

Aktiebolaget Tetra Pak, represented by
Mannheimer Swartling Advokatbyrå AB

Decision approving the Binding Corporate Rules of Tetra Pak Group

Decision of the Swedish Data Protection Authority

The Swedish Data Protection Authority finds that the Controller Binding Corporate Rules (Controller BCRs) of Tetra Pak Group (Tetra Pak) provide appropriate safeguards for the transfer of personal data in accordance with Articles 46.1, 46.2 b, 47.1 and 47.2 of the GDPR (2016/679) and hereby approves the Controller BCRs of Tetra Pak.

The approved Controller BCRs will not require any specific authorization from the concerned EU/EEA Data Protection Authorities.

The Swedish Data Protection Authority presupposes that Tetra Pak notifies changes to the Controller BCRs to the Swedish Data Protection Authority, which shall in turn forward the information to all concerned EU/EEA Data Protection Authorities.

The decision can be revoked if Tetra Pak processes personal data contrary to the Controller BCRs or to the other provisions of the GDPR.

In accordance with Article 58.2 j of the GDPR, each concerned EU/EEA Data Protection Authority maintains the power to order the suspension of data flows to a recipient in a third country or to an international organization whenever the appropriate safeguards envisaged by the Controller BCRs of Tetra Pak are not respected.

Application

Tetra Pak has applied for approval by the Swedish Data Protection Authority of their Controller BCRs for the transfer of personal data to third countries within the Tetra Pak Group.

In accordance with the cooperation procedure as set out in the Working Document WP263 rev.01, the Controller BCRs application of Tetra Pak were reviewed by the Swedish Data Protection Authority, as the competent Authority for the BCRs (BCR Lead) and by the Italian Data Protection Authority, Garante per la protezione dei dati personali, and the French Data Protection Authority, Commission Nationale de l'Informatique et des Libertés, as co-reviewers. The application was also circulated to every EU/EEA Data Protection Authority for further review and comments.

Tetra Pak has made amendments to its Controller BCRs during the co-operation phase. Subsequently, the other EU/EEA Data Protection Authorities have entrusted the Swedish Data Protection Authority to assess and decide whether Tetra Pak's Controller BCRs provide appropriate safeguards for the transfer of personal data in accordance with Article 47 of the GDPR.

Grounds for the decision

Having regard to Article 47 of the GDPR, the Swedish Data Protection Authority shall approve BCRs provided that they meet the requirements set out under this Article.

The review made in accordance with the cooperation procedure as set out in the Working Document WP263 rev.01 concluded that the Controller BCRs of Tetra Pak comply with the requirements set out by Article 47 of the GDPR, as well as the Working Document WP256 rev.01.

The EDPB provided its opinion 25/2020 in accordance with Article 64.1 f regarding the Controller BCRs of Tetra Pak and the Swedish Data Protection Authority took utmost account of this opinion.

The Swedish Data Protection Authority finds that the Controller BCRs of Tetra Pak provide appropriate safeguards for the transfer of personal data in

accordance with Articles 46.1, 46.2 b, 47.1 and 47.2 of the GDPR and hereby approves the Controller BCRs of Tetra Pak.

The approved Controller BCRs will not require any specific authorization from the concerned EU/EEA Data Protection Authorities.

The Swedish Data Protection Authority presupposes that Tetra Pak notifies changes to the Controller BCRs to the Swedish Data Protection Authority, which shall in turn forward the information to all concerned EU/EEA Data Protection Authorities.

The decision can be revoked if Tetra Pak processes personal data contrary to the Controller BCRs or to the other provisions of the GDPR.

In accordance with Article 58.2 j of the GDPR, each concerned EU/EEA Data Protection Authority maintains the power to order the suspension of data flows to a recipient in a third country or to an international organization whenever the appropriate safeguards envisaged by the Controller BCRs of Tetra Pak are not respected.

The decision has been taken by the Director General Lena Lindgren Schelin after presentation by the legal advisor Emina Gaspar-Vrana. In addition, the Head of Unit Catharina Fernquist, have participated in the final management of this matter.

Lena Lindgren Schelin

How to appeal the decision

If you wish to appeal the decision, you shall write to the Swedish Data Protection Authority. You shall indicate in your letter which decision you wish to appeal and the requested change to the decision. The letter shall have reached the Swedish Data Protection Authority within three weeks of receipt of the decision, otherwise the appeal is not admissible. The Swedish Data Protection Authority will forward the appeal to the Administrative Court in Stockholm (*Sw. Förvaltningsrätten i Stockholm*) for examination, unless the

Swedish Data Protection Authority chooses to change the decision in line with your request.

Provided that the appeal does not entail any privacy sensitive personal data or information that could be covered by the obligation of professional secrecy, you can e-mail the appeal to datainspektionen@datainspektionen.se.

Annexes to the decision

Annex 1: BCR-C, which include Appendix B – Data Subjects Rights Protocol and Appendix C – Complaints Handling Procedure

Annex 2: Tetra Pak Intra-Group BCR Agreement

Annex 3: Data Privacy Procedure Section D: Personal Data Breach Notification Protocol

Annex 4: List of Tetra Pak Companies & BCR Members

Annex 5: Application Form Part I

Annex 6: Application Form Part II

Annex 7: Data Breach Response Procedure

Annex 8: WP256 rev.01 referential