

# Comments on Recommendations 1/2022 on the Application for Approval and on the elements and principles to be found in Controller Binding Corporate Rules (Art. 47 GDPR)

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BCR: Binding Corporate Rules  
SA: supervisory authority

Page 4 paragraph 6:  
Hopefully there will be an elaboration on this statement further down, as done in paragraph 13.

Page 5 paragraph 10:  
Is paragraph 10 a proviso to paragraph 9? The more I read it, the more it seems to be the case. If so, shouldn't it be a 9.1 instead of 10 (or some other way to indicate relationship, like bullets/dashes as used in paragraph 4)?

Page 5 paragraph 11:  
There are two "however"s here. Is the second one being applied to the first one or the first statement in the paragraph? If the later, I suggest visually emphasizing parallelism with something like:

*"The BCR approval only covers transfers of personal data to third countries. However:*

- Groups may design BCR to be used as their global data protection policy.*
- The scope of the approval of the BCR by the BCR Lead is always limited to transfers of personal data from entities under the scope of application of the GDPR 9 to third countries and their onward transfers to other Group members that are bound by the BCR (hereinafter "BCR member(s)") outside the EEA."*

Page 6 Application form  
Should the form have an expiration date, so it has to be renewed every X years even if nothing changed? Because something always changes but goes unnoticed.

Page 6 Application form 1<sup>st</sup> bullet:  
When you say "this form may be used in all EEA Member State," does that mean a form has to be sent to each member state company has an office in? Wouldn't it be more efficient to have one EEA-wide repository every member state's SA can refer to? This way company submits to one SA and then tell the others (where it has offices at even if none are headquarters) about it. The point is that member states not directly affected can also look it up as needed.

A side benefit is that if regulations related to BCRs change, it would be rather easy for the EDPB to send emails to all the companies announcing the upcoming changes. Yes, they need to keep themselves updated, but this would be a nice and easy to automate touch.

Page 7 :

I know this is just the document for public review, and there will be a fillable form somewhere, but a link to it in the instructions would be appreciated. It also helps someone who received the form through less than trustworthy channels to obtain the proper and current version.

You may want to allow the BCR Lead to indicate whether email or phone number is the preferred means of contact. Case in point, I am dealing with a business that claims they had tried to contact me and I am ignoring them. It turned out they kept calling in the middle of the night instead of emailing as I asked, and not even bothering to leave a message. So I sent them a nice email saying (in a nicer way) “hey, you can call me at 9pm my local time because of your timezone until the cows come home and I will not consider that an attempt to contact me because we agreed that we would talk (or schedule webmeetings) by email and you so far have not bothered to send a single itsy bitsy email my way.”

Having a form review version and date would be a nice touch. Forms change.

I know I am asking too much, but a sample fully filled form could help answering many questions that “ELEMENTS AND PRINCIPLES TO BE FOUND IN BCR-C” tries to. I learn better by doing or seeing someone doing the deed. If you do not have time to write the sample filled form, would you mind if I did one and asked you to review it?