

SCHEDULE 2

Amendments of the Data Protection Act 2018

Part 5 (Information Commissioner) (other than Schedules 12 to 14)

51. After section 119 insert—

“119A Standard clauses for transfers to third countries etc

(1) The Commissioner may issue a document specifying standard data protection clauses which the Commissioner considers provide appropriate safeguards for the purposes of transfers of personal data to a third country or an international organisation in reliance on Article 46 of the UK GDPR (and see also section 17C).

(2) The Commissioner may issue a document that amends or withdraws a document issued under subsection (1).

(3) A document issued under this section—

- (a) must specify when it comes into force,
- (b) may make different provision for different purposes, and
- (c) may include transitional provision or savings.

(4) Before issuing a document under this section, the Commissioner must consult the Secretary of State and such of the following as the Commissioner considers appropriate—

- (a) trade associations;
- (b) data subjects;
- (c) persons who appear to the Commissioner to represent the interests of data subjects.

(5) After a document is issued under this section—

- (a) the Commissioner must send a copy to the Secretary of State, and
- (b) the Secretary of State must lay it before Parliament.

(6) If, within the 40-day period, either House of Parliament resolves not to approve the document then, with effect from the end of the day on which the resolution is passed, the document is to be treated as not having been issued under this section (so that the document, and any amendment or withdrawal made by the document, is to be disregarded for the purposes of Article 46(2)(d) of the UK GDPR).

(7) Nothing in subsection (6)—

- (a) affects any transfer of personal data previously made in reliance on the document, or
- (b) prevents a further document being laid before Parliament.

(8) The Commissioner must publish—

- (a) a document issued under this section, and
- (b) a notice identifying any document which, under subsection (6), is treated as not having been issued under this section.

(9) The Commissioner must keep under review the clauses specified in a document issued under this section for the time being in force.

(10) In this section, “the 40-day period” means—

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, *The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019* ISBN 978-0-11-117830-0

- (a) if the document is laid before both Houses of Parliament on the same day, the period of 40 days beginning with that day, or
 - (b) if the document is laid before the Houses of Parliament on different days, the period of 40 days beginning with the later of those days.
- (11) In calculating the 40-day period, no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses of Parliament are adjourned for more than 4 days.
- (12) In this section, “trade association” includes a body representing controllers or processors.”.