



Information Commissioner's Office
Promoting public access to official information
and protecting your personal information

Binding Corporate Rules Authorisation

The Information Commissioner gives this authorisation pursuant to paragraph 9 of Schedule 4 to the Data Protection Act 1998 (the 'Act').

WHEREAS:

- A. Paragraph 8 of Part I of Schedule 1 to the Act (the '8th Principle') provides that personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data
- B. Paragraph 9 of Schedule 4 to the Act ('Paragraph 9') provides that the 8th Principle does not apply where the transfer has been authorised by the Commissioner as being made in such manner as to ensure adequate safeguards for the rights and freedoms of data subjects
- C. WP74¹ envisages that a group of companies may ensure adequate safeguards by implementing binding corporate rules ('BCR') throughout the group and sets out what an applicant must demonstrate to data protection authorities in order for an authorisation to be granted
- D. the General Electric Company incorporated in the State of New York ('GE') is the ultimate parent company of a group of companies ('the GE Group')
- E. the GE Group is comprised of companies or other entities in which GE owns, directly or indirectly, more than 50 per cent of the voting rights, or in which the power to control the entity is possessed by or on behalf of GE (a 'GE Entity')
- F. GE has submitted an application for approval of its BCR to the Information Commissioner under WP108². The application comprises:
 - a. Employment Data Protection Standards (as at 01 December 2005) (the 'GE BCR');
 - b. The background paper submitted by GE dated 18 April 2005;

¹ Working Document: Transfers of personal data to third countries: Applying Article 26(2) of the EU Data Protection Directive to Binding Corporate Rules for International Data Transfers – Adopted on 3 June 2003

² Working Document Establishing a Model Checklist Application for Approval of Binding Corporate Rules – Adopted on 14 April 2005

- c. Integrity: the Spirit & Letter of Our Commitment dated February 2004; and
- d. Uses of Employment Data For GE Entities revision date 01/07/2004.

G. The Information Commissioner is satisfied that the GE BCR meet the criteria set out in WP74.

1. The Information Commissioner hereby authorises transfers of personal data within the jurisdiction of the UK Information Commissioner from GE Entities situated in the European Economic Area ('EEA') to GE Entities situated outside the EEA made on the basis of, and in accordance with, the GE BCR as being made in a manner which ensures adequate safeguards for the rights and freedoms of data subjects provided that:

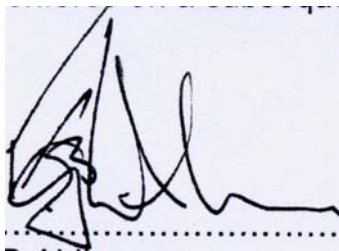
1.1. this authorisation shall apply only to transfers of those categories of personal data identified in the GE BCR;

1.2. the GE BCR shall be interpreted, applied and enforced in accordance with the documents identified in Recitals F(b) to (d) and any other representation made by GE in the course of discussions preparatory to the giving of this authorisation; and

1.3. GE notify the Information Commissioner of any significant changes to the GE BCR as referred to in paragraph 4.2 of WP74.

2. If the Information Commissioner is satisfied that any GE Entity has contravened or is contravening any of the provisions of the GE BCR, he may serve on GE a notice withdrawing this authorisation. Such notice shall take effect on a date to be specified in the notice.

3. Any indulgence granted by the Information Commissioner for failure by GE to comply with the terms of this Authorisation will not prejudice his right to enforce on a subsequent occasion.



FGB Aldhouse
Deputy Information Commissioner
for the Information Commissioner

