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Ms Anu Talus - Chair
European Data Protection Board (EDPB)

Cc: PETI / COM / T-PD / EU Petitioners / National DPAs

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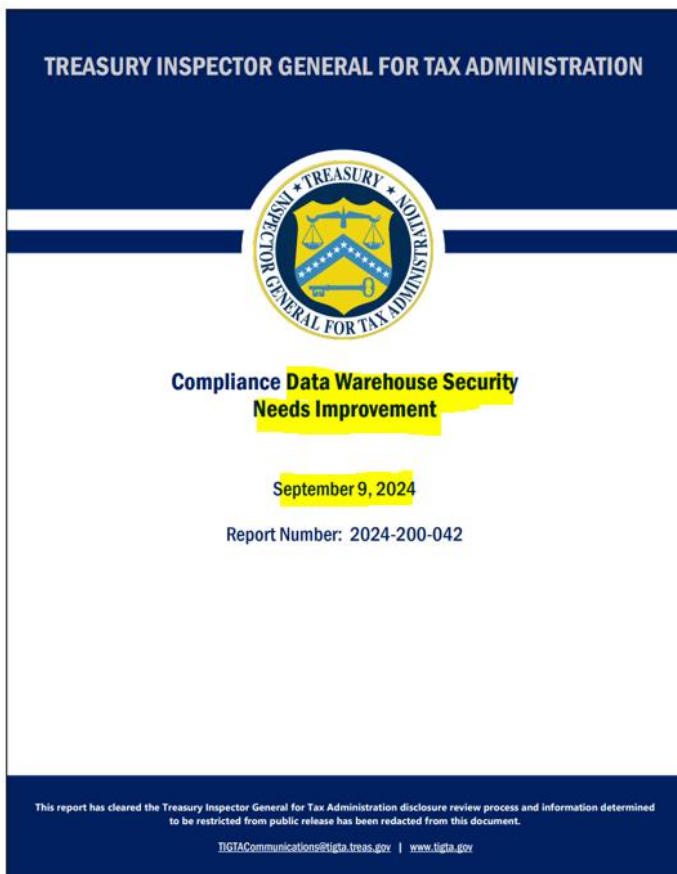
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FATCA | Latest TIGTA report confirms lack of safeguards in the US

In July 2020, the CJEU confirmed that the US does not have sufficient data protection safeguards.

Since then, we have provided the EDPB and national DPAs with first-hand evidence from US government agencies confirming the poor state of data protection and data security in the US, including reports from the [US Treasury Department](#) (see also [here](#)) and the [US Government Accountability Office](#), as well as statements from the [highest IRS officials](#) (see also [here](#)). This is all relevant in connection with [Art. 46 GDPR](#).

A couple of days ago, the [US Treasury's TIGTA](#) issued yet another report showing the disregard for personal data protection in relation to tax data:



“ At its core, the Compliance Data Warehouse (CDW) is a massive data warehouse containing multiple years of Federal Tax Information and Personally Identifiable Information consolidated from multiple sources, internal and external to the IRS.

A total of 1,173 people, including 291 contractors and 20 researchers and student volunteers" have broad access to everyone's data and can remotely download database contents onto IRS-issued laptops.

From December 2022 to October 2023, nine Plans of Action and Milestones were created to implement corrective action plans for the vulnerabilities. However, none of the Plans of Action and Milestones were created within agency-defined timelines. ”

It is clear beyond doubt that in the EU there is no consistent application of FATCA, which directly engages the [powers of the EDPB](#), something that we have been consistently asking the EDPB to [acknowledge](#). To put it mildly, there is now a crisis at the centre of the EU, with national data protection authorities levying eye-watering [fines](#) against US tech companies while turning a blind eye to US transfers made by EU Member States for reasons of political convenience, even [ignoring formal resolutions](#) from the European Parliament to intervene to uphold individuals' fundamental rights.

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