



PRESS RELEASE

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Leading U.S. and EU Groups To Biden Administration: No Data Flows Deal Until Congress Enacts Privacy Laws

WASHINGTON, DC – Leading civil rights, civil liberties, privacy, government accountability, and consumer rights organizations sent a [letter](#) to President Biden today urging his Administration to ensure that any new transatlantic data transfer deal is coupled with the enactment of U.S. laws that reform government surveillance practices and provide comprehensive privacy protections.

“The United States’ failure to ensure meaningful privacy protections for personal data is the reason that a growing number of countries are concerned about trans-border data flows,” the groups wrote. “Until the United States addresses this problem, concerns about data transfers to the United States will remain, and data flow agreements are likely to be invalidated.”

Previous transatlantic data transfer agreements have twice been invalidated by the Court of Justice of the European Union. In 2015, the Court invalidated the U.S.-EU Safe Harbor agreement and then, in July 2020, the Court also invalidated the successor agreement, Privacy Shield. “Without reform of U.S. surveillance and privacy laws, any new transatlantic data transfer deal will likely face a similar fate,” the groups said. “The only way to fully address these issues and enter into a lasting transatlantic agreement is to harmonize data protection standards between the European Union and the United States.”

“The United States’ failure to pass meaningful privacy laws is the reason EU courts have refused to approve EU-US data transfer agreements,” said **Caitriona Fitzgerald, Deputy Director of the Electronic Privacy Information Center (EPIC)**. “If the Biden Administration wants to secure a deal to ensure the free flow of data, they need to tell Congress to enact comprehensive privacy legislation and reform U.S. surveillance laws.”

“[The Transatlantic Consumer Dialogue (TACD) urges] the Biden Administration to ensure the online privacy of Americans is first better protected before it seeks a new agreement on the flow of data with the European Union,” noted **Ed Mierzwinski, the U.S. co-chair of the TACD and Senior Director, Federal Consumer Program, U.S. PIRG**. “A premature deal made at the G7 Summit will undermine consumer protection and privacy on both sides of the Atlantic.”

Twenty-four groups from both the U.S. and EU signed on to the letter, including: BEUC - The European Consumer Organisation, Campaign for a Commercial-Free Childhood, Center for Digital Democracy, Center for Economic Justice, Constitutional Alliance, Consumer Action, Consumer Association the Quality of Life- EKPIZO (Greece), Consumer Federation of America, Defending Rights & Dissent, Electronic Frontier Foundation (EFF), Electronic Frontier Norway, Electronic Privacy Information Center (EPIC), Government Information Watch, The Greenlining Institute, Homo Digitalis, KEPKA - Consumers Protection Centre (Greece), noyb, Parent Coalition for Student Privacy, Public Citizen, Public Knowledge, Ranking Digital Rights, Restore the Fourth, Trans Atlantic Consumer Dialogue (TACD), and U.S. PIRG.

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ABOUT EPIC

The Electronic Privacy Information Center (EPIC) is a nonpartisan, public interest research center in Washington, DC. EPIC was established in 1994 to focus public attention on emerging privacy and civil liberties issues and to protect privacy, freedom of expression, and democratic values in the information age. EPIC pursues a wide range of program activities including policy research, public education, conferences, litigation, publications, and advocacy. EPIC routinely files amicus briefs in federal courts, pursues open government cases, defends consumer privacy, organizes conferences for NGOs, and speaks before Congress and judicial organizations about emerging privacy and civil liberties issues. EPIC works closely with a distinguished advisory board, with expertise in law, technology and public policy.

REFERENCES

Letter from coalition groups to President Biden:

<https://epic.org/international/Data-Flows-Negotiations-Coalition-Letter-June2021.pdf>

EPIC: Data Protection Commissioner v. Facebook & Max Schrems (CJEU)

<https://epic.org/privacy/intl/dpc-v-facebook/cjeu/>