



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 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. Koninklijke Philips Electronics NV ('Philips') having its registered seat in Eindhoven, The Netherlands is the ultimate parent company of a group of companies ('the Philips Group').
- E. The Philips Group 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 (a 'Philips Entity').
- F. Philips has submitted an application for approval of its BCR to the Information Commissioner under WP108<sup>2</sup>. The application comprises:
  - a. Executive Summary dated May 2006;
  - b. Philips Privacy Code dated 16 January 2007
  - c. Philips Privacy Rules dated 16 January 2007

---

<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

- G. The Philips BCR comprises the Philips Privacy Code and the Philips Privacy Rules both dated 16 January 2007.
- H. The Information Commissioner is satisfied that the Philips 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 Philips Entities situated in the European Economic Area ('EEA') to Philips Entities situated outside the EEA made on the basis of, and in accordance with, the Philips 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 Philips BCR;
  - 1.2. the Philips BCR shall be interpreted, applied and enforced in accordance with the document identified in Recital F(a) and any other representation made by Philips in the course of discussions preparatory to the giving of this authorisation; and
  - 1.3. Philips notifies the Information Commissioner of any significant changes to the Philips BCR as referred to in paragraph 4.2 of WP74.
- 2. If the Information Commissioner is satisfied that any Philips Entity has contravened or is contravening any of the provisions of the Philips BCR, he may serve on Philips 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 Philips 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 the 2nd day of April 2007