



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 '8<sup>th</sup> Principle') provides that personal data shall not be transferred to a country or territory outside the European Economic Area (EEA) 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 8<sup>th</sup> 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. WP74<sup>1</sup> 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. In each case the Information Commissioner is in receipt of all necessary information which has demonstrated that the BCR meets requirements of WP74, WP108<sup>2</sup> and WP153<sup>3</sup>.
1. The Information Commissioner hereby authorises transfers of personal data by the entities in the groups listed in Appendix 1 from the jurisdiction of the UK Information Commissioner to entities within their corporate group situated outside the EEA which are made on the basis of, and in accordance with, their BCR as being made in a manner which ensures adequate safeguards for the rights and freedoms of data subjects provided that in respect of each application:

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<sup>1</sup> 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

<sup>2</sup> Working document establishing a model checklist application for approval of binding corporate rules – Adopted on 14 April 2005

<sup>3</sup> Working document setting up a table with elements and principles to be found in binding corporate rules – Adopted on 24 June 2008

- 1.1. this authorisation shall apply only to transfers of those categories of personal data identified in the BCR documents listed in Appendix 1;
  - 1.2. the BCR shall be interpreted, applied and enforced in accordance with the representations made in the application form, WP133, or equivalent background papers and any other representations; and
  - 1.3. The entities listed at Appendix 1 notify the Information Commissioner of any significant changes to their BCR as referred to in paragraph 4.2 of WP74.
2. If the Information Commissioner is satisfied that any entity has contravened or is contravening any of the provisions of their BCR, he may serve on the UK entities within a group a notice withdrawing this authorisation. Such notice shall take effect on a date to be specified in the notice and the group shall be removed from Appendix 1.
  3. Any indulgence granted by the Information Commissioner for failure by entities to comply with the terms of this Authorisation will not prejudice his right to enforce on a subsequent occasion.

David Smith  
Deputy Information Commissioner  
for the Information Commissioner

Dated 30 April 2009

## **Appendix 1 to Information Commissioner's binding corporate rules authorisation.**

**This appendix lists the entities authorised to transfer personal data, the documents making up those entities BCR and date on which the authorisation was first granted by the Information Commissioner.**

**1. General Electric Company (GE)**, incorporated in the State of New York is the ultimate parent company of the GE Group which 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.

The GE BCR consists of the Employment Data Protection Standards dated 01 December 2005

Date of authorisation – 15 December 2005

**2. Koninklijke Philips Electronics NV (Philips)** having its registered seat in Eindhoven, The Netherlands is the ultimate parent company of the Philips Group which is comprised of companies or other entities in which Philips owns, directly or indirectly, more than 50 per cent of the issued share capital, has 50 per cent or more of the voting power at general meetings of shareholders, has the power to appoint a majority of the directors or otherwise directs the activities of such other legal entity.

The Philips BCR consists of the Philips Privacy Code and the Philips Privacy Rules both dated 16 January 2007.

Date of authorisation – 2 April 2007

**3. Atmel Corporation (Atmel)**, incorporated in the State of Delaware, is the parent company of the Atmel Group which comprises of the subsidiaries and affiliates in which it has a controlling interest.

The Atmel BCR consists of the Atmel Deed of binding corporate rules dated 10 April 2009 together with its appendices which are:

1. The Atmel corporation list of subsidiaries;
2. The Atmel organisational structure;
3. The Atmel corporation details of data transfers; and
4. The Atmel corporation fundamental data processing principles.

Date of authorisation – 22 April 2009

**4. Accenture Limited (Accenture)**, incorporated in Bermuda, is the parent company of the Accenture Group which comprises the subsidiaries in which is has direct or indirect control through ownership or otherwise.

The Accenture BCR consists of the Accenture Inter Company Agreement dated 29 April 2009 and Accenture Global Data Privacy Policy 90 dated 17 April 2009.

Date of authorisation – 30 April 2009