



CIPL AT 20 — SHAPING DATA POLICY FOR TOMORROW
— HUNTON ANDREWS KURTH —

Centre for Information Policy Leadership (CIPL) Fireside Chat

Enhancing the EU-US Privacy Shield
A conversation with Deputy Assistant Secretary Christopher Hoff and
Professor Peter Swire

Thursday, 18 March 2021

11:00 AM – 12:00 PM EDT | 3:00 PM – 4:00 PM London | 4:00 PM – 5:00 PM CET

AGENDA

11:00 AM Welcome and Introduction

❖ **Bojana Bellamy**, President, CIPL

11:05 AM Fireside Chat and Q&A

❖ **Moderator: Bojana Bellamy**, President, CIPL

❖ **Chris Hoff**, Deputy Assistant Secretary, US Department of Commerce –
International Trade Administration

❖ **Peter Swire**, Professor and Associate Director, Georgia Tech; Senior Counsel,
Alston & Bird

Discussion Topic I. Background and Update on the Negotiations for a new Privacy Shield

- Brief overview of the CJEU's *Schrems II* decision, the issues raised by it, and subsequent impact. (Peter Swire)
- Update on the status of negotiations with the European Commission on a Privacy Shield replacement. (Chris Hoff)

Questions

- How quickly could we see a new version of the Privacy Shield agreed to? What needs to happen first?
- Without the Privacy Shield in place, companies are primarily relying on standard contractual clauses (SCCs) for their data transfers from the EU to the US. How will the solutions for new Privacy Shield inform transfers based on SCCs?

Discussion Topic II. US Surveillance Law and Other Solutions to Address CJEU Concerns

- Brief overview of the specific concerns with US surveillance law raised by the CJEU in the *Schrems II* decision, as well as potential solutions to address these

concerns to allow for a new Privacy Shield that can withstand a court challenge.

- Discussion of how and which of these solutions are being considered and potentially implemented at the moment.

Questions

- Do you think the CJEU was correct in its assessment of US surveillance laws in the *Schrems II* case? Have there been changes to US surveillance law and practices that the Court should have considered?
- Would it be possible to address the Court's concerns without passing legislation? Could these concerns be addressed solely through executive action?
- Even if a Privacy Shield replacement is agreed to, how confident can we be that it won't be overturned again by the CJEU? What needs to be done to ensure the agreement can withstand a renewed court challenge?
- Would having a federal privacy law help address the Court's concerns? Might it help with future challenges?
- Are there any lessons to be learned from the Commission's recent adequacy decision for the UK?

12:00 PM **End of roundtable**