

Binding Corporate Rules at the end of the transition period

This statement is for organisations who currently rely on EU Binding Corporate Rules (EU BCRs) as an appropriate safeguard for international transfers from the EEA.

The UK has left the EU and entered a transition period which ends on 31 December 2020. Once the transition period ends, the GDPR will be retained in domestic law as the UK GDPR. The UK will be a third country for the purposes of the EU GDPR and the ICO will no longer be a supervisory authority for EU BCRs. The Information Commissioner will introduce and approve UK GDPR Binding Corporate Rules (UK BCRs) to enable data transfers from the UK.

Whether or not you may continue to rely on EU BCRs as an appropriate safeguard for data transfers from the EEA after the transition period ends will depend on the circumstances in which the BCRs were approved, and the action you have taken to ensure that they remain valid. You may also be eligible for a UK BCR from 1 January 2021.

Continuing transfers from the EEA:

EU Binding Corporate Rules authorised under Article 26(2) of Directive 95/46/EC where the ICO was the lead supervisory authority.

Holders of EU BCRs where the ICO was the lead supervisory authority must identify an EEA supervisory authority to act as their new lead for their EU BCRs and must have transferred to them before the end of the transition period. If this is not done their EU BCR will no longer be valid under EU law. The EDPB have adopted an [information note](#) explaining the measures that need to be taken.

Continuing transfers from the UK:

EU Binding Corporate Rules authorised under Article 26(2) of Directive 95/46/EC where the Information Commissioner issued an authorisation (whether ICO was the lead supervisory authority or not).

Holders of EU BCRs for which the Information Commissioner issued an authorisation under Directive 95/46/EC will be automatically eligible for a UK

BCR under paragraph 9, Part 3, Schedule 21 to the DPA 2018 (as amended from 1 January 2021).

Each such BCR holder needs to produce a UK version of their BCRs by 1 January 2021 to incorporate the changes described in that paragraph. The UK version of the BCRs must be provided to the ICO on or before the next annual update due date.

The ICO will contact each relevant organisation after the end of the transition period to confirm their UK BCR status and seek assurances that the necessary amendments have been made.

If the amended documentation is not provided to ICO's satisfaction, the Information Commissioner may revoke the UK BCR authorisation.

EU Binding Corporate Rules authorised under Article 26(2) of Directive 95/46/EC where the ICO was not the lead supervisory authority and did not issue an authorisation.

Holders of EU BCRs for which the ICO did not act as lead and did not issue an authorisation will be eligible automatically for a UK BCR only if certain conditions are met.

These conditions are:

- their entity established in the UK must notify the ICO that they have an EU BCR and wish to have a UK BCR;
- they must provide the name and contact details of their DPO or other relevant contact; and
- they must supply such additional information the ICO reasonably requires.

The ICO will expect to receive a UK version of the BCRs incorporating the changes described in paragraph 9, Part 3, Schedule 21, the DPA 2018 (as amended from 1 January 2021). The conditions should be satisfied as soon as possible and, in any event, before 30 June 2021, as no confirmation of UK BCR will be issued by Information Commissioner until they are. These BCR holders have until 30 June 2021 at the latest to provide this information.

Holders of these EU BCRs should contact the ICO as soon as possible if they require a UK BCR to discuss the process and the ICO's exact requirements. Please contact BCR@ico.org.uk.

EU Binding Corporate Rules approved under EU GDPR where the ICO was not the lead supervisory authority

These BCRs are not covered by paragraph 9, Part 3, Schedule 21 to the DPA 2018 (as amended from 1 January 2021). Holders of these EU BCRs must



contact the ICO as soon as possible if they require a UK BCR to discuss the process and ICO's requirements. Please contact BCR@ico.org.uk.