

Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (United Kingdom General Data Protection Regulation)(Text with EEA relevance)

CHAPTER V

Transfers of personal data to third countries or international organisations

Article 46

Transfers subject to appropriate safeguards

1 In the absence of [^{F1}adequacy regulations under section 17A of the 2018 Act], a controller or processor may transfer personal data to a third country or an international organisation only if the controller or processor has provided appropriate safeguards, and on condition that enforceable data subject rights and effective legal remedies for data subjects are available.

2 The appropriate safeguards referred to in paragraph 1 may be provided for, without requiring any specific authorisation from [^{F2}the Commissioner], by:

- a a legally binding and enforceable instrument between public authorities or bodies;
- b binding corporate rules in accordance with Article 47;
- [^{F3}c standard data protection clauses specified in regulations made by the Secretary of State under section 17C of the 2018 Act and for the time being in force;]
- [^{F4}d standard data protection clauses specified in a document issued (and not withdrawn) by the Commissioner under section 119A of the 2018 Act and for the time being in force;]
- e an approved code of conduct pursuant to Article 40 together with binding and enforceable commitments of the controller or processor in the third country to apply the appropriate safeguards, including as regards data subjects' rights; or
- f an approved certification mechanism pursuant to Article 42 together with binding and enforceable commitments of the controller or processor in the third country to apply the appropriate safeguards, including as regards data subjects' rights.

3 [^{F5}With authorisation from the Commissioner], the appropriate safeguards referred to in paragraph 1 may also be provided for, in particular, by:

- a contractual clauses between the controller or processor and the controller, processor or the recipient of the personal data in the third country or international organisation; or
- b provisions to be inserted into administrative arrangements between public authorities or bodies which include enforceable and effective data subject rights.

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Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/679 of the European Parliament and of the Council, Article 46. (See end of Document for details)

Textual Amendments

- F1** Words in Art. 46(1) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 39(2)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Art. 46(2) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 39(3)(a)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Art. 46(2)(c) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 39(3)(b)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Art. 46(2)(d) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 39(3)(c)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Art. 46(3) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 39(4)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Art. 46(4)(5) omitted (31.12.2020) by virtue of [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 39(5)** (with reg. 5, Sch. 1 para. 80); 2020 c. 1, Sch. 5 para. 1(1)

Status:

Point in time view as at 31/12/2020.

Changes to legislation:

There are currently no known outstanding effects for the Regulation (EU) 2016/679 of the European Parliament and of the Council, Article 46.