



November 16, 2017

The Honorable Rex Tillerson
Secretary
U.S. Department of State
Washington, D.C. 20520

Dear Secretary Tillerson:

We write to express our appreciation for your leadership in sustaining transatlantic data flows and your efforts to ensure the continued success of the U.S.-EU Privacy Shield framework ("Privacy Shield"). Our member technology companies depend on Privacy Shield as an essential mechanism for the conduct of their international data businesses.

The establishment of the Ombudsperson role was a significant innovation in the Privacy Shield. The European Commission, in its favorable October 18 report on the first annual review of the functioning of the Privacy Shield, highlighted the importance of this role, calling it "an important element of the Privacy Shield framework as a whole." We agree and appreciate your commitment to ensuring its success.

The Ombudsperson role helps to maintain trust in transatlantic data flows, which are essential to U.S. jobs and economic growth. In addition, a credible Ombudsperson process is essential to U.S. efforts to defend the Privacy Shield and standard contractual clauses against pending judicial challenges at the European Court of Justice. A well-functioning Privacy Shield also advances U.S. security interests.

We therefore urge a political appointment to fill this position, which will reaffirm a key political commitment made by the U.S. government in concluding the Privacy Shield. We also urge the Department of State to work with its counterparts in the EU to promote the availability and accessibility of the Ombudsperson mechanism to individuals. We believe

that taking these steps will help carry forward the positive momentum from the recent annual review report.

Respectfully,

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Aaron Cooper
Vice President, Global Policy
BSA | The Software Alliance

A handwritten signature in black ink, appearing to read 'J Kallmer', with a stylized flourish at the end.

Josh Kallmer
Senior Vice President, Global Policy
Information Technology Industry Council

CC: Gary Cohn, Director of the National Economic Council
Wilbur Ross, Secretary of Commerce