

DGA.40 3rd country transfer: Special Conditions

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Art. 5 (11) DGA:

(11) Specific Union acts adopted in accordance with a legislative procedure **may deem certain non-personal data** categories held by public sector bodies **to be highly sensitive** for the purposes of this Article where their transfer to third countries may put at risk Union policy objectives, such as safety and public health, or may lead to the risk of re-identification of nonpersonal, anonymised data. Where such an act is adopted, the Commission shall adopt **delegated acts** in accordance with Article 28 supplementing this Regulation by laying down **special conditions** applicable to the transfers to third-countries of such data.

Those conditions shall be **based on the nature of non-personal data** categories identified in the specific Union act and on the grounds for deeming them highly sensitive, non-discriminatory and limited to what is necessary to achieve the public policy objectives identified in the Union law act, such as safety and public health, as well as **risks of re-identification** of anonymized data, in accordance with the Union's international obligations.

If specific Union acts under the first subparagraph require so, such conditions may include **terms** applicable for the transfer or **technical arrangements** in this regard, **limitations** as regards the re-use of data in third-countries or categories of persons which are entitled to transfer such data to third countries or, in exceptional cases, **restrictions** as regards transfers to third-countries