

OC.05 Third Country Transfer

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Member State law and Union law can influence the permissibility of the third country transfer of personal data in different ways. Depending on how one counts, there are 6 opening clauses:

Art. 46 V: Authorisations by a Member State on the basis of Art. 26 II of Directive 95/46/EC

Art. 48: Mutual legal assistance treaties between third countries and Member States allowing transfers or disclosures

Art. 49 I d and IV: Transfer is necessary for important reasons of public interest

Art. 49 I g: Transfer from a register that is intended to provide information to the public

Art. 49 III: Exemptions for public authorities in the exercise of their public powers

Art. 49 V 1: Limits to the transfer of specific categories of personal data