 and Accenture Global Data Privacy Policy 90 dated 17 April 2009.

Date of authorisation – 30 April 2009

5. **Hyatt Hotels Corporation (Hyatt)**, incorporated in the State of Delaware, is the parent company of the Hyatt Hotels and Resorts Business which for the purposes of this authorisation consists of the Hyatt Hotels Corporation and the subsidiaries in which it has direct or indirect control.

The Hyatt BCR consists of the Hyatt Inter Group Agreement dated 1 July and its appendices which are:

1. The Hyatt Affiliates who are Parties to the agreement; and
2. The Hyatt Global Privacy Principles.

Date of authorisation – 15 September 2009
6. **JPMorgan Chase & Co (JPMC)**, incorporated in the State of Delaware is the parent company of the JPMC group of companies which for the purposes of this authorisation consists of JPMorgan Chase & Co. and the JPMC Entities in which it has direct or indirect control.

The JPMC BCR consists of the JPMC Intergroup Agreement dated 9 February 2010 and its appendix:

1. The JPMC Global Privacy Standards

Date of authorisation – 26 February 2010

7. **British Petroleum p.l.c (BP)**, a corporation established in the United Kingdom, is the parent company of the BP group of companies which consists of BP p.l.c. and the BP Entities in which it has direct or indirect control.

The BP BCR consists of a series of Deed Polls (which have been executed individually by the BP Entities (as defined in the Deed Polls) from 25 January 2010 onwards and notified to the ICO) and the BP Data Privacy Rules and other practical procedures referred to in Appendix 2 to the Deed Polls.

Date of authorisation – 31 March 2010

8. **IMS Health Incorporated (IMS Health)**, a company incorporated in the State of Delaware, USA, is the parent company of the IMS Health group of companies which consist of the affiliates and corporate entities in which it has a controlling interest.

The IMS Health BCR consist of the Data Protection Binding Corporate Rules Declaration which is a unilateral declaration dated 8 April 2010 together with its schedules which are:-

1. List of IMS Health affiliates and corporate entities,
2. The IMS Health Rules, as set out in Part A of Schedule 2 and other practical procedures referred to in Part B of Schedule 2,
3. Third Party Beneficiary Rights (enforceable against IMS Health HQ Limited).

Date of authorisation – 12 May 2010
9. **Spencer Stuart Management Consultants N.V.**, a company incorporated in Curacao, is the parent company of the Spencer Stuart group which consists of the affiliates and corporate entities in which it has direct or indirect control through ownership or otherwise.

The Spencer Stuart BCR consists the Data Protection Binding Corporate Rules Declaration which is a unilateral declaration dated 14 January 2011 together with its appendices which are:

1. List of Spencer Stuart affiliates and corporate entities,
2. The Spencer Stuart Candidate Data Protection Standards,

Date of authorisation – 16 February 2011

10. **CareFusion Incorporated (CareFusion)**, a company incorporated in the State of Delaware, USA is the parent company of the CareFusion group which consists of the divisions and subsidiaries in which it has direct or indirect control through ownership or otherwise.

The CareFusion BCR applies to the processing of personal data collected by a CareFusion Group Company established in the EEA in an employment context and consists of:

1. the Contractual Clauses dated 11 February 2011
2. the Personal Information Policy dated 30 March 2011,
3. the Employment Data Protection Procedure dated 30 March 2011,
4. the Personal Information and Recruitment Procedure dated 30 March 2011, and
5. the Service Provider Data Protection Guidelines dated 30 March 2011.

Date of authorisation – 31 March 2011
11. **First Data Corporation (First Data)**, incorporated in the State of Delaware, USA (whose principal place of business is at 5565 Glenridge Connector NE, Suite 2000 Atlanta, Georgia, USA) is the parent company of the First Data Group which for the purposes of this authorisation consists of the First Data Corporation and the subsidiaries in which it has direct or indirect control through ownership or otherwise.

The First Data BCR is authorised for the processing of personal data held in the capacity as data controller in relation to its employees, customers and other persons as appropriate to the conduct of its business activities. It consists of the First Data Binding Intra-Group BCR Membership Agreement commencing on 10 November 2011 and its Schedules which are:

1. The First Data Corporation Data Protection Standards (“the BCRs”) and annexes; and
2. The List of Affiliates due to sign an agreement in the form of this Agreement before the Commencement Date.

Date of authorisation – 14 November 2011

12. **eBay Incorporated**, a company incorporated in the State of Delaware, USA, is the parent company of the eBay group which consists of the divisions and subsidiaries including PayPal in which it has direct or indirect control through ownership or otherwise.

The eBay BCR is authorised for the processing of personal data held in the capacity as data controller, by an eBay Group Company established in the EEA in relation to users and employees. The eBay BCR consists of:

1. the Corporate Rules Agreement executed at various dates by the eBay Affiliates (as defined in the Corporate Rules Agreement and, where relevant, notified to the ICO), and
2. the Code of Business Conduct incorporating the Corporate Rules which includes the User Corporate Rules as at 6 October 2009 and the Employee Corporate Rules as at 6 October 2009.

Date of authorisation – 26 March 2012
13. **Novo Nordisk A/S (Novo Nordisk),** a company incorporated in Denmark, is the parent company of the Novo Nordisk group which consists of the affiliates and corporate entities in which it has direct or indirect control through ownership or otherwise.

The Novo Nordisk BCR consists of the Binding Corporate Rules Unilateral Declaration dated 1 December 2011 together with its Schedules which are:

1. List of Novo Nordisk affiliates and corporate entities,
2. The Novo Nordisk Data Protection Binding Corporate Rules Policy, and
3. Third party beneficiary rights (enforceable against the exporting Novo Nordisk entity established in Europe).

Date of authorisation – 21 May 2012

14. **Linklaters LLP, (Linklaters)** is a limited liability partnership which is registered and headquartered in the United Kingdom and has direct or indirect control of the Linklaters BCR Group Entities through partnership, ownership or otherwise.

The Linklaters BCR consists of the Linklaters LLP Binding Corporate Rules Deed Poll which is a unilateral declaration dated 28 May 2012 together with its appendices which are the:

1. Linklaters Global Data Protection Standards and its appendices; and
2. Linklaters BCR Group Entities.

Date of authorisation – 1 June 2012
15. **Citigroup Incorporated (Citi)**, a company incorporated in the State of Delaware, USA is the parent company of the Citi group which consists of the divisions and subsidiaries in which it has direct or indirect control through ownership or otherwise.

The Citi BCR applies to the processing of transferred European workforce data and consists of:

1. Citi Privacy Policy for Transferred European Workforce Data dated 22 August 2011 and its appendices, and
2. Third Party Beneficiary Agreement dated 13 June 2012 and its appendices including the list of exporting entities.

The Citi BCR will take effect on 6 June 2013

Date of authorisation – 14 June 2012
Date upon which authorisation takes effect – 6 June 2013

16. **Intel Corporation (Intel)**, a company incorporated in the State of Delaware, USA is the parent company of the Intel group which includes Intel Corporation and the other entities in which it has direct or indirect control through ownership.

The Intel BCR consists of the Intel Corporate Privacy Rules Deed Poll dated 3 January 2012 together with its Schedules which are:

1. List of Intel entities,
2. The Intel Corporate Privacy Rules, and
3. Third party beneficiary rights (enforceable against Intel Ireland Limited).

Date of authorisation – 5 September 2012
17. **American Express Company (American Express)**, a company incorporated in the State of New York, USA, is the parent company of the American Express group which consists of the companies or other entities over which American Express has direct or indirect control through ownership or otherwise.

The American Express BCR apply to customer data and employees data and consist of the Intra-Group agreement dated 28 August together with its Schedules which are:

1. American Express Data Protection and Privacy Principles, and

The American Express BCR will take effect on 28 January 2013

Date of authorisation – 29 October 2012
Date upon which authorisation takes effect – 28 January 2013

18. **Cargill, Incorporated (Cargill)**, a company incorporated in the State of Minnesota, USA is the parent company of the Cargill group which consists of the divisions and subsidiaries in which it has direct or indirect control through ownership or otherwise.

The Cargill BCR apply to the processing of personal data collected by a Cargill Group Company established in the EEA in an employment context or business context and are made binding within the group through the incorporation of the policies within Cargill’s ethical and compliance standards as set out in the Cargill Ethical Principles and the Code of Conduct. The BCR consist of:

1. Contractual Clauses as at 11 December 2011,
2. Data Privacy Compliance Policy - Employment Information (as at 15 November 2012), and

Date of authorisation – 2 May 2013
19. **Motorola Solutions, Inc.**, incorporated in the State of Illinois, USA, is the parent company of the Motorola Solutions group which consists of Motorola Solutions Inc., and the other entities over which it has direct or indirect control through ownership or otherwise.

The Motorola Solutions BCR apply to all personal data processed worldwide by Motorola Solutions relating to employees etc., customers and suppliers. The BCR consist of the Intra-Group Agreement dated 23 January 2013 and its Schedules which are:

1. The EEA Entities,
2. The Non-EEA Entities,
3. Binding Privacy Rules (effective as at 23 January 2013),
4. Deeds of Accession (which have been executed individually by the Motorola Solutions Entities from 23 January 2013 onwards and notified to the ICO).

**Date of authorisation – 2 May 2013**

20. **Ernst & Young, (EY)** is a global group of independent member firms (Member Firms) governed centrally by Ernst & Young Global Limited, a company limited by guarantee which is incorporated and registered in the United Kingdom.

The EY BCR apply to all personal data including that of EY’s current, past and prospective partners and employees, clients, suppliers, subcontractors and any other third parties where it is collected and used as part of the regular business activities of EY. The BCR are made binding within the group by the contractual agreement of the Member Firms to perform and comply with their obligations and responsibilities as Member Firms of Ernst & Young Global Ltd. The BCR consist of the Ernst & Young Data Protection Binding Corporate Rules Programme as at 28 February 2013, and its appendices which are:-

1. Data Privacy Roles and Responsibilities,
2. Subject Access Request Procedure,
3. Data Protection Binding Corporate Rules Programme Assessment of Compliance Protocol,
4. Data Protection Binding Corporate Rules Programme Complaint Handling Procedure,
5. Data Protection Binding Corporate Rules Programme Co-operation Procedure, and

**Date of authorisation – 7 June 2013**
21. **GlaxoSmithKline plc, (GSK)** incorporated and registered in the United Kingdom is the parent company of the GSK group which consists of GlaxoSmithKline plc., and the other entities over which it has direct or indirect control through ownership or otherwise.

The GSK BCR apply to personal data processed by GSK for human resources purposes and for research and development purposes. The BCR consist of the GSK Intra-Group Agreement regarding Binding Corporate Rules dated 10 June 2013 together with its Schedules which are:-

1. Binding Corporate Rules,
2. Form of Deed of Adherence,
3. Form of Resignation Letter,
4. Form of Expulsion Notice,
5. List of Bound Affiliates.

Date of authorisation – 10 June 2013

22. **Motorola Mobility LLC.,** incorporated in the State of Delaware, USA, is the operating parent company of the Motorola Mobility group which consists of Motorola Mobility LLC., and the other entities over which it has direct or indirect control through ownership or otherwise.

The Motorola Mobility BCR apply to all personal data relating to employees, customers and suppliers processed worldwide by the Motorola Mobility group and do not apply to processing by the Google group of which Motorola Mobility LLC and its entities form part. The BCR consist of the Intra-Group Agreement dated 11 January 2013 and its Schedules which are:-

1. The EEA Entities;
2. The Non-EEA Entities;
3. The Binding Privacy Rules (effective as at 18 December 2012); and
4. The Deeds of Accession which will be executed in the future by the Motorola Mobility Entities and notified to the ICO.

Date of authorisation – 7 August 2013
23. **Astra Zeneca plc, (AZ)** incorporated and registered in the United Kingdom is the parent company of the AZ group which consists of Astra Zeneca plc., and the other entities over which it has direct or indirect control through ownership or otherwise.

The AZ BCR apply to personal data processed by AZ in relation to human resources (excluding employees of AZ entities in the USA), healthcare professionals, suppliers and patients. It does not apply when an AZ Affiliate acts as a processor for a third party data controller, to personal data originating from a non-regulated jurisdiction and which is not controlled at any stage by an AZ Affiliate in a regulated jurisdiction or to CCTV footage.

The AZ BCR consist of the:-
1. AZ Binding Corporate Rules Intra-Group Agreement dated 25 July 2014 and its Schedules,
2. AZ Global Policy – Data Privacy, and
3. AZ Privacy Notice

Date of authorisation – 24 December 2014

24. **Fluor Corporation Inc.**, a company incorporated in Delaware whose registered office is at 6700 Las Colinas Blvd, Irving, Texas, USA is the parent company of the Fluor group which consists of the affiliates and corporate entities in which it has direct or indirect control through ownership or otherwise.

The Fluor BCR is authorised for the purposes of processing personal data in relation to human resources and contact information for clients, used for the purposes of HR administration, corporate financial administration and public company reporting, storage and archiving, and accessing contact details of third party clients (as well as related storage and archiving). It consists of the Binding Corporate Rules Unilateral Declaration dated 1 May 2015 together with its schedules which are:

1. List of Fluor Corporation subsidiaries bound by the BCR, and
2. Data Protection Binding Corporate Rules Policy.

Date of authorisation – 30 June 2015
25. **Flextronics International Limited (Flextronics)**, organised and existing under the laws of Singapore whose principal place of business is at 2 Changi South Lane, Singapore is the parent company of the Flextronics Group which for the purposes of this authorisation consists of the Flextronics International Limited and the subsidiaries in which it has direct or indirect control through ownership or otherwise.

The Flextronics BCR is authorised for the processing of personal data in relation to its employees, customers and other persons as appropriate to the conduct of its business activities. It consists of the Flextronics Binding Intra-Group Agreement commencing on 30 May 2015 and effective from 1 July 2015 together with its Schedules which are:

1. The Flextronics Data Privacy Standards (“the Standards”), annexes and appendices, and
2. The List of Affiliates.

Date of authorisation – 30 June 2015

26. **CA, Inc., (CA)** a company trading as CA Technologies and incorporated in the State of Delaware, USA, whose registered office is One CA Plaza, Islandia, New York, USA is the parent company of the CA group which consists of CA Inc., and the other entities over which it has direct or indirect control through ownership or otherwise.

The CA BCR apply to personal data processed by CA in relation to human resources, customer services, sales and marketing, vendors and third party partners.

The CA BCR consist of the CA Intercompany Agreement dated 6 May 2015 and its Schedules:-

A. Terms and Conditions,
B. The Rules,
C. List of signatories by Members of the Group.

Date of authorisation – 30 June 2015
Date upon which authorisation takes effect – 31 July 2015
27. **Schlumberger Limited, (Schlumberger)**, a company incorporated in Curacao, Netherlands Antilles, The Kingdom of the Netherlands is the parent company of the Schlumberger group which consists of the divisions and subsidiaries in which it has direct or indirect control through ownership or otherwise.

The Schlumberger Binding Corporate Rules apply to the collection, use, storing, disclosure or other processing of employee data. The Schlumberger BCR is made binding within the group through the incorporation of the policies within Schlumberger’s ethical and compliance standards. It consists of the Schlumberger Binding Corporate Rules for Employee Data as at 1 August 2011, the core principles of which are set out in the Data Privacy & Protection Standard as at 28 March 2013.

Date of authorisation – 30 June 2015

28. **Latham & Watkins LLP, (L&W)**, a limited liability partnership which is organised under the laws of the State of Delaware, USA and has direct or indirect control of the L&W BCR affiliated partnerships and subsidiaries through partnership, ownership or otherwise.

The L&W BCR apply to all personal data relating to human resources and recruitment administration, to clients, prospective clients and alumni for marketing and communication purposes, and to suppliers, vendors, contractors and advisers processed in the context of their relationship with L&W by any L&W entity as a data controller located in the EU.

The L&W BCR consists of the L&W LLP Binding Corporate Rules Intragroup Agreement dated 25 May 2016 together with its appendices which are the:


Date of authorisation – 4 August 2016
29. **Box, Inc.**, incorporated in the State of Delaware, USA, is the operating parent company of the Box group which consists of Box, Inc., and the other entities over which it has direct or indirect control through ownership or otherwise.

The Box Binding Corporate Rules apply to all personal data wherever it is collected and used in conjunction with regular Box business activities and employment purposes relating to human resources, supply chain management, customer relationship management, individual consumer content and customer file metadata.

The Box Binding Corporate Rules consist of the Intra-Group Agreement dated 26 July 2016 and its Schedules which are:-

1. The EEA Entities;
2. The Non-EEA Entities;
3. Global Binding Corporate Rules: Controller Policy
4. Deed of Accession which will be executed in the future by the Box.com (UK) Limited and any entities acceding to the IGA and notified to the ICO.

Date of authorisation – 30 August 2016

30. **International Business Machines Corporation (IBM)**, a company incorporated in the State of New York, USA is the parent company of the IBM group which consists of International Business Machines Corporation and the companies or subsidiaries in which it has direct or indirect control through ownership or otherwise.

The IBM BCR apply to personal data processed in a human resources context and to personal data relating to IBM’s customers, business partners, prospects, suppliers, vendors, contractors and web users processed in a business context by an IBM Group Company. The BCR are made binding within the group through the incorporation of the policies within the IBM Group through its Corporate Directives. The BCR consist of:-

1. Corporate Policy Letter 130
2. Corporate Instruction HR 113 concerning the processing of Employee Information
3. Corporate Instruction MKT 115 concerning the processing of Business Personal Information
4. Guidelines and Supporting Documentation for the Protection of Employee Information (as at 2 December 2016),
5. Guidelines for the Processing of Business Personal Information (as at 2 December 2016)

Date of authorisation – 22 February 2017
31. **BT Group plc (BT)**, incorporated and registered in the United Kingdom, is the parent company of the BT Group which consists of BT Group plc., and the other entities over which it has direct or indirect control through ownership or otherwise.

The BT BCR apply to the processing of internal BT personal data originating from any BT Group Company located within the EEA and consist of the BT Deed of binding corporate rules (which was approved by the BT Group plc Board on 6 September 2016 and signed thereafter by the BT Group Companies (as defined in the Deed) and notified to the Information Commissioner) together with its appendices which are:

1. Participating BT Group Companies;
2. Purposes of processing;
3. Model Clauses;
4. Security and Organisational Measures;
5. Revision History.

Date of authorisation – 22 February 2017

32. **Marsh and McLennan Companies, Inc.**, incorporated in Delaware, USA, is the parent company of the international group of companies which include its wholly owned subsidiaries.

The Marsh and McLennan Binding Corporate Rules is authorised for the processing of personal information which originates from Europe, by Marsh and McLennan Companies Inc. and its wholly owned subsidiaries, in the course of:
(a) interaction with potential and existing clients;
(b) supplier/vendor/other third party interactions; and
(c) management of employees, including existing and prospective new hires and temporary employees

The Marsh and McLennan Binding Corporate Rules consist of the Intra-Group Agreement dated 20 June 2017 and amended on 25 September 2017 and its Schedules which are:-

1. The EEA Entities;
2. The Non-EEA Entities;
3. Controller Binding Corporate Rules and appendices; and
4. Accession Letter.

Date of authorisation – 6 October 2017