

DECISION OF DATA PROTECTION COMMISSION APPROVING PROCESSOR BINDING CORPORATE RULES OF RGA INTERNATIONAL REINSURANCE COMPANY DAC. (RGAI)

1. Having regard to Article 47(1) of the EU General Data Protection Regulation 2016/679 (GDPR), the Data Protection Commission of Ireland (DPC) shall approve the Processor Binding Corporate Rules (“BCRs”) submitted by RGA International Reinsurance Company DAC (“RGAI”) provided that they meet the requirements set out under this Article.

Whereas:

2. In accordance with the cooperation procedure as set out in the Working Document WP263.rev.01, the Data Protection Commission, as the Lead Authority for the BCRs (BCR Lead), reviewed the Processor BCRs application of RGA (covering the parent company and all of its affiliated companies). In addition they were reviewed by the Data Protection and Freedom of Information Commissioner, North Rhine-Westphalia, Germany and the Commission Nationale de l’Informatique et des Libertés (CNIL) as co-reviewers. The application was also circulated to every EEA SA for further review and comments.
3. The review concluded that the Processor BCRs of RGA (covering the parent company and all of its affiliated companies) comply with the requirements set out by Article 47-1 of the GDPR as well as the Working Document WP257.rev.01 and in particular that the aforementioned BCRs:
 - i) Are legally binding and contain a clear duty for each participating member of the Group including their employees to respect the BCRs (***Done via the RGA Intra- Group Agreement on Binding Corporate Rules and within WP 265***)
 - ii) Expressly confer enforceable third party beneficiary rights to data subjects with regard to the processing of their personal data as part of the BCRs (***Section C of the Processor Policy***)
 - iii) Fulfil the requirements laid down in Article 47- 2:
 - a) the structure and contact details of the entities of RGA and all of its affiliated companies (***Appendix 1***);
 - b) the data transfers or set of transfers, including the categories of personal data, the type of processing and its purposes, the type of data subjects affected and the identification of the third country or countries in question (***Part 1 Processor policy, Appendix 1 and WP 265 Section 2***);

- c) their legally binding nature, both internally and externally (***Intra Group Agreement, WP 265 Section 4***);
- d) the application of the general data protection principles, in particular purpose limitation, data minimisation, limited storage periods, data quality, data protection by design and by default, legal basis for processing, processing of special categories of personal data, measures to ensure data security and the requirements in respect of onward transfers to bodies not bound by the binding corporate rules (***Part II, Section A and B of Processor Policy***);
- e) the rights of data subjects in regard to processing and the means to exercise those rights, including the right not to be subject to decisions based solely on automated processing, including profiling in accordance with Article 22, the right to lodge a complaint with the competent supervisory authority and before the competent courts of the Member States in accordance with Article 79, and to obtain redress and, where appropriate, compensation for a breach of the binding corporate rules (***Appendix 2***);
- f) the acceptance of liability for any breaches of the binding corporate rules by any member concerned not established in the Union (***Intra-Group Agreement***);
- g) how the information on the binding corporate rules, in particular on the provisions referred to in points (d), (e) and (f) above is provided to the data subjects in addition to Articles 13 and 14 of the GDPR (***Part II, Section A of Processor Policy***);
- h) the tasks of the Privacy Office in charge of the monitoring compliance with the binding corporate rules within the entities of RGAI . and all of its affiliated companies, as well as monitoring, training and complaint-handling (***Appendix 3***);
- i) the complaint procedures (***Appendix 6***);
- j) the mechanisms within RGAI and all of its affiliated companies for ensuring the verification of compliance with the binding corporate rules. Such mechanisms include data protection audits and methods for ensuring corrective actions to protect the rights of the data subject. Results of such verification will be communicated to the Privacy Office referred to in point (h) and to the Audit Committee, and will be available upon request to the competent supervisory authority (***Appendix 5***);
- k) the mechanisms for reporting and recording changes to the rules and reporting those changes to the supervisory authority (***Appendix 8***);
- l) the cooperation mechanism with the supervisory authority to ensure compliance by RGAI . and all of its affiliated companies, in particular by making available to the supervisory authority the results of verifications of the measures referred to in point (j) (***Appendix 7***);

- m) the mechanisms for reporting to the competent supervisory authority any legal requirements to which RGAI and all of its affiliated companies is subject in a third country which are likely to have a substantial adverse effect on the guarantees provided by the binding corporate rules (**Appendix 9**); and
 - n) the appropriate data protection training to personnel having permanent or regular access to personal data (**Appendix 4**).
4. In accordance with Article 64(1)(f) GDPR, DPC took utmost account of the Opinion 9/2020 on our draft decision regarding the Processor Binding Corporate Rules of RGAI adopted on 15 April 2020 by the European Data Protection Board (“EDPB”).

DECIDES THE FOLLOWING:

- 5. The Processor BCRs of RGAI provide appropriate safeguards for the transfer of personal data in accordance with Article 46(1), 46(2)(f) and Article 47(1), 47(2) GDPR and hereby approves the Processor BCRs of RGAI.
- 6. The approved BCRs will not require any specific authorisation from the concerned supervisory authorities.
- 7. In accordance with Article 57(2)(j) GDPR, each concerned Supervisory Authority maintains the power to order the suspension of data flows to a recipient in a third country or to an international organization whenever the appropriate safeguards envisaged by the Processor BCRs of RGAI are not respected.



Helen Dixon
Commissioner for Data Protection

ANNEX TO THE DRAFT DECISION

The Processor BCRs of RGAI (covering the parent company and all of its affiliated companies) that are hereby approved cover the following:

- a. Scope
Only members of RGAI, acting as Processor, that are legally bound by the BCRs by the RGAI Intra-Group Agreement on Binding Corporate Rules. **(Appendix 1)**
- b. EEA countries from which transfers are to be made: All EEA countries
- c. Third countries to which transfers are to be made: RGAI entities located outside the EEA **(Appendix 1)**: Australia, Barbados, Bermuda, Brazil, Canada, China, Hong Kong, India, Japan, Malaysia, Mexico, New Zealand, Republic of Korea, Singapore, South Africa, Taiwan, United Arab Emirates (Dubai), and United States.
- d. Purposes of the transfer - **(Part 1 Processor policy and WP 265 Section 2 and 7)**.
- e. Categories of data subjects concerned by the transfer **(Part 1 of the Processor Policy)**.
- f. Categories of personal data transferred **(Part 1 Processor policy and WP 265 Section 2 and 7)**