

Sophie in't Veld
European Parliament
Rue Wiertz 60
B-1047 Brussels
Belgium

Brussels, 4 November 2022

by e-mail only

Ref: 2022-0075

Dear Mrs in't Veld,

Let me first of all thank you for your letter of 15 June 2022 regarding the transfers of personal data based on the obligations stemming from the intergovernmental agreements (IGAs) concluded between the Member States and the US and implementing the US Foreign Account Tax Compliance Act (FATCA) and in particular, the measures taken in that respect by the supervisory authorities (SAs) and the EDPB.

With regard to the first question related to the complaints received by SAs on the above-mentioned matter, we would like to inform you that the complaint referred to in your letter and mentioned in the EDPB response of 7 July 2021 has been received by the Belgian SA. Other complaints were brought before other SAs following the publication of the statement.

Regarding your second question about details and the state of play of the discussions of each SA with their respective government on the review of the IGA, we would like to highlight that we are not in a position to provide you with more detailed information as revealing details and the state of play of these discussions could jeopardise the actions carried out at national level.

With regards to your last question, we would like to remind you that assessing the compatibility of the different agreements concluded bilaterally between a Member State and the US with the GDPR is not within the competence of the EDPB and that it is up to the different SAs to monitor and enforce, where necessary, the protection of personal data of data subjects within their jurisdiction.

However, considering the fact that the matter concerns various Member States, the SAs decided to join in a common effort with the aim of identifying possible questions which could be addressed to their respective competent national authorities concerning the consistency of transfers based on IGAs with GDPR principles, including those of necessity and proportionality.

Please be assured that the EDPB is aware of the problematics raised by different stakeholders on this matter and it continues to offer a forum for the exchange on this topic between the different SAs.

Yours sincerely,



Andrea Jelinek

Andrea Jelinek
Chair of the European Data Protection Board

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