

VLP Partner Michael Whitener Interviewed by Newsmax in the Article “EU's New Privacy Shield Creates New Compliance Requirements”

VLP Partner Michael Whitener was interviewed by *Newsmax Financial* in the article “EU's New Privacy Shield Creates New Compliance Requirements.” The article reported that although the European Commission recently adopted the Privacy Shield to replace the Safe Harbor Agreement that was upended by Austrian law student Max Schrems, U.S. companies are not out of the woods yet.

The U.S. Department of Commerce began accepting self-certifications by U.S. companies adhering to the Privacy Shield on August 1, 2016. Michael noted, “All Privacy Shield requirements must be met before a company can self-certify.” Key requirements include developing a Privacy Shield-compliant privacy policy statement, identifying an independent recourse mechanism for investigating unresolved complaints and ensuring that the company has procedures in place to verify compliance. If companies are not compliant, the Privacy Shield requirements could lead to substantial penalties.

The article also reported that, like the Safe Harbor Framework, the Privacy Shield has seven primary principles. However, the Privacy Shield contains an additional 16 supplemental principles, addressing consent to process sensitive data, verification procedures and an individual’s right to access his or her data.

Michael told the new outlet, “The Privacy Shield differs from Safe Harbor in that it has stricter rules governing data transfers from a Privacy Shield-certified company to third parties, it limits U.S. government access to the personal data of EU citizens, mandates the appointment of a State Department Ombudsman to process complaints relating to U.S. intelligence practices and multiple dispute resolution options if an individual believes that Privacy Shield requirements have been violated.”

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