

Comments on draft guideline 2/2020 from EDPB

The European Data Protection Board has invited interested parties to comment on the draft guideline 2/2020 on articles 46 (2) (a) and 46 (3) (b) of Regulation 2016/679 for transfers of personal data between EEA and non-EEA public authorities and bodies.

The universities and university centers in Denmark welcome the draft guidelines as an appropriate clarification of the above mentioned Articles.

The universities and university centers in Denmark have agreements with counterparts in countries outside EU/EEA on exchange of students. Some agreements also cover vocational training for students when such training is part of the education. It is important for the universities and university centers in Denmark that these student exchange agreements are covered under the provisions of Article 46 (2) (a) and 46 (3) (b), as personal data is transferred to the counterparts in the third countries under the provisions of the agreements. We therefore recommend that a definition of the public authorities or bodies is included directly in section 8 of the guideline and that the definition covers public universities and university centers.

In sections 57 and 58, it is laid down that there shall exist an independent redress and supervision mechanism in the third country in question and that such an independent supervisory authority could be a Data Protection Agency or another body, which carries out its function independently. As it is difficult for the public authorities in the Member States to evaluate the competences and the roles of supervisory authorities in third countries, we propose that some more guidelines are provided in this respect.