

EU-US Privacy Shield Pact Faces Legal Challenges

Written by Marco Attard
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The EU-US Privacy Shield security agreement faces legal fire, as three French advocacy groups-- La Quadrature du Net, non-profit service provider French Data Network and its Federation FDN industry-- challenge the pact at the Luxembourg-based General Court.



The French legal challenge follows a similar suit filed by Irish group Digital Rights Ireland in September 2016.

"We are aware of the application (for annulment)," an EC spokesman tells Reuters. "We don't comment on ongoing court cases. As we have said from the beginning, the Commission is convinced that the Privacy Shield will live up to the requirements set out by the European Court of Justice which has been the basis for the negotiations."

The European Union agreed on the Privacy Shield pact earlier this year, after the EU Court of Justice struck down the previous Safe Harbour Principles used by firms to allow the transfer of personal data from Europe to the US due to concerns involving intrusive US surveillance of online data.

Privacy Shield entered in effect from July 2016 as a self-certification process for US companies wanting to deal in the transfer and storage of both HR and non-HR data from the EU. It provides EU citizens with greater means to seek redress in case of disputes through a new privacy ombudsman within the State Department dealing with complaints about US spying.

However the French groups insist the US ombudsman is in no way effective to deal with complaints, since "it relies on so-called 'independent' instruments is in no way sufficient to

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consider it an independent judicial entity.”

The legal challenge to Privacy Shield requires proof that the pact is "of direct and individual concern" to either an individual or company within 2 months of the act coming into force, otherwise they have to go through national courts.

Go [EU-US Privacy Shield Act Faces Second Legal Challenge \(EurActiv\)](#)

Go [Privacy Group Launches Legal Challenge Against EU-US Data Pact \(Reuters\)](#)