

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 also covers the launch of the EU-U.S DPF, UK extension to the EU-U.S. DPF and Swiss-U.S. DPF.

The period covered is August 1st 2022 – July 31st 2023.

The Privacy Shield program was replaced by the Data Privacy Framework on July 17th 2023.

With the launch of the Data Privacy Framework, the PrivacyTrust Privacy Shield program became known as the PrivacyTrust DPF service.

Enrolment Data for Privacy Shield (1st August 2022 – 16th July 2023)

Number Enrolled in only Independent Recourse Mechanism (IRM): 14

Number Enrolled in Verification and IRM: 10

Number Enrolled in only Verification: 0

Enrolment Data for Data Privacy Framework (17th July 2023 – 31st July 2023)

Number Enrolled in only Independent Recourse Mechanism (IRM): 14

Number Enrolled in Verification and IRM: 10

Number Enrolled in only Verification: 0

Preventing potential conflicts of interest

PrivacyTrust provides an IRM service and a verification service for Privacy Shield and the Data Privacy Framework.

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 Data Privacy Framework. (For more information, please visit <https://privacytrust.com/services/data-privacy-framework/>)

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 and Data Privacy Framework 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 program 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 and Data Privacy Framework 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://privacytrust.com/services/data-privacy-framework/dispute-resolution/>)

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 or Data Privacy Framework related complaint if:

1) complainant is an EU, UK 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 the related dispute resolution service;

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

(4) complaint alleges that an organization has violated the Privacy Shield Principles or the Data Privacy Framework 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

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

(For more information: <https://privacytrust.com/apply/privacytrust-application-process/>)

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 Privacy Shield Complaints received

This data is for the period of August 1st 2022 – July 16th 2023.

Total Submissions Received	8
Valid Privacy Shield Complaints	0
Average time to process complaints	N/A

For this period PrivacyTrust received 8 complaints.

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

Break down of invalid complaints:

- did not contain a coherent message: 8
- not from an EU or Swiss individual: 0
- did not relate to an issue covered by Privacy Shield: 0

Types of Complaints

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

Average time to resolve valid complaints

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

Outcomes:

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

Number and types of Data Privacy Framework Complaints received

This data is for the period of July 17th 2023 – July 31st 2023.

Total Submissions Received	0
Valid DPF Complaints	N/A
Average time to process complaints	N/A

For this period PrivacyTrust received 0 complaints.