

EU-US Data Privacy Framework Template Complaint Form for Submitting Commercial Related Complaints to EU DPAs

Adopted on 17 April 2024

In order to facilitate the handling of your complaint, you should provide your national Data Protection Authority (“DPA”) with the following information. However, please note that the use of this form remains optional and you can choose to contact with your national DPA by other means of communication. Please bear in mind, though, that the information requested in the form below is needed in order to handle your complaint.

1. Please provide the following information:
 - a. Name or other type of identifier used by the US company to individualise you, such as username (mandatory in the case in which the right of access is at stake)¹;
 - b. Preferred contact (i.e. phone number, e-mail address, mailing address);
 - c. Your name (for contact purposes).

2. If known, which company has sent your data to the US? (Please provide contact information related to this company).

3. If known, which is/are the United States companies believed to be involved in processing your personal data?

4. Please elaborate on the reasons why you know/believe that your personal data have been transferred from the EU to a Data Privacy Framework US organisation (for instance, information given on transfers under the Data Privacy Framework in a privacy policy of an EU company processing your personal data)?

5. Please explain the alleged violation of the Data Privacy Framework by the US organisation.

6. If you are looking for information on the processing of your personal data by the US company or relief from an alleged unlawful processing carried out by this entity, please provide some details.

7. Did you already try to resolve your case by contacting the U.S Company (or companies) involved directly?² If yes, what was the outcome? Please provide the previous correspondence in that matter.

¹ If your complaint concerns your right of access to your personal data, it will be necessary to provide this information since otherwise the US company will not know which user has lodged the complaint and hence will not be able to identify and therefore to handle the case. Additional information might also be asked by DPAs to ensure the proper verification of this information (authentication).

² Please note that in most cases, it would be advisable that you first contact the US Data Privacy Framework-certified company to attempt to resolve your case. Your national EU DPA can help you to do so.

8. What other measures have you taken to obtain the information or relief requested and what response have you received through those other measures?

Who will be handling the data provided by this form and how is my personal data protected?

Your DPA is the data controller of personal information provided in the form and will process the personal data in the performance of its tasks carried out in the public interest in accordance with Article 6(1)(e) of the Regulation 2016/679/EU of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (hereinafter “**GDPR**”) with particular reference to the task referred to in Article 57(1)(a),(f) and (g). Where the “Informal Panel of EU DPAs” is competent³, your personal data will be shared with the EU DPAs participating to the panel. European data protection law applies to protect your personal data processed by all EU DPAs involved and personal data will be stored for the time necessary to process the complaint and in accordance with applicable MS law [see information notice of each SA]. You can exercise your right of access and rectification, erasure or limitation of the processing or to oppose the processing (Articles 15 et seq. GDPR) by contacting, in particular, the data protection authority you lodged the complaint with. In accordance with European data protection law the DPAs will process your personal data exclusively for the purpose of handling your complaint. Your data will be submitted to restricted access and available only to authorised personnel within the relevant DPA.

Will my personal data be transferred to US-companies or to US-authorities?

Where your complaint can be handled without disclosing your personal data, they will not be disclosed in compliance with the principle of data minimisation.

Please be advised that the handling of your complaint might require the transfer of your personal data to the concerned US company and/or US-authorities (US Department of Commerce - DoC, US Federal Trade Commission - FTC, US Federal Transportation Authority - FTA). Such personal data may include your name, any other identifier you have used when communicating with the US-company or any other personal information that has been processed by the US –company and is part of your complaint.

If such transfer turns out to be necessary in order to handle your complaint, you will be specifically informed before the data is transferred and you will be given the opportunity to decide if you wish to proceed.

The outcome of the complaint procedure might be published, if appropriate. However, your personal data will not be disclosed in the course of this publication.

³ The ‘Informal Panel of EU DPAs’ is a group of Data Protection Authorities of EU Member States that will be set up in order to handle a complaint concerning human resources personal data transferred from an EU entity to an US Data Privacy Framework company, or when the US company has voluntarily committed to cooperate with the EU DPAs. See Commission Implementing Decision of 10.7.2023 pursuant to Regulation (EU) 2016/679 of the European Parliament and of the Council on the adequate level of protection of personal data under the EU-US Data Privacy Framework, Recital 75.