

## BREXIT- Data Transfers FAQs External – November 2020

***This document sets out Mastercard's approach to data transfers following the UK leaving the EU ("Brexit") and does not provide any legal advice. We urge you to consult with your own legal counsel to discuss the requirements applicable to your specific situation.***

### Introduction

These FAQs aim to help our customers, partners and vendors understand Mastercard's approach to data transfers following Brexit. The UK officially left the EU on 31 January 2020, after which a transition period began to allow time for the UK and the EU to negotiate a new relationship. The transition period is expected to end on 31 December 2020. Given the relative uncertainty about next steps, regulatory guidance is subject to update and change as the negotiations continue.

### How does Mastercard transfer EU personal data from the European Economic Area ("EEA") to the UK?

Mastercard relies on its [Binding Corporate Rules \("BCRs"\)](#) to transfer EU personal data to Mastercard entities outside of the EEA in compliance with the EU General Data Protection Regulation ("GDPR"). Mastercard BCRs were approved by all EU data protection authorities. The Belgian data protection authority was the lead authority for the approval. Now, this means that Mastercard considers it has adequate safeguards in place for our EU-based customers to transfer EEA personal data to us and for Mastercard to transfer this data to Mastercard entities outside of the EEA under the GDPR, whether Mastercard transfers or receives the data as a data controller or a data processor. Additionally, Mastercard is closely monitoring European regulatory guidance which may require companies, including Mastercard, to update their BCRs.

### How does Mastercard transfer EEA personal data to third parties outside of the EEA?

Mastercard relies on Standard Contractual Clauses ("SCCs") to transfer EU personal data to third party sub-processors outside of the EEA, including those located in the UK. This means that Mastercard has adequate safeguards in place for us to transfer EU personal data to third party sub-processors under the GDPR. As such, Mastercard's ability to keep data flowing from the EEA to the UK would not be impacted by the end of the transition period. That said, like other companies, Mastercard will begin to update our SCCs, including adding additional safeguards as deemed necessary, when an updated decision on SCCs is issued by the European Commission.

### What about the transfer of personal data from the UK to the EEA?

We understand that the [UK would recognise all EEA countries as providing an adequate level of protection for personal data](#). Additionally, the UK would recognise the BCRs that were approved prior to Brexit. Therefore, Mastercard's ability to transfer personal data from the UK to the EEA would not be impacted by the end of the transition period.

### Can we expect any changes on the basis of Schrems II?

We understand the UK has not made any public statements on whether companies can continue to rely on SCCs for the transfer of UK personal data to sub-processors outside of the EEA. We will monitor the UK government's stance on this and ensure we implement appropriate measures as soon as there is clarity. Please refer to our position on the Schrems II Judgment [here](#).