

## **Executive Summary**

PrivacyTrust has submitted this report in relation to the Independent Recourse Mechanism service provided to support organizations in complying with the EU- U.S. Privacy Shield and Swiss-U.S. Privacy Shield frameworks. It covers the period of August 1<sup>st</sup> 2019 – July 31<sup>st</sup> 2020.

## **Enrolment Data**

Number Enrolled in Only Independent Recourse Mechanism (IRM): 38

Number Enrolled in Verification and IRM: 23

Number Enrolled in Only Verification: 0

## **Preventing potential conflicts of interest**

PrivacyTrust provides an IRM service and a Privacy Shield-related verification service. In order to prevent a potential conflict of interest, each company that is enrolled in both Verification and IRM, has verification and disputes handled by a different analyst.

## **Description of Guidance**

PrivacyTrust provides online guidance for businesses that are interested in complying with the Privacy Shield frameworks. (For more information please visit <https://www.privacytrust.com/privacysield>).

For those enrolled in our services they are provided with a point of contact, through which they can obtain further guidance regarding ongoing compliance and any issues that arise.

## **Privacy Shield Compliance activities**

The Department of Commerce has real-time access to a list of organizations that are registered for our services, this includes those that have lapsed registrations. With regards to Verification, we require the organization provide us with a copy of the compliant policy and this is then used as the basis for examination of compliance with Privacy Shield requirements. Where necessary, the policy and associated processes are amended.

We require the organization to implement amendments before activation of the service.

The organization is also required to notify us if there is any change to their privacy policy, this notification initiates a review of the policy.

## Privacy Shield Complaint process

A complaint can be registered with us either through a special link that appears on a participating organization's website (usually on the privacy policy page), or through our main website.

(<https://www.privacytrust.com/privacyshield/disputeresolution/index.html>)

The form collects information on the person making the complaint and the nature of the dispute. (<https://www.privacytrust.com/drs/open> )

Once received the information is reviewed by a member of staff to determine its eligibility (criteria as specified by the Department of Commerce guidance).

A complaint is considered to be an eligible Privacy Shield-related complaint if:

1) complainant is an EU or Swiss individual (i.e., individual submitting on his/her own behalf or on behalf of a minor of whom the individual is the parent or guardian);

(2) complaint concerns an organization enrolled in IRM's Privacy Shield- related dispute resolution program;

(3) complaint concerns an organization participating in DOC- administered Privacy Shield program; and

(4) complaint alleges that an organization has violated the Privacy Shield Principles with respect to complainant's own personal data (i.e., individual's own personal data or personal data of the minor of whom the individual is the parent or guardian).

If it is eligible a process begins to inform the organization, investigate the complaint, and bring about a suitable resolution.

If the complaint is ineligible, depending on the reason, it is either discarded (if the message did not have valid contact information), the person is redirected to where to file the complaint (e.g. if it is a support request), or it is transferred to the company support function (if permission has been given to do so).

We aim to acknowledge complaints within 1 working day.

It is our aim to resolve complaints within 1 month; this will vary depending on the nature of the complaint.

In order to prevent a conflict of interest, each company has verification and disputes handled by a different analyst.

## Requirements for Participation in the Privacy Shield IRM.

The company must agree to the terms and conditions, including full participation and co-operation with PrivacyTrust.

(For more information: [https://www.privacytrust.com/apply/application\\_process.html](https://www.privacytrust.com/apply/application_process.html) )

They must make available to us their policies, and accept and respond to questions and reviews.

They must notify us of any changes to their privacy policy, or changes to the way they handle data, along with any events that are data related.

## Number and types of Complaints received

This data is for the period of August 1<sup>st</sup> 2019 – July 31<sup>st</sup> 2020.

Total Submissions Received	17
Valid Privacy Shield complaints received	0
Average time to process valid complaints	N/A

For this period PrivacyTrust received 17 complaints.

Of these 0 were valid complaints covered by the Privacy Shield program.

Break down of invalid complaints:

- 16 did not contain a coherent message
- 1 was not from EU citizens and the complaint was not related to Privacy Shield.
- 0 did not relate to an issue covered by Privacy Shield.

## Types of Complaints<sup>[1]</sup><sub>SEP</sub>

Non-Applicable as 0 complaints were resolved for this period.

**Average time to resolve valid complaints**<sup>[L]</sup><sub>[SEP]</sub>

Non-Applicable as 0 complaints were resolved for this period.

**Outcomes:**

Non-Applicable as 0 complaints were resolved for this period.