



ICDR-AAA® DPF IRM Service Administrative Procedures

The Data Privacy Framework (DPF) Program, which is administered by the International Trade Administration (ITA) within the U.S. Department of Commerce, enables eligible U.S.-based organizations to self-certify their compliance pursuant to the EU-U.S. Data Privacy Framework (EU-U.S. DPF) and, as applicable, the UK Extension to the EU-U.S. DPF, and/or the Swiss-U.S. Data Privacy Framework (Swiss-U.S. DPF). To participate in the DPF Program, a U.S.-based organization is required to self-certify to the ITA via the Department's DPF Program website (<https://www.dataprivacyframework.gov>) and publicly commit to comply with the DPF Principles. All organizations interested in self-certifying their compliance pursuant to the EU-U.S. DPF and, as applicable, the UK Extension to the EU-U.S. DPF, and/or the Swiss-U.S. DPF should review the requirements in their entirety. To assist in that effort, the ITA's DPF team has compiled relevant resources, including those describing the scope of the DPF Program, relevant implementation dates, answers to frequently asked questions and made these resources available on the DPF Program website.

The EU-U.S. DPF, the UK extension to the EU-U.S. DPF, and the Swiss-U.S. DPF make clear that participating organization must have in place appropriate independent recourse mechanisms to ensure compliance with the DPF Principles.

U.S. organizations must identify their Independent Recourse Mechanism in their self-certification to the ITA, as well as in their privacy policies. For organizations selecting the ICDR-AAA as your independent recourse mechanism please use the following link for this service: https://go.adr.org/dpf_irm.html (e.g., in its privacy policy).

Ensure That Your Organization Has in Place An Appropriate Independent Recourse Mechanism For Each Type of Personal Data Covered by Its Self-Certification: Under the Recourse, Enforcement and Liability Principle, self-certifying organizations must provide an independent recourse mechanism available to investigate unresolved complaints brought under the DPF Principles and provide appropriate recourse free of charge to the affected individual. (See Supplemental Principle on Dispute Resolution and Enforcement for more information regarding dispute resolution)

Organizations self-certifying under the DPF Program may utilize private-sector dispute resolution programs for personal data other than human resources data (n.b., for human resources data transferred from the European Union (EU)/ European Economic Area (EEA) and, as applicable, the United Kingdom (and Gibraltar), and/or Switzerland in the context of the employment relationship organizations must instead cooperate with the appropriate European data protection authority/ies in the investigation and resolution of complaints brought under the DPF Principles). **To meet this requirement, a company can choose an ADR provider such as the International Centre for Dispute Resolution, the international division of the American Arbitration Association (ICDR-AAA) to resolve its disputes.**

Once having designated the ICDR-AAA (i.e., the ICDR-AAA DPF IRM Service) as the relevant independent recourse mechanism pursuant to its self-certification under the DPF Program, the following ICDR-AAA dispute resolution procedures would apply. The independent recourse mechanism consisting of an arbitration would be administered by the ICDR-AAA pursuant to its International Arbitration Rules as modified by these procedures. Affected individuals who do not receive timely acknowledgment of their complaints or whose complaints are not satisfactorily addressed by a participating U.S. organization may file a dispute on-line as directed below.



1. The dispute may be filed by mail or e-mail utilizing the ICDR-AAA DPF IRM Service Notice of Arbitration Form located on our website https://go.adr.org/dpf_irm.html when you click on file here. There are no filing fees for an EU/EEA, UK (or Gibraltar), or Swiss Claimant.
2. When filing by mail or email, please complete the ICDR-AAA DPF IRM Service Notice of Arbitration Form and forward to the International Centre for Dispute Resolution.

International Centre for Dispute Resolution Case Filing Services

120 Broadway, Floor 21 - Intake

New York, NY 10271

United States

Phone: +1.212.484.4181

Email box: casefiling@adr.org

For any questions or for further information about this program, the ICDR's International Arbitration Rules, or with additional language versions of the ICDR's International Arbitration Rules, please contact the International Centre for Dispute Resolution at +1.212.484.4181 or by visiting the website https://go.adr.org/dpf_irm.html.

3. Upon receipt of the Demand for Arbitration, the ICDR will make an initial Determination, subject to the appointed arbitrator(s) final determination, regarding the eligibility of the complaint pursuant to the EU-U.S. DPF and, as applicable, the UK Extension to the EU-U.S. DPF, and/or the Swiss-U.S. DPF (*i.e.*, the relevant part(s) of the DPF Program) and if deemed eligible the ICDR-AAA shall prepare a dated letter of initiation that will be communicated to the parties with respect to the arbitration and shall acknowledge the commencement of the arbitration.
4. Within thirty (30) days after the commencement of the arbitration, a respondent shall submit a written statement of defense and/or counterclaim utilizing AAA WebFile® or by e-mail and attaching copies of the supporting documents the respondent wishes to enter into evidence. When no statement of defense is filed to a claim or counterclaim, such claim or counterclaim shall be deemed as denied by the opposing party. All communications will be by email unless otherwise agreed by the parties or as directed by the arbitrator.
5. Once the statement of defense and/or counterclaim is received or after thirty (30) days have passed without a statement of defense and/or counterclaim or statement of defense to counterclaim, the ICDR-AAA will proceed with administration by appointing a single arbitrator and notifying the parties of the arbitrator's name and any disclosures by email. The parties may object to the arbitrator's appointment within seventy-two (72) hours of the arbitrator's appointment. If no objection has been received by ICDR within seventy-two (72) hours, the arbitrator will be reaffirmed. In the event of an objection, ICDR will invite comments from the other party and then either reaffirm the arbitrator or appoint a new arbitrator.
6. The ICDR case manager, once the arbitrator is appointed, will schedule an administrative conference call with the parties and the arbitrator to discuss the process, scheduling of any additional submissions, the applicable rules, and clarifying all procedural issues. The arbitration shall be conducted on documents only and there shall not be any hearings in person unless otherwise agreed by the parties or as directed by the arbitrator.



7. The arbitrator shall make a determination based upon the documents submitted by the parties. In extraordinary circumstances the arbitrator may request additional evidence from the parties.
8. The award of the arbitrator shall specify the remedies and sanctions as contemplated by the Data Privacy Framework programs. The award shall state the reasons upon which the award is based.
9. While the process will be based on documents only without any hearings in person the place of arbitration for purposes of the award shall be New York, New York. The language of the arbitration shall be determined by the arbitrator.
10. The award of the arbitrator shall be final and binding upon the Parties and shall constitute a duly executed award for purposes of enforcement.

If you have questions regarding this program or for any further information regarding the ICDR-AAA's international dispute resolution services, please feel free to call or email Luis Martinez at MartinezL@adr.org +1.212.716.5833.