

英國資訊專員辦公室關於退出歐盟後續個資保護回應與未來影響



英國資訊專員辦公室(Information Commissioner's Office, ICO)表示不論是否仍為歐盟會員國，英國仍需要明確有效的資料保護法，而關於公投退出歐盟(Brexit)結果，ICO發言人表示：「資料保護法是屬地的，不問公投結果為何，若英國不再是歐盟的成員國，即將施行的一般資料保護規則(General Data Protection Regulation, GDPR)亦不會直接適用於英國。然若英國希望在平等條件下的歐盟單一市場進行交易，我們必須證明資料保護是充足的，亦即英國資料保護標準必須符合2018年即將施行的歐盟的資料保護監管框架。對於許多跨境經營的企業與服務而言，遵循資料保護法律與歐盟一致性規範，既是企業組織，亦是消費者和公民所關注重點。ICO致力於與其他國家的監管機構密切合作，而且未來亦是如此。目前明確的法律保護相當重要，且考量到經濟發展，ICO會向政府提出建議，英國相關法規之改革仍屬必要。」

Brexit後，英國企業資料仍需傳輸至第三國，因此英國可能需爭取類似於瑞士、加拿大等，由歐盟執委會認定資料保護符合充足保護水準之模式；或是尋求類似歐盟與美國針對資料傳輸協議模式。然而目前英國的資料保護法(Data Protection Act 1998)與當前的歐盟資料保護指令仍具一致性，而目前資料從英國傳輸至第三國仍然需依標準契約條款(Standard Contractual Clauses)，或英國授權有約束力的企業自我拘束規則(Binding Corporate rules)，然而目前英國退出歐盟程序進行中，相關資料保護傳輸之法規範，仍待後續密切觀察。

相關連結

- [1.Information Commissioner](#)
- [2.Information Commissioner](#)
- [3.European Commission, Commission decisions on the adequacy of the protection of personal data in third countries](#)
- [4.Data Protection Act 1998](#)
- [5.European Commission, Model Contracts for the transfer of personal data to third countries](#)
- [6.European Commission, Overview on Binding Corporate rules](#)
- [7.John E Dunn, Brexit and the GDPR - why leaving the EU will make life harder for enterprises](#)
- [8.Alan Charles Raul, William RMLong and Cameron F. Kerry, Amid news of Brexit, UK ICO seeks to provide reassurance](#)
- [9.Liz Fitzsimons and Rebecca Sherry, Brexit: the impact on General Data Protection Regulation](#)



孫鈺婷
專案經理 編譯整理

上稿時間：2016年08月

資料來源：

- 1.Information Commissioner's Office, Referendum result response, <https://ico.org.uk/about-the-ico/news-and-events/news-and-blogs/2016/06/referendum-result-response/> (last visited June 29, 2016).
- 2.Information Commissioner's Office, Statement on the implications of Brexit for data protection, <https://ico.org.uk/about-the-ico/news-and-events/news-and-blogs/2016/04/statement-on-the-implications-of-brexit-for-data-protection/> (last visited June 29, 2016).
- 3.European Commission, Commission decisions on the adequacy of the protection of personal data in third countries, http://ec.europa.eu/justice/data-protection/international-transfers/adequacy/index_en.htm (last visited June 29, 2016).
- 4.Data Protection Act 1998, <http://www.legislation.gov.uk/ukpga/1998/29/contents> (last visited June 29, 2016).
- 5.European Commission, Model Contracts for the transfer of personal data to third countries,http://ec.europa.eu/justice/data-protection/international-transfers/transfer/index_en.htm (last visited June 29, 2016).
- 6.European Commission, Overview on Binding Corporate rules, http://ec.europa.eu/justice/data-protection/international-transfers/binding-corporate-rules/index_en.htm (last visited June 29, 2016).
- 7.John E Dunn, Brexit and the GDPR - why leaving the EU will make life harder for enterprises, <http://www.computerworlduk.com/security/brexit-gdpr-why-leaving-eu-will-make-life-harder-for-enterprises-3641825/> (last visited June 29, 2016).
- 8.Alan Charles Raul, William RMLong and Cameron F. Kerry, Amid news of Brexit, UK ICO seeks to provide reassurance, <https://www.lexology.com/library/detail.aspx?g=2818ea08-7eb3-4ab0-9919-0d43864f4a57> (last visited June 29, 2016).
- 9.Liz Fitzsimons and Rebecca Sherry, Brexit: the impact on General Data Protection Regulation, <http://www.lexology.com/library/detail.aspx?g=f14861a6-7338-458a-b32c-cedd05c6facf>(last visited June 29, 2016).

 推薦文章