Standard Contractual Clauses (SCCs) Decision Tree: UK, EU/EEA and Third Countries

ReedSmith

UK

Awaiting European Commission's decision on UK adequacy and for UK SCCs to be issued by ICO. Transfers permitted for now without SCCs.*

EU/EEA

Waiting for UK SCCs to be issued by the ICO. Use old EU SCCs for now.*

Perform Transfer Impact Assessment**

Start using new EU SCCs*

* SCCs are only required if the processing by the importer is NOT already subject to the same version of the GDPR (UK or EU) as the data exporter.

** Awaiting EDPB clarification as to whether TIA required for **all** transfers to third countries, regardless of whether or not importer subject to EU GDPR (in this situation, SCCs are not required).

Third country

Where third country exporter is subject to GDPR, start using new EU SCCs* and perform Transfer Impact Assessment.**
If onward transfer, comply with EU SCCs.

Third country