

Norican Group ApS
Højager 8
2630 Taastrup
Danmark

22 March 2022

J.No. 2018-581-0007
Doc.no.
Caseworker
Mads Nordstrøm Kjær

Approval decision of the Norican Group Binding Corporate Rules for controller by the Danish Data Protection Authority

The Danish Data Protection Agency
Carl Jacobsens Vej 35
2500 Valby
Denmark
T 3319 3200
dt@datatilsynet.dk
datatilsynet.dk
VAT No. 11883729

1. Having regard to Article 47(1) of the EU General Data Protection Regulation 2016/679 (GDPR), the Danish Data Protection Agency shall approve Binding Corporate Rules (BCRs) provided that they meet the requirements set out under this Article.

Whereas:

2. In accordance with the cooperation procedure as set out in the Working Document WP263.rev.01, the Controller BCRs application of Norican Group were reviewed by the Danish Data Protection Agency as the competent Authority for the BCRs (BCR Lead) and by the Lithuanian Supervisory Authority and the Finnish Supervisory Authority acting as co-reviewers. The application was also reviewed by the concerned Supervisory Authorities, to which the BCRs were communicated as part of the cooperation procedure.
3. The review concluded that the Controller BCRs of Norican Group comply with the requirements set out by Article 47(1) of the GDPR as well as the Working Document WP256.rev.01 and in particular that the aforementioned BCRs:
 - i) Are legally binding and contain a clear duty for each participating member of the Group including their employees to respect the BCRs by;

requiring all members of the Norican Group to enter into signed contracts with Norican A/S, which is the headquarter of the Norican Group (See Annex 1, Appendix 2 for a list of the participating entities and section 2.1. in Annex 2, appendix 2 BCR-contract for the obligation to comply with the BCRs); and

having employees sign or attest to having read the BCRs and/or relevant internal policies/standards in which the BCRs are incorporated (see section 2.2. of the BCR Policy and section 4 of the application form)
 - ii) Expressly confer enforceable third party beneficiary rights to data subjects with regard to the processing of their personal data as part of the BCRs (see section 20 of the BCR Policy and section 3 of Annex 2, Appendix 2 BCR-contract);
 - iii) Fulfil the requirements laid down in Article 47(2) (see section 1- 26 of the BCR Policy and Annex 1, Appendix 1-4);

4. The EDPB provided its opinion 04/2022 in accordance with Article 64(1)(f). The Danish Data Protection Agency took utmost account of this opinion.

DECIDES AS FOLLOWING:

5. The Controller BCRs of Norican Group provide appropriate safeguards for the transfer of personal data in accordance with Article 46(1),(2f) and Article 47 (1), (2) GDPR and hereby approves the Controller BCRs of Norican Group.
6. However, before making use of the BCR it is the responsibility of the data exporter in a Member State, if needed with the help of the data importer, to assess whether the level of protection required by EU law is respected in the third country of destination, including onward transfer situations. This assessment has to be conducted in order to determine if the guarantees provided by BCRs can be complied with in practice, in light of the circumstances of the possible impingement created by the third country legislation with the fundamental rights and the circumstances surrounding the transfer. If this is not the case, the data exporter in a Member State, if needed with the help of the data importer, should assess whether it can provide supplementary measures to ensure an essentially equivalent level of protection as provided in the EU.
7. Where the data exporter in a Member State is not able to take supplementary measures necessary to ensure an essentially equivalent level of protection as provided in the EU, personal data cannot be lawfully transferred to a third country under this BCR. Therefore the data exporter is required to suspend or end the transfer of personal data.
8. The approved BCRs will not require any specific authorization from the concerned supervisory authorities.
9. In accordance with Article 58.2.j GDPR, each concerned Supervisory 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 Norican Group are not respected.

The Controller BCRs of Norican Group that are hereby approved cover the following:

a. Scope

Only members of Norican Group acting as Controllers that are legally bound by the BCRs:

A list of members of the Norican Group covered by these BCRs is available in Annex 1, Appendix 2 and Annex 2, Appendix 3.

b. EEA countries from which transfers are to be made [See Norican BCR Annex 1, Appendix 2]

c. Third countries to which transfers are to be made [See Norican BCR Annex 1, Appendix 2]

d. Purposes of the transfer [See *Norican BCR Policy section 2.4.2 and Annex 1, Appendix 1*]

e. Categories of data subjects concerned by the transfer [See *Norican BCR Annex 1, Appendix 1*]

f. Categories of personal data transferred [See *Norican BCR Annex 1, Appendix 1*]

Kind regards

Mads Nordstrøm Kjær