

## Procedure for Issue of Authorisations to Provide Personal Data to Third Countries

### STATE DATA PROTECTION INSPECTORATE

**Name**

State Data Protection Inspectorate

**Address**

L. Sapiegos g. 17, 10312 Vilnius

**Online address**

<https://vdai.lrv.lt/>

**E-mail**

[ada@ada.lt](mailto:ada@ada.lt)

**Telephone**

+37052712804

**Fax**

+37052619494

**Working hours**

I, III, IV 8:00 – 17:00, II 8:00 – 19:00, V 8:00 – 15:45, Lunch break 12:00-12:45

### DESCRIPTION OF THE SERVICE

If the data controllers intend to transmit personal data to the recipients of data to third countries or an international organisation subject to appropriate safeguards on the condition that enforceable data subject rights and effective legal remedies for data subjects are available where such safeguards are specified in the documents provided for Article 46(3) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (hereinafter referred to as the “GDPR”), they must obtain an authorisation of the State Data Protection Inspectorate (hereinafter referred to as the “Inspectorate”). The authorisation is issued if, following Article 46(4) of the GDPR, after application of the consistency mechanism provided for in Article 63 of the GDPR, it is decided that the envisaged data transfer will not breach the requirements of the GDPR, in particular, the ones related to safety of data and safeguards of the data subjects’ rights.

The data controller is entitled to submit a request for authorisation:

1. In writing (by appearing directly at the Inspectorate, sending it by mail or via courier),
2. Electronically to the Inspectorate’s e-mail address [ada@ada.lt](mailto:ada@ada.lt). (The electronically submitted request is made so that the Inspectorate could recognise the format of the electronic document and the content of the notification, identify the electronic signature and the person who has given the notification).

The Inspectorate notifies the data subject of the taken decision on issue or refusal of issue of the authorisation for transfer of personal data to third countries or an international organisation in the same way as the request was received: by e-mail or by mail.

### Main information

**Recipients of the service**

To legal persons for non-business purposes; to legal persons for business purposes; to natural persons for business purposes

**Area/subgroup of public services**

Issue of licences and authorisations to business entities

**Case of life**

For the purposes of receipt of an authorisation/licence; Other

**Type of the service**

Non-electronic service

**Results of provision of the service**

Grant of authorisation to provide personal data to third countries.

**Information and documents which must be provided by the person**

In order to obtain an authorisation, the data controller must provide the following documents to the Inspectorate:

1. the request for the Authorisation (hereinafter referred to as the “Request”);
2. depending on the basis on which personal data is transferred;
  - 2.1. the terms and conditions of the agreements among the data controller or the data processor and the data controller, the data processor or the recipient of personal data in a third country or an international organisation (or their certified copies),
  - 2.2. administrative agreements between public authorities or institutions (or their certified copies) providing for the enforceable and effective rights of the data subjects.

**Contact details of the service provider****Service provider**

[State Data Protection Inspectorate](#)

**Service provider**

Name and surname:	Daiva Tamulionienė
Position:	Head of the Supervision Division
Telephone:	+37052197278
E-mail:	daiva.tamulioniene@ada.lt

**Service provider****Provision of the service****Description of the service provision process**

Personal data is transferred to the recipients of data in third countries or an international organisation upon receipt of authorisation of the Inspectorate according to Article 46(3) of the GDPR where appropriate safeguards are provided for in the contractual clauses between the controller or processor and the controller, processor or the recipient of the personal data in the third country or international organisation or administrative arrangements between public authorities or bodies which include enforceable and effective data subject rights.

The Inspectorate issues or refuses to issue an Authorisation. The Authorisation is issued upon receipt of the opinion of the European Data Protection Board (hereinafter referred to as the “Board”) on the draft decision on issue of the Authorisation of the Inspectorate. In case if the Board does not approve of the draft of the Inspectorate’s decision on issue of the Authorisation, the Inspectorate takes a decision on non-issue of the Authorisation or decides not to take into account the opinion. If the Inspectorate decides not to take into

account the Board's opinion on the draft decision on issue of the Authorisation of the Inspectorate and not to change its decision or take into account the opinion of the Board only partially and, thus, only partially change its decision, the Inspectorate must notify the Board under the procedure prescribed in Article 64(7) of the GDPR. The Inspectorate's final decision on issue or non-issue of the Authorisation is taken upon receipt of the mandatory decision of the Board according to Article 65(1) of the GDPR.

The Inspectorate's final decision on issue or refusal of issue of the Authorisation contains a link to the decision of the Board according to Article 65(1) of the GDPR and states that the decision will be published on the website of the Board. The Inspectorate also provides the mandatory decision of the Board with its final decision on issue of the Authorisation or refusal to issue it.

**Duration of provision of the serviceService is paid on the spot**

No

**Service initiation form**

<https://vdai.lrv.lt/lt/veiklos-sritys-1/tarptautinis-bendradarbiavimas>

**Annex to the service initiation form**

No annex.

Duration of provision of the service:

Type of days:

Comment:

Service provision price:

Free of charge

Duration:

The Inspectorate must provide the Authorisation or a reasoned written refusal to issue it to the data controller not later than within 20 working days from the date on which the Inspectorate:

- receives all documents and information necessary for obtaining the Authorisation from the data controller;
- receives the opinion of the Board on the decision of the Inspectorate on the draft of the Inspectorate's decision on issue of the Authorisation and decides to take it into account;
- receives the final decision of the Board according to Article 65(1) of the GDPR.

Comment:

**Description of the service provision process**

The Inspectorate notifies the date subject of the taken decision on issue or refusal of issue of the authorisation for transfer of personal data to third countries or an international organisation in the same way as the request was received: by e-mail or by mail.

**The contract on payment for the services through the State-of-the-art Information Resource Interoperability Platform (VIISP) is signed**

No

**Payment through e-Banks is possible**

No

**Payment through an intermediary (post) is possible**

No

**Login method**

**Electronisation level**

**Identification is necessary when ordering the service**

Yes

**Link to the e-service:**

Duration of provision of the service:

Type of days:

Comment:

Service provision price: Free of charge

Duration:

Comment:

**Information on issue of authorisations and licences to business entities****Additional information****Legal acts**

[!\[\]\(626ce8ac21792b9405bfddfea8e0c96a\_img.jpg\) Regulation \(EU\) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC \(General Data Protection Regulation\) \(OJ 2016 L 119, p. 1\).](#)

[!\[\]\(a8f9309f944226d1420f5fed22e2b6e6\_img.jpg\) Regulations of the State Data Protection Inspectorate approved by Resolution No 987 of the Government of the Republic of Lithuania of 25 September 2001 “On the Grant of Powers to the State Data Protection Inspectorate and Approval of the Regulations of the State Data Protection Inspectorate”.](#)

[!\[\]\(248b91fcdac4810ffd15cf33fb6aec6f\_img.jpg\) Order No 1T-52\(1.12.\) of the Director of the State Data Protection Inspectorate of 24 May 2018 “On the Approval of the Recommended Form of the Request for Issue of the Authorisation for Transfer of Personal Data to Third Countries or International Organisations”.](#)

[!\[\]\(899d8b7697d64725bf017d3296cfcf1b\_img.jpg\) Order No 1T-68\(1.12.E\) of the Director of the State Data Protection Inspectorate of 18 July 2018 “On the Approval of the Description of the Procedure for Issue of Authorisations for Transfer of Personal Data to Third Countries or International Organisations”.](#)

**Notes**

The Inspectorate must issue an Authorisation for transfer of personal data to a third country or international organisation or a reasoned written refusal to issue it to the data controller not later than within 20 working days. The time limit runs from the date on which the State Data Protection Inspectorate receives all documents and information necessary for obtaining the authorisation.

The time limit may be extended once for up to 10 working days due to complexity of the circumstances, scope of information or other important objective circumstances. In such case, the Inspectorate immediately but not later than within the afore-mentioned time limit of 20 working days notify the data controller of extension of the time limit and the reasons for which the time limit was extended.

**Key words**

Authorisation, issue, data protection, the SDPI, provision

**Description of the process of provision of the non-electronic service**

<https://vdai.lrv.lt/lt/veiklos-sritys-1/tarptautinis-bendradarbiavimas> “[Leaflet for Those Who Are Planning to Apply for an Authorisation to Transfer Personal Data to Third Countries or International Organisations](#)”

If the data controllers intend to transmit personal data to the recipients of data to third countries or an international organisation subject to appropriate safeguards on the condition that enforceable data subject rights and effective legal remedies for data subjects are available where such safeguards are specified in the

documents provided for Article 46(3) of the GDPR, they must obtain an authorisation of the Inspectorate. The authorisation is issued if, following Article 46(4) of the GDPR, after application of the consistency mechanism provided for in Article 63 of the GDPR, it is decided that the envisaged data transfer will not breach the requirements of the GDPR, in particular, the ones related to safety of data and safeguards of the data subjects' rights.

The data controller is entitled to submit a request for authorisation:

1. In writing (by appearing directly at the Inspectorate, sending it by mail or via courier),
2. Electronically to the Inspectorate's e-mail address [ada@ada.it](mailto:ada@ada.it). (The electronically submitted request is made so that the Inspectorate could recognise the format of the electronic document and the content of the notification, identify the electronic signature and the person who has given the notification).

The Inspectorate notifies the data subject of the taken decision on issue or refusal of issue of the authorisation for transfer of personal data to third countries or an international organisation in the same way as the request was received: by e-mail or by mail.