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FATCA | Art. 46 UK GDPR – More evidence of lower data protection safeguards

This week's article in the [New York Times](#) confirms what Ms Webster and data protection experts (see e.g. Prof. Michael Hatfield's submission dated 5 November 2024 and TAXUD's attached report from 2011)¹ have been saying for years, notably that the US has lower standards of data protection – punching a hole in Art. 46 [UK] GDPR

The New York Times

Trump Seeks to Paralyze Independent Privacy and Civil Liberties Watchdog

Trump Administration

Jan. 22, 2025



The board also plays a key role in [an agreement between the United States and the European Union](#), which allows businesses to transfer Europeans' personal data to the United States in part because the board exists as a check on surveillance practices and can oversee a process of addressing complaints from Europeans about any misuse of their data.

I look forward to receiving an update on the ICO's review of its decision of 29 May 2020, following Ms Webster's 11 December 2019 complaint against HMRC. To date, Ms Webster has not received any substantive response to the latest stage of the complaint (see our [31 July 2024](#) letter).

Best regards,

Filippo Nosedà
Partner

¹ "We sent a letter to the US Treasury asking several questions on data protection standards. The US Treasury replied at the end of September [2011] and this reply was examined by DG JUST. Our data protection experts, following their examination of the US reply, believe that the US data protection rules do not offer the same standard of data protection" (see [attached, Ares\(2015\)459646_Annex5](#) at pp. 28 and 30, which expressly mentions the Privacy and Civil Liberties Oversight Board). This report was disclosed to HMRC as part of Ms Webster's court proceedings.