



## ICDR-AAA® IRM Program Information for the EU-U.S., UK, Swiss-U.S. Data Privacy Framework

The Data Privacy Framework Program, (which has replaced the Privacy Shield Program) can be found at <https://www.dataprivacyframework.gov>. 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. The ITA's DPF team has compiled all related information, the full scope of the DPF program, implementation dates, resources, frequently asked questions and updates on their official website for the Data Privacy Framework.

### Key Requirements for DPF Program Participating Organizations

#### Informing individuals about data processing

- A participating organization must include in its privacy policy a declaration of the participating organization's commitment to comply with the DPF Principles, so that the commitment becomes enforceable under U.S. law.
- A participating organization's privacy policy must include a link to the U.S. Department of Commerce's DPF program website and a link to or the web address for the relevant website or complaint submission form of the independent recourse mechanisms that is available to investigate individual complaints brought under the DPF Principles.
- A participating organization must inform individuals of their rights to access their personal data, the requirement to disclose personal information in response to lawful request by public authorities, which enforcement authority has jurisdiction over the participating organization's compliance with the DPF Principles, and the participating organization's liability in cases of onward transfer of data to third parties.

#### Providing free and accessible dispute resolution

- Individuals may bring a complaint directly to a participating organization, and the participant must respond to the individual within 45 days.
- Participating organizations must provide, at no cost to the individual, an independent recourse mechanism by which each individual's complaints and disputes can be investigated and expeditiously resolved.
- If an individual submits a complaint to a data protection authority (DPA) in the European Union/European Economic Area, the United Kingdom (and/or, as applicable, Gibraltar) or Switzerland, the U.S. Department of Commerce's International Trade Administration (ITA) has committed to receive, review and undertake best efforts to facilitate resolution of the complaint and to respond to the DPA within 90 days.
- Participating organizations must also commit to binding arbitration at the request of the individual to address any complaint that has not been resolved by other recourse and enforcement mechanisms.



## Cooperating with the U.S. Department of Commerce

- Participating organizations must respond promptly to inquiries and requests by the ITA for information relating 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).

## Maintaining data integrity and purpose limitation

- Participating organizations must limit personal information to the information relevant for the purposes of processing.
- Participating organizations must comply with the data retention provision.

## Ensuring accountability for data transferred to third parties

To transfer personal information to a third party acting as a controller, a participating organization must:

- Comply with the Notice and Choice Principles; and
- Enter into a contract with the third-party controller that provides that such data may only be processed for limited and specified purposes consistent with the consent provided by the individual and that the recipient will provide the same level of protection as the DPF Principles and will notify the organization if it makes a determination that it can no longer meet this obligation. The contract shall provide that when such a determination is made the third-party controller ceases processing or takes other reasonable and appropriate steps to remediate.

To transfer personal data to a third party acting as an agent, a participating organization must:

- Transfer such data only for limited and specified purposes;
- Ascertain that the agent is obligated to provide at least the same level of privacy protection as is required by the DPF Principles;
- Take reasonable and appropriate steps to ensure that the agent effectively processes the personal information transferred in a manner consistent with the organization's obligations under the DPF Principles;
- Require the agent to notify the organization if it makes a determination that it can no longer meet its obligation to provide the same level of protection as is required by the DPF Principles;
- Upon notice, take reasonable and appropriate steps to stop and remediate unauthorized processing; and
- Provide a summary or a representative copy of the relevant privacy provisions of its contract with that agent to the U.S. Department of Commerce upon request.



## Transparency related to enforcement actions

- Participating organizations must make public any relevant DPF-related sections of any compliance or assessment report submitted to the Federal Trade Commission (FTC) or the U.S. Department of Transportation if the organization becomes subject to an FTC or court order based on non-compliance.

## Ensuring commitments are kept as long as data is held

- If an organization leaves the relevant part(s) of the DPF program, it must annually affirm to the ITA its commitment to apply the DPF Principles to information received under the relevant part(s) of the DPF program if it chooses to keep such data; otherwise, it must provide “adequate” protection for the information by another authorized means.

## Identify in the Privacy Policy Your Organization’s Independent Recourse Mechanism

If your organization’s privacy policy is available online, it must include a hyperlink to the website of the independent recourse mechanism that is available to investigate unresolved complaints regarding your organization’s compliance with the DPF or to the independent recourse mechanism’s complaint submission form.

***The ICDR serves as the independent recourse mechanism for U.S. companies across the country. When designating the ICDR (the international division of the American Arbitration Association) please use the following hyperlink:***

[https://go.adr.org/dpf\\_irm.html](https://go.adr.org/dpf_irm.html).

## Benefits to Using the ICDR-AAA

- The ICDR-AAA is the largest international ADR provider.
- ICDR-AAA arbitrators and mediators are drawn from a pool of professionals with privacy expertise and language capabilities from many different countries.
- Disputes will be determined pursuant to the ICDR International Arbitration Rules, based on documents only and as modified by the DPF procedures and fee schedule for this program.
- In-person hearings will not be provided for these cases unless they are requested and agreed to by the parties.
- Arbitrations will be conducted on an expedited basis.



## ICDR-AAA Registration Fee Schedule

The Fee Schedule for selecting the ICDR-AAA as the administrator for your company/organization's independent recourse mechanism is as follows and will apply on an annual basis from the date of your registration.

Effective immediately for any registrations received, the ICDR-AAA will charge the fees below that will cover a 12-month period. New invoices will be sent on the 11<sup>th</sup> month from the date of your initial registration. The new invoice will reflect the fees for the following 12-month period of your designating the ICDR-AAA as your EU-U.S., UK extension to the EU-U.S. and/or Swiss-U.S. DPF independent recourse mechanism.

The fee schedule will be based on a company's total annual sales, as follows:

- **Up to and including 1 million USD:** \$300.00.
- **Over 1 million USD:** \$500.00.

The fees are for *registration only* and do not include the fees for the administration of the arbitrations if any cases are filed with the ICDR-AAA. The fees will cover the registration for the EU-U.S, UK and/or Swiss-U.S. Privacy Shield programs. Upon registering with the ICDR-AAA U.S. companies must advise if they are selecting one or more DPF programs as that will be reflected in the registry. See below for the fee schedule for the arbitrations, along with additional information on the program and the applicable rules (available in several languages).

## ICDR-AAA Fee Schedule for Arbitrations

The fee schedule for the arbitrations can be found in ICDR-AAA IRM Fees for EU-U.S., UK, Swiss-U.S. DPF Program at [https://go.adr.org/dpf\\_irm.html](https://go.adr.org/dpf_irm.html).

## ICDR-AAA IRM Procedures

ICDR-AAA IRM additional information on the procedures can be found in ICDR-AAA DPF IRM Administrative Procedures for the EU-U.S., UK, Swiss-U.S. DPF Program at [https://go.adr.org/dpf\\_irm.html](https://go.adr.org/dpf_irm.html).

## ICDR-AAA Dispute Resolution Procedures

The applicable rules are available in several languages and can be found at [https://go.adr.org/dpf\\_irm.html](https://go.adr.org/dpf_irm.html) or at [www.icdr.org](http://www.icdr.org).

## To Register for the ICDR-AAA IRM for EU-U.S., UK, Swiss-U.S. DPF

Companies can register with the ICDR-AAA by regular mail or by email.



**By Email.** Please send an email to Ms. Alyssa Montano at [MontanoA@adr.org](mailto:MontanoA@adr.org)

**By Mail.** Please send a letter to:

Ms. Alyssa Montano  
ICDR-AAA Data Privacy Framework Program  
150 East 42<sup>nd</sup> Street, 17<sup>th</sup> Floor,  
New York, NY 10017

In the letter or the email,

- Reference the ICDR-AAA EU-U.S. UK, and/or Swiss-U.S. DPF program and request that your company be listed on the ICDR-AAA's IRM DPF program website, thereby certifying that you have selected the ICDR-AAA as *your independent recourse mechanism for Data Privacy Framework complaints*.
- Please include your complete contact information for all notices and billing, along with your annual sales and the appropriate filing fee.
- Checks should be made payable to the American Arbitration Association. If registering by email, Ms. Montano will send a credit card authorization form and will process the registration electronically.

Upon receipt of the above, the ICDR-AAA will send a letter of confirmation. Your company then must create or modify its privacy notice, ensuring that it is available to the public, that it is in compliance with the EU-U.S., UK and/or Swiss-U.S. DPF programs and referencing the ICDR-AAA as your independent recourse mechanism.

**For further information on the ICDR-AAA Services for the Data Privacy Framework Program,** please call or email Mr. Luis Martinez at [MartinezL@adr.org](mailto:MartinezL@adr.org) or at +1.212.716.5833 or Ms. Alyssa Montano at [MontanoA@adr.org](mailto:MontanoA@adr.org) +1.212.484.3281.