Update on cross-border data transfers

14.12.2021

Following the Schrems II ruling of the European Court of Justice in July 2020, the EU Commission totally revised the Standard Contractual Clauses (SCCs) for the transfer of personal data to countries without adequate data protection laws. On 27 August 2021, the FDPIC recognised the revised SCCs with the reservation that they require certain amendments for Swiss purposes.

As of 27 September 2021, all newly concluded SCCs governing exports of personal data from Switzerland to third countries not providing for an adequate level of data protection must be concluded based on the revised SCCs. A transition period until the end of 2022 applies for data transfer agreements that were in place prior to 27 September 2021. Wherever data transfers under existing agreements shall continue as of 1 January 2023, measures incorporating the revised SCCs are required. Due to additional measures to be taken and the updated modular structure of the revised SCCs, the transition period should be used wisely to plan and implement the complex adjustments.

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No legal or tax advice

This legal update provides a high-level overview and does not claim to be comprehensive. It does not represent legal or tax advice. If you have any questions relating to this legal update or would like to have advice concerning your particular circumstances, please get in touch with your contact at Pestalozzi Attorneys at Law Ltd. or one of the contact persons mentioned in this legal update.

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