




MEMORANDUM FOR: Neomi Rao,
OIRA Administrator

FROM: James M. Sullivan 
Deputy Assistant Secretary for Services
International Trade Administration
U.S. Department of Commerce

SUBJECT: Request for OMB Emergency Review and
Approval of an Information Collection for Invitation for
Applications for Inclusion on the List of Arbitrators for the
Swiss-U.S. Privacy Shield Framework

We are seeking approval for an emergency Paperwork Reduction Act (PRA) clearance request to allow the Department of Commerce (DOC), as represented by the International Trade Administration (ITA), to publish a Federal Register Notice (FRN) announcing the Swiss-U.S. Privacy Shield Invitation for Applications for Inclusion on the List of Arbitrators, and to accept applications received from this announcement.

BACKGROUND

Under the Privacy Shield, the U.S. Department of Commerce (DOC) and the Swiss Administration have committed to implement an arbitration mechanism to provide Swiss individuals with the ability to invoke binding arbitration to determine, for residual claims, whether an organization has violated its obligations under the Privacy Shield. The DOC and the Swiss Administration will work together to implement the arbitration mechanism. Consistent with applicable law, DOC and the Swiss Administration will develop a list of up to 5 arbitrators, chosen on the basis of independence, integrity, and expertise. Parties to a binding arbitration under this Swiss-U.S. Privacy Shield mechanism may only select arbitrators from the list developed under the EU-U.S. Privacy Shield Framework to be supplemented by this list.

JUSTIFICATION

The arbitral mechanism is a critical component of the Swiss-U.S. Privacy Shield Framework and must be implemented as soon as possible to preserve the integrity of the Privacy Shield program. More than 2,600 U.S.-based organizations currently rely on the Privacy Shield to transfer the personal data from the EU and Switzerland to the United States necessary to do business across the Atlantic. Such a data transfer mechanism is critically important, because it underpins almost \$300 billion in digitally deliverable services traded across the Atlantic each year.





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

ITA requests expedient approval of the FRN announcing the opportunity to apply for inclusion on the list of arbitrators. Thank you for your consideration.

Please direct any questions to David Ritchie, Office of Digital Services Industries, at (202) 482-4936.

