



June 9, 2021

President Ursula von der Leyen
European Commission
Rue de la Loi / Wetstraat 200
1049 Brussels
Belgium

President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500
United States of America

Dear President von der Leyen and President Biden,

On behalf of BSA | The Software Alliance and the Global Data Alliance, and the millions of European and American workers employed and supported by our member companies, we write to express our support for the upcoming EU-US summit as an opportunity to reset the EU-US relationship and make firm commitments on an enhanced trans-Atlantic Privacy Shield agreement.

The EU-US relationship is built on common security and economic interests, as well as a deep commitment to democratic governance and human rights. In that regard, we stress the importance of the Privacy Shield, which has supported privacy and economic opportunity for both EU and US citizens. We also submit that an enhanced Privacy Shield agreement is a key element in any EU-US technology dialogue.

When it was operational for EU-US data transfers, the Privacy Shield program was a concrete symbol of successful trans-Atlantic regulatory cooperation, producing significant privacy and economic dividends for EU and US citizens alike. Beneficiaries of the Privacy Shield program were not just the [5,000 American manufacturers and service providers \(70% of them small- and medium-sized enterprises\)](#) registered under the program. Privacy Shield beneficiaries also included thousands of European companies who were able to do business with their American partners with the assurance that those partners had taken steps to meet EU and US privacy law standards. The central beneficiaries of the program were millions of EU and US citizens, whose personal information was protected as thousands of companies adopted the privacy controls required by the program.

The loss of Privacy Shield as a transfer mechanism undermines these benefits. It is estimated that [75 percent of the value of data transfers accrues to industries like agriculture, logistics, and manufacturing](#). With trans-Atlantic trade valued at [over \\$1 trillion](#), losing even a fraction of this economic opportunity translates into an avoidable economic challenge on both sides of the Atlantic. The recent update of standard contractual clauses (SCCs) is a positive step in facilitating data transfers from the EU, but it does not diminish the importance of expeditious conclusion of an enhanced Privacy Shield agreement for EU-US data transfers, job creation, and improved services.

We respectfully submit that this matter requires urgent attention.

Sincerely yours,



Victoria A. Espinel

cc: Mr. Valdis Dombrovskis, European Commission Executive Vice-President for An Economy that Works for People and Trade Commissioner
Ms. Věra Jourová, European Commission Vice-President for Values and Transparency
Mr. Didier Reynders, European Commissioner for Justice
Ms. Margrethe Vestager, European Commission Executive Vice-President for A Europe Fit for the Digital Age
Ms. Gina Raimondo, United States Secretary of Commerce
Ms. Katherine Tai, United States Trade Representative