

## **Belgian DPA Approves First European Code of Conduct**

On 20 May 2021, the Belgian Data Protection Authority (*Gegevensbeschermingsautoriteit / Autorité de protection des données* – the **DPA**) approved the first transnational code of conduct to be adopted within the European Union since the entry into force of General Data Protection Regulation (EU) 2016/679 (the **GDPR**). The “EU Data Protection Code of Conduct for Cloud Service Providers” (the **EU Cloud CoC**) aims to establish good data protection practices for cloud service providers and wishes to contribute to a better protection of personal data processed in the cloud in Europe. One day earlier, on 19 May 2021, the European Data Protection Board issued a favourable opinion, allowing the DPA to approve the first transnational code of conduct.

The objective of the EU Cloud CoC is to help cloud service providers demonstrate compliance with Article 28 of the GDPR and make it easier and more transparent for customers to analyse whether cloud services are appropriate for their use and in line with Article 28(1) and 28(5) of the GDPR. Article 28(1) of the GDPR provides that controllers must only use processors providing “sufficient guarantees” to ensure compliance with the GDPR. Article 28(5) states that the adherence of a processor to an approved code of conduct may be used as an element of demonstrating sufficient guarantees as referred to in paragraphs 1 and 4 of Article 28 of the GDPR. In its approval decision, the DPA underlines the importance of codes of conduct as voluntary accountability tools to tailor data protection rules to the specificities of a sector. By adhering to the code, companies will ensure that data handling is in line with the GDPR. Adherence to the EU Cloud CoC is also achievable for small and medium enterprises that are active in this sector.

The EU Cloud CoC is intended to address all service types of the cloud market (e.g., IaaS, PaaS, SaaS) and defines specific requirements for the cloud service providers. The code only applies to cloud services where the cloud service provider is acting as a processor. It therefore does not apply to “business-to-consumer” (**B2C**) services or to any processing activities for which the cloud service provider may act as a data controller. Furthermore, the DPA clarifies that customers and cloud service providers, who will be transferring personal data to a third country outside the EEA, remain responsible to assess the individual appropriateness of implemented safeguards according to Chapter V of the GDPR.

Parallel to the approval of the code of conduct, the DPA accredited SCOPE Europe as the monitoring body for the EU Cloud CoC. This monitoring body will ensure that code members abide by the provisions of the EU Cloud CoC.

The DPA’s approval decision is available [here](#).