

Transferring Data Internationally Post-Brexit

Transfers from within the European Economic Area (“EEA”) to outside the EEA (which includes the UK following Brexit) are only allowed where appropriate precautions are put in place. For international businesses that regularly transfer data from the EU to the UK, it was not initially clear what the position would be for such transfers of data from 1 January 2021.

The UK and the EU reached an agreement on Brexit just before Christmas 2020, which included arrangements for transfers of data to the UK following the end of the transition period. The summary of the Brexit agreement, which was published by the UK government, explains that the UK and EU have agreed to a grace period of up to six months during which personal data can flow freely from the EU to the UK. During this period, the European Commission will work to complete its adequacy determination with the UK, which if obtained would allow the uninterrupted free flow of personal data between the EU and the UK without additional measures being put in place.

The UK’s data protection regulator, the ICO (Information Commissioner’s Office) has issued a brief statement which explains that, if your business transfers data from the EU to the UK, you need to put in place alternative transfer mechanisms, to safeguard against any interruption to the free flow of EU to UK personal data.

For further information and assistance on updating your HR documentation or GDPR queries, please contact me at kwatkins@ihrsolutions.co.uk or call me direct on 07566 766954 or call our helpline on 01604 709509.

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About the Author

KATHERINE WATKINS

Katherine has over 20 years' international experience working in HR, across various sectors, including financial services, insurance and regulated environments. Over the years, she has collaborated with some exceptionally talented HR professionals, with whom she has joined forces on special projects. Her network of HR professionals provides advice and training to companies and other HR teams.

In her role with UKGI Group, Katherine heads up the Human Resources Consultancy and provides objective support to firms on employment law and HR issues. She uses her extensive skills and knowledge to work with firms to help them develop strong and resilient HR strategies and establish healthy organisational cultures.

Katherine holds a degree in Business Administration and Management from the University of Northampton and a Postgraduate Diploma in Human Resource Strategies from London Metropolitan University. She is a Fellow of the Chartered Institute of Personnel and Development (FCIPD).

