

ALSPAC statement and response to international data sharing

There are new considerations brought about by Brexit and the Schrems II judgement that concern the international transfer of personal data. Please note that this **may** impact your proposal to access ALSPAC data.'

Who will this affect?

This change **may** affect researchers from the European Union (EU) who are returning data to ALSPAC and the international transfer of data to and from the US.

How will Brexit affect access to ALSPAC data?

It is not clear at the moment as the UK is still negotiating a post Brexit trade deal with the European Commission (EC). There are a number of different scenarios that could have an impact on the flow of personal data. There will be no impact on personal data going from ALSPAC to the EU. However, **a no deal Brexit will potentially prohibit the flow of personal data from the EU to UoB**. This could affect ALSPAC data being returned from EU-based research partners and EU-based organisations collaborating with ALSPAC that involves the hosting of personal data in the EU and/or its transfer to the University of Bristol (UoB).

What are the different options?

The EC could grant the UK an adequacy decision, meaning the flow of personal data from the EU to UK can continue as now. A deal may not be reached and UoB are preparing for this scenario.

What is ALSPAC doing to prepare for this?

ALSPAC sits within the University of Bristol (UoB). UoB needs to ensure that all flows of personal data from the EU are covered by relevant legal and contractual provisions. The easiest way to do this is to ensure affected researchers sign a set of standard contractual clauses (SCCs) previously approved by the European Commission. The UoB is incorporating SCCs into the ALSPAC Data Access Agreement.

What is Schrems II?

Max Schrems is a prominent Austrian lawyer and privacy campaigner who previously won a high profile case at the Court of Justice of the European Union (CJEU). In *Schrems II* he took aim at current arrangements for transfers of personal data to and from the US. ALSPAC is working with UOB and amending our Data Access Agreement to incorporate the SCCs to make sure that it is lawful. There is much debate about the SCCs and it is possible that new and improved SCCs could be produced and authorised at some point in the future.

What does this mean for me?

This only affects researchers who are returning data from the EU and researchers who are receiving data from and returning data from the US, at the moment. Your institution will be asked to sign the usual ALSPAC Data Access Agreement and also now sign up to the SCCs.

When will this take effect?

Officially we are expecting this to take effect from the 1st January 2021 but we may put this into effect once the SCCs are agreed by UoB and have been embedded into the DAA.