



## Safe Harbor 2.0?

Insights

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Readers will recall recent posts regarding the *Schrems*, case, where the European Union Court of Justice found the Safe Harbor agreement, which enabled the transfer of personal data from the EU to the U.S., to be invalid. In light of the invalidation, the EU Commission determined to come up with a new agreement with the United States by the end of this month. Well, it's the end of the month, and privacy folks are waiting with bated breath for what will transpire with any form of Safe Harbor 2.0 by the February 2 deadline set by the EU Commission.

While both the U.S. Government and the EU believe some sort of agreement may be reached, the EU Commission has previously stated that it is "... committed to take all necessary and appropriate actions, which may include coordinated enforcement actions." What those enforcement actions may look like, nobody can yet tell. However, given that many U.S. companies continue to rely on data transferred from Europe, those companies who do not have alternative safe-harbor arrangements such as model contractual clauses or binding corporate rules, may be subject to potential enforcement action if no new agreement is reached. Stay tuned! More is yet to come!