

EN
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Answer given by Mr McGrath
on behalf of the European Commission
(11.12.2025)

The protection of personal data held by companies in the EU is governed by the General Data Protection Regulation (GDPR)¹. Companies in the EU may only share personal data with third country public authorities if they have a legal basis to do so (Article 6 GDPR) and if the transfer of personal data to a third country complies with the requirements of Chapter V of the GDPR, i.e. if there is an adequacy decision in place for the third country, if the transfer is accompanied by appropriate safeguards or if a derogation applies. This is provided for in Article 48 GDPR and reflected in the guidelines that the European Data Protection Board recently issued on the interpretation of this provision².

National data protection authorities are responsible for monitoring the application and enforcement of the GDPR. In case of breaches, these authorities can make use of their corrective powers ranging from warnings and reprimands to the suspension of data processing and significant administrative fines. In the case of Microsoft, it would be for the Irish Data Protection Authority to take action if Microsoft was found to be breaching the GDPR.

With respect to non-personal data stored in the EU, the Data Act³ requires cloud providers to adopt adequate technical, organisation and legal safeguards to unlawful access or transfer of such data to non-EU governments (Article 32). Member States must establish effective, proportionate and dissuasive penalties, and empower authorities to adopt necessary measures, such as issuing reprimands or compliance orders, to ensure that infringements of the Data Act are effectively addressed.

¹ 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).

² Guidelines 02/2024 on Article 48 GDPR, adopted on 4 June 2025

(https://www.edpb.europa.eu/system/files/2025-06/edpb_guidelines_202402_article48_v2_en.pdf).

³ <https://eur-lex.europa.eu/eli/reg/2023/2854/oj/eng>.