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Our Ref: MGLA201015-7399

17th November 2015

Dear [REDACTED],

Freedom of Information Act request – Safe Harbour agreement

Thank you for your email of the 20th October 2015 in which you request the release of the following information under the Freedom of Information Act (the Act):

In the light of the recent ruling by the European Court of Justice that the Safe Harbour agreement is invalid, can you please supply the following information:

- 1) *Does Greater London Authority Store and process UK/EU citizen data in the US?*
- 2) *If so, approximately how much UK/EU citizen data is stored in the US?*
- 3) *If so, which service provider is storing and processing that data?*
- 4) *If so, was the Safe Harbour Agreement Safe used to determine the “adequacy” of transferring the data to the US, under the Eighth Principle of the Data Protection Act?*
- 5) *If Safe Harbour was not used as an adequacy mechanism, what was the mechanism used to ensure compliance with the Data Protection Act?*

We can today provide you with our response to your request.

Some web-services employed by the GLA do involve services whereby data could either reside on servers outside of the UK (including the US) or where data is transmitted through/via servers outside the UK and including the US. Other than these instances, the GLA does not process any personal data in the US.

For example, the Team London and Speed Volunteering websites ([here](#) and [here](#)) use servers based both in the UK and the US and with US companies who are registered on the Safe Harbor list.

The Terms and Conditions pages for the sites ([here](#) and [here](#)) include a detailed Privacy Policy that clearly explains how and when personal data might be transferred outside of the EEA and how, what processing of personal data will be carried out by that company and why.

I would stress that the decision to transmit, share and or store personal data with organisations based in the US is not made solely on the basis of whether or not that organisation was on the Safe Harbor list. As with any other decision relating to sharing or transmitting personal data to other countries and or organisations, the GLA has followed and adhered to the advice and guidance provided by the Information Commissioner’s Office (please see the links below) to

assess the necessity of that action or processing, and to assess the adequacy of protection for the rights of the individuals whose personal data would be affected, and *only* where we have also complied (or would be complying) with the other seven Data Protection Principles.

- https://ico.org.uk/media/for-organisations/documents/1529/assessing_adequacy_international_data_transfers.pdf
- <https://ico.org.uk/for-organisations/guide-to-data-protection/principle-8-international/>
- https://ico.org.uk/media/for-organisations/documents/1566/international_transfers_legal_guidance.pdf

The GLA was aware of the European Court of Justice ruling regarding Safe Harbor and we have noted the statements issued by the Information Commissioner regarding this ruling:

- <https://ico.org.uk/about-the-ico/news-and-events/news-and-blogs/2015/10/ico-response-to-ecj-ruling-on-personal-data-to-us-safe-harbor/>
- <https://iconewsblog.wordpress.com/2015/10/27/the-us-safe-harbor-breached-but-perhaps-not-destroyed/>

The GLA is accordingly reviewing its current arrangements and processes in preparation for any new recommendations that are put forward.

If you have any further questions relating to this matter, please contact me, quoting the reference at the top of this letter.

Yours sincerely



Ian Lister
Information Governance Manager

If you are unhappy with the way the GLA has handled your request, you may complain using the GLA's FOI complaints and internal review procedure, available at:

<http://www.london.gov.uk/mayor-assembly/gla/governing-organisation/freedom-information>.