

2021 Annual Report on Privacy Shield Cases

JAMS- Executive Summary

This annual report is submitted by JAMS, for the reporting period of Aug. 1, 2020 through July 31, 2021, as an Independent Recourse Mechanism supporting the EU-U.S. Privacy Shield and Swiss-U.S. Privacy Shield frameworks.

Privacy Shield Cases

JAMS serves as an Independent Recourse Mechanism provider under the EU-U.S. Privacy Shield program and also under the Swiss-U.S. Privacy Shield program. The following is an overview of information related to the JAMS Privacy Shield Services.

The number of organizations presently enrolled in the program is 1941.

JAMS does not provide a Privacy-Shield related verification service.

Guidance

JAMS provides information located on its website for any organizations or participants that wish to register. JAMS also provides a designated point of contact to answer questions regarding registration, and a General Fee Schedule should a mediation case need to be opened.

A link to the information/registration can be found here:

<https://www.jamsadr.com/eu-us-privacy-shield>

Compliance Activities

JAMS provides daily reports of registrations to the Department of Commerce. JAMS also advises organizations of lapses or changes in self-certifications based on notifications from the US Department of Commerce which may affect compliance.

Privacy Shield Complaint Handling

A privacy shield complaint can be filed with JAMS by submission through its “File a Claim with JAMS” live hyperlink on its website. <https://www.jamsadr.com/file-an-eu-us-privacy-shield-claim>

JAMS then reviews any complaint for validity, and eligibility under the frameworks.

The Eligibility Requirements are as follows:

Eligibility

- a. *You are the subject of personal data collected in the European Union / European Economic Area, and / or Switzerland; or*

- b. *You are the parent or legal guardian of that data subject in the case of personal data collected from a child under the age of 13.
Please note, if JAMS cannot verify your identity, JAMS may choose not to open a case.*

To be accepted your complaint must:

- a. *Be filed by an eligible Complainant (either the subject of the alleged data protection breach, or the parent/legal guardian of a child under the age of 13 who is of the subject of the alleged data protection breach).*
- b. *Be made against an entity in the United States that (1) has self-certified its compliance with the EU – U.S. Privacy Shield Framework and / or Swiss-U.S. Privacy Shield Framework to the U.S. Department of Commerce, whichever applies, and (2) has designated JAMS as its ADR provider for disputes under the Privacy Shield Frameworks.*
- c. *Allege that the Respondent failed to comply with the EU-U.S. Privacy Shield Principles or Swiss-U.S. Privacy Shield Principles in relation to the Complainant's covered personal data.*
- d. *Include credible documentation to support the Complainant's allegations.*
- e. *Provide evidence that you have completed a good faith effort to resolve the Complaint in accordance with the EU-U.S. Privacy Shield Framework and /or the Swiss-U.S. Privacy Shield Framework, whichever applies.*
- f. *Have not been previously resolved by negotiation, court action, arbitration, or any other form of dispute settlement; and*
- g. *Unless agreed by both Parties to the case, not be the subject of current litigation or any other adjudicatory process (including claims submitted for resolution through binding arbitration).*

Information submitted with your claim:

Information submitted by a Complainant must be sufficiently complete to permit both JAMS and the Respondent to evaluate and understand the Complaint adequately, and to enable the Respondent to respond to the Complaint. JAMS has sole authority to determine whether the information submitted is sufficiently complete to open a case.

Please note that all complaint materials should be submitted in English.

If eligible, JAMS will seek to coordinate and facilitate a resolution of the complaint typically within 30-45 days through communication with the organization and complainant. If these efforts are unsuccessful, JAMS will officially open a case wherein a mediator will be selected by the parties to address applicable or appropriate remedies/sanctions based upon the parties' specific circumstances (i.e. data removal, compensation for individual losses etc.). If this is unsuccessful, JAMS will refer the case to the Department of Commerce as appropriate.

Statistics

Total Eligible Claims received under the Privacy Shield Frameworks: **1 eligible claim received.**

Type of Claim Received-request to have personal information/data protected and accessible to complainant

Total Claims resolved or otherwise disposed (i.e. closed) of under the Privacy Shield Frameworks: **0**

Quality measures and outcomes: JAMS quality measures used for potential claims would include the attempt to resolve each complaint within 45 days by facilitating communications with the organization and complainant and monitoring until the complainant achieved satisfactory resolution from the organization.

Resolution achieved: Not applicable as claim is still pending as received less than 45 days ago. Resolution still in progress.

There are no sanctions to report as eligible claim is still pending resolution.