



AMERICAN CHAMBER
OF COMMERCE IN NORWAY

Mr. Anders Anundsen
Minister of Justice & Public Security
Norwegian Ministry of Justice & Public Security
Pb. 8005 Dep.
0030 OSLO

June 21, 2016

Dear Minister Anundsen –

I am writing in relation to the ongoing EU-US negotiations over Privacy Shield. Once adopted, Privacy Shield will ensure that data flowing from Europe to the United States is subject to privacy rules that are essentially equivalent to European law. To promote business and to protect consumers, we encourage you to support rapid adoption of the Shield.

Transatlantic data flows are important to the economic success of enterprises across Norway. Today, however, there is uncertainty around these flows. The EU Court of Justice invalidated Privacy Shield's predecessor, Safe Harbor, over six months ago. Some companies have since migrated to the EU "standard contractual clauses" (SCCs) for EU-US data flows. But it seems these instruments too may shortly be referred to the CJEU for review. Even if SCCs survive CJEU scrutiny, their value is limited for small and medium-sized enterprises because they require substantial resources to adopt and implement.

The current legal and business uncertainty creates challenges for our members. Equally important, the lack of clarity also exposes their customers and millions of other consumers to risk. In contrast, Privacy Shield improvements include an ombudsman with responsibility to investigate complaints brought by EU data subjects under the Shield, as well as under other data transfer mechanisms (SCCs and binding corporate rules).

Stakeholders, including the Article 29 Working Party, the European Data Protection Supervisor and the European Parliament, agree that Privacy Shield provides significantly stronger safeguards than Safe Harbor. Both the Article 29 Working Party – as well as the EDPS – have identified areas where they believe further work is needed. We support that work, which is currently being discussed between the European Commission and the Department of Commerce. We, however, also believe that the issues raised by the Working Party can be addressed both through clarifications in Privacy Shield and via the annual review built in to the Shield's terms.

Privacy Shield offers economic and privacy-related benefits for business and consumers in Norway. We respectfully encourage you to fully support its rapid adoption in order to ensure the legal certainty that businesses in Europe require to succeed.

Thank you for your time and consideration. We would be pleased to discuss any concerns you may have.

Sincerely,



-Jason Turflinger-
Managing Director

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