



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

**DATA PROTECTION ACT 1998
(Section 54(6) and Schedule 4, paragraph 9)
AUTHORISATION**

The European Commission has adopted a decision on an alternative set of standard contractual clauses for the transfer of personal data to third countries under Directive 95/46/EC¹ (the "Decision") which sets out model contract clauses intended to provide adequate safeguards for personal data transferred by data controllers established in the EU, from the EU to data controllers in countries outside the EU (the "model terms").

The Decision was made pursuant to Article 26(4) of Directive 95/46/EC, and therefore, under Section 54(6) of the Data Protection Act 1998 (the "Act"), I am obliged to comply with the Decision when exercising my functions under paragraph 9 of Schedule 4 to the Act. This latter provision of the Act provides that the Eighth Data Protection Principle does not apply where the transfer has been authorised by me as being made in such a manner as to ensure adequate safeguards for the rights and freedoms of data subjects.

Accordingly, pursuant to paragraph 9 of Schedule 4 to the Act, I hereby authorise transfers made using the model terms set out in the Decision as being made in a manner which ensures adequate safeguards for the rights and freedoms of data subjects.

This authorisation does not extend to the transfer of personal data by data controllers established in the EU to data processors established outside the EU.

The text of the Decision, including the model terms is available from the Commission's website at:

http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/oj/2004/l_385/l_38520041229en00740084.pdf

Dated the: 27th day of May

Signed:

A handwritten signature in black ink that reads 'Richard Thomas'. The signature is written in a cursive style with a prominent 'R' and 'T'.

RICHARD THOMAS
Information Commissioner

¹ (2004) 5271 27 December 2004