

April 26, 2022

The President
The White House
Washington, DC 20500

Dear Mr. President:

We commend the United States and the European Commission on the recent announcement of a new Trans-Atlantic Data Privacy Framework (the “Framework”). A new agreement is critical for supporting responsible data transfers, which promises to reinvigorate the Privacy Shield program and support all data transfers between the EU and US, and we urge the US and EU to swiftly finalize the Framework and bring it into force.

Companies of all sizes and in every sector of the economy – including manufacturing, farming, aviation, technology, entertainment, retail, logistics, financial services, and health care – depend on the ability to send data across international borders to provide the services that businesses and individuals expect. International data flows underpin the global economy, and companies must transfer data every day to perform routine activities like processing payroll, working with suppliers, and serving customers worldwide.

There is a critical need for stable, reasonable and trusted mechanisms that support responsible data flows. Ongoing uncertainty regarding data transfers has had significant economic repercussions for companies on both sides of the Atlantic, including reducing exports and jobs, decreasing innovation, and creating a complex regulatory landscape that is particularly challenging for small and medium-sized enterprises (SME).

The Framework will reestablish the Privacy Shield as a critical mechanism to enable trusted data transfers while leveraging strong privacy standards. Companies will once again be able to certify to the Privacy Shield and agree to specific business practices that respect privacy. The Privacy Shield will also resolve any remaining questions about other transfer mechanisms. The announcement also reflects a recognition by the EU and US governments that protecting individual privacy and civil liberties is a shared goal. We appreciate the commitments made in the announced Framework to provide appropriate protections from government access to data, as well as the recognition that those commitments must be implemented in a manner that effectively protects US citizens, and the citizens of US allies and partners, consistent with the high-standard protections created by the Framework.

The Framework can be an important pillar in the transatlantic relationship and set a powerful foundation for the important work of the US-EU Trade and Technology Council (TTC). Transatlantic data flows are among the most important for both Europe and the US, accounting for over one-half of Europe’s data transfers and about half of US data transfers.¹ This value is realized across industry sectors, as an estimated 75 percent of the value of data transfers accrues to industries like agriculture, logistics, and manufacturing.² With transatlantic trade valued at more than \$1 trillion, the economic implications of strengthening responsible cross-border data transfers are significant.³ We encourage the Administration to continue its focus on this issue by working closely with the European Union through the TTC and other channels to promote cross-border data transfers.

¹ Hamilton, Daniel S. and Joseph P. Quinlan, The Transatlantic Economy 2020: Annual Survey of Jobs, Trade and Investment between the United States and Europe (Mar. 26, 2020), available at: https://transatlanticrelations.org/wp-content/uploads/2020/03/TE2020_Report_FINAL.pdf.

² Global Data Alliance, Cross-Border Data Transfer Facts and Figures (2020), <https://globaldataalliance.org/downloads/gdafactsandfigures.pdf>.

³ USTR, United-States European Union Trade Overview (2021), <https://ustr.gov/countries-regions/europe-middle-east/europe/european-union>.

The new Trans-Atlantic Data Privacy Framework can enable expanded transatlantic commerce, strengthen data protection, and provide a reliable legal framework for responsible transatlantic data transfers. We again congratulate the United States and the European Commission on the announcement and urge you to move swiftly to bring the Framework into force.

Sincerely,

Advanced Medical Technology Association (AdvaMed)
Alliance for Automotive Innovation
American Bankers Association
American Council of Life Insurers
ANA – Association of National Advertisers
Biotechnology Innovation Organization
BSA | The Software Alliance
Business Roundtable
Chamber of Progress
Coalition of Services Industries (CSI)
Computer & Communications Industry Association (CCIA)
Council of Insurance Agents and Brokers
Engine
Entertainment Software Association
Global Data Alliance
National Association of Manufacturers
National Foreign Trade Council (NFTC)
National Retail Federation
Pharmaceutical Research and Manufacturers of America
Retail Industry Leaders Association (RILA)
Software & Information Industry Association (SIIA)
U.S. Chamber of Commerce
United States Council for International Business (USCIB)