



UNITED STATES DEPARTMENT OF COMMERCE
International Trade Administration
Washington, D.C. 20230

November 30, 2016

Professor Chris Hoofnagle
University of California
Berkeley School of Information
102 South Hall
Berkeley, California 94720

Re: Tracking Number DOC-ITA-2016-001809

Dear Professor Hoofnagle:

This letter is in response to your Freedom of Information Act (FOIA) request received by the U.S. Department of Commerce (Department) on September 24, 2016, via FOIAonline. The Department transferred your request to the International Trade Administration (ITA) on September 27, 2016, for direct response to you. In your request, on behalf of University of California, Berkeley School of Information, you requested “any checklists, guidelines, worksheets, and/or internal records that the Department of Commerce uses in order to evaluate applications for the US-EU Privacy Shield.”

After a thorough search, ITA located 4 pages of responsive records. These records are being released in their entirety. Please find a copy of these records in FOIAonline under your FOIA tracking number (DOC-ITA-2016-001809).

There were no billable fees associated with the processing of your request. Should you have any questions regarding this response, please contact me at (202) 482-7937 or at

Thank you for your interest in the ITA.

Sincerely,

Justin Guz
Freedom of Information Act Officer
International Trade Administration

PRIVACY SHIELD SELF-CERTIFICATION APPLICATION REVIEW CHECKLIST

- **Org. Name(s) and Physical Address**
- **Org. Contact Info.**
- **Org. Corporate Officer Info.**

- **Covered Entities (optional)**

- **Annual Revenue**
- **Number of Employees (optional)**
- **Industry Sectors (optional)**

- **Covered Data:**
 - non-HR;
 - HR; or
 - both
- **Recourse Mechanism:**
 - if non-HR, then name and URL of ADR;
 - if HR, then EU DPA box ticked
- **Description of purposes for processing of covered data**

- **Statutory Body: DOT or FTC**

- **Privacy Program (optional)**

- **Verification Method:**
 - Self-Assessment; or
 - Outside Compliance Review (name and URL of Third Party)

PRIVACY SHIELD SELF-CERTIFICATION APPLICATION REVIEW CHECKLIST

- **Privacy Policy:**
 - if non-HR, then
 - Effective date and URL if org. has public website; or
 - Effective date, description of location, and uploaded doc if org. does not have public website;
 - if HR, then effective date, description of location, and uploaded doc

- **Minimum Privacy Policy Criteria (A):**
 - 1) affirmative statement of compliance with PS;
 - 2) link to PS website;
 - 3) name of IRM; and
 - 4) link to IRM website

- **Additional Privacy Policy Criteria (B):**
 - 1) covered entities;
 - 2) how to contact org.;
 - 3) type of third parties to which PI is disclosed;
 - 4) subject to DOT or FTC enforcement;
 - 5) ability to invoke binding arbitration;
 - 6) requirement to disclose PI to gov authorities to meet national security or law enforcement requirements;
 - 7) liability for onward transfers to third parties
 - potential keywords: “liability”, “responsibility”, and “accountability”
 - 8) right of individuals to access their PI; and
 - potential keywords: “access”, “correct”, “amend”, “delete”, and “verify”
 - 9) choices available to individuals to limit use and disclosure of their PI
 - potential keywords: “choice”, “consent”, “opt-in”, “opt-out”, “disclosure”, and “purpose”

- **Payment**

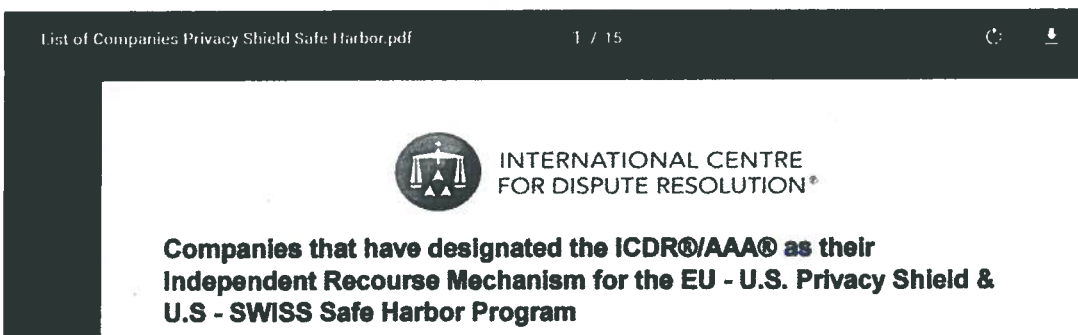
Screenshots Relevant to FOIA DOC-ITA-2016-001809

The column headings, as of 9/27/2016, of the Privacy Shield application review spreadsheet used by the ITA's Privacy Shield team:

A	B	C	D	E	F	G	H	I	J	K	L
Organization	Organization Legal Name	Date Received (Date First Opened)	Date First Reviewed	PS Team Member/Reviewer	Whether EU DPAs Serve as IRM for HR and/or non-HR data	Minimum Privacy Policy Criteria (A): 1) affirmative statement of compliance with PS; 2) link to PS website; 3) name of IRM; 4) link to IRM website	Additional Privacy Policy Criteria (B): 1) covered entities; 2) how to contact org.; 3) type of third parties to which PI is disclosed; 4) subject to DOT or FTC enforcement; 5) ability to invoke binding arbitration; 6) requirement to disclose PI to gov authorities to meet national security or law enforcement requirements; 7) liability for onward transfers to third parties; 8) right of individuals to access their PI; 9) choices available to individuals to limit use and disclosure of their PI	Ready to be Finalized	Comments	Communication with Org. Regarding Application Deficiencies	Date Message Sent to Org. Confirming that Self-Cert Finalized

The resources used by the ITA's Privacy Shield team to check whether Privacy Shield applicants have registered with the independent recourse mechanisms that they have listed in their respective Privacy Shield applications (n.b., these resources include public websites, as well as spreadsheets that are shared with the Privacy Shield team and regularly updated by the relevant third party entities):

The International Centre for Dispute Resolution / American Arbitration Association (ICDR/AAA): "ICDR/AAA EU-U.S. Privacy Shield and U.S.-Swiss Safe Harbor Program" website (<http://info.adr.org/safeharbor/>) list of "ICDR/AAA EU-U.S. Privacy Shield and/or U.S.-Swiss Safe Harbor Companies" (available via the link by that name on the website's homepage, see also screenshot below featuring heading of list):



Screenshots Relevant to FOIA DOC-ITA-2016-001809

The Council of the Better Business Bureaus (BBB): "BBB EU Privacy Shield Participants" spreadsheet column headings:

A	B	C
COMPANIES		SUBSIDIARIES/AFFILIATES

CASRO: "CASRO Privacy Shield Program Participants" spreadsheet column headings:

CASRO Privacy Shield Program Participants Print Data Find Comments

A	B	C	D	E
Company Name	Subsidiaries	Website Addresses	Complaint Contact	Title Mailing Address

Direct Marketing Association (DMA): "DMA Privacy Shield Participant List" spreadsheet column headings:

DMA Privacy Shield Participant List

A	B	C
Company Name	Date Accepted	Renewal Date

JAMS: "JAMS Privacy Shield and Safe Harbor Registrations" spreadsheet column headings:

A223	EU-U.S. Privacy Shield Framework
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Please indicate if you are designating JAMS as your ADR provider for one or both Name of Company designating JAMS as its ADR Provider

TRUSTe: "TRUSTe Feedback and Resolution System" webpage (<https://feedback-form.truste.com/watchdog/request>):

File a Report with TRUSTe

Organization you wish to report *

Please enter the URL without the http://. Example: www.domain.com - select your choice from the matches presented in the drop-down menu or hit the Tab key to continue with your report.

URL not found. Search again, or File a Trademark Violation Report, or search by Company Name.