

ANNEX 3: POSSIBLE SOURCES OF INFORMATION TO ASSESS A THIRD COUNTRY

138. Your data importer should be in a position to provide you with relevant sources and information relating to the third country in which it is established and the laws applicable to it. You may also refer to several sources of information, such as the ones listed below non-exhaustively:

- Case-law of the Court of Justice of the European Union (CJEU) and of the European Court of Human Rights (ECtHR)⁸⁹ as referred to in the European Essential Guarantees recommendations;⁹⁰
- Adequacy decisions in the country of destination if the transfer relies on a different legal basis;⁹¹
- Resolutions and reports from intergovernmental organisations, such as the Council of Europe,⁹² other regional bodies⁹³; and UN bodies and agencies (e.g. UN Human Rights Council,⁹⁴ Human Rights Committee⁹⁵);
- National case-law or decisions taken by independent judicial or administrative authorities competent on data privacy and data protection of third countries;
- Reports from academic institutions, and civil society organizations (e.g. NGOs and trade associations).

⁸⁹ See factsheet of the ECtHR jurisprudence on mass surveillance:

https://www.echr.coe.int/Documents/FS_Mass_surveillance_ENG.pdf

⁹⁰ <https://www.coe.int/en/web/data-protection/reports-studies-and-opinions>

⁹¹ C-311/18 (Schrems II), paragraph 141; see adequacy decisions in https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en

⁹² <https://www.coe.int/en/web/data-protection/reports-studies-and-opinions>

⁹³ See for instance country reports of the Inter-American Commission on Human Rights (IACHR), <https://www.oas.org/en/iachr/reports/country.asp>.

⁹⁴ See <https://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>

⁹⁵ see:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=8&DocTypeID=5