

(English version)

**Priority question for written answer P-000941/25
to the Commission
Malika Sorel (Pfe), Pierre Pimpie (Pfe), Roman Haider (Pfe), André Rougé (Pfe)
(5 March 2025)**

Subject: Suspension of US Privacy and Civil Liberties Oversight Board investigations and its impact on EU-US data transfers

On 29 January 2025, Bloomberg reported that US President Donald Trump had fired the chairperson and two members of the Privacy and Civil Liberties Oversight Board (PCLOB) ⁽¹⁾. The PCLOB is responsible for ensuring that US intelligence agencies observe fundamental rights. In the absence of replacement members, the PCLOB can no longer launch new investigations, which creates a worrying legal vacuum, as has been pointed out by the Norwegian data protection authority ⁽²⁾.

The EU-US Privacy Shield, adopted by the PCLOB on 2 February 2016, relies in part on the existence of the board to meet the requirements set out by the Court of Justice of the European Union in its judgment of 6 October 2015.

In view of the above:

1. Should this situation persist, does the Commission intend to reassess the appropriateness of transferring the personal data of European citizens to the United States?
2. Does the absence of the PCLOB call into question the legality of data transfers to US data centres located on European soil?
3. What measures does the Commission plan to take to support European businesses in the event that the agreement falls apart?

Supporter ⁽³⁾

Submitted: 5.3.2025

**Answer given by Mr McGrath on behalf of the European Commission
(2 May 2025)**

The Commission's adequacy decision on the EU-United States Data Privacy Framework is based on Executive Order 14086 (EO 14086) adopted by the US President ⁽¹⁾.

This Order introduced safeguards to ensure that the collection and use of personal data of Europeans by United States intelligence agencies is limited to what is necessary and proportionate in pursuit of defined national security objectives.

Moreover, the Order established a Data Protection Review Court, with binding investigatory and remedial powers, to which EU citizens have access. EO 14086 continues to be in force and applicable ⁽²⁾.

The Commission refers to the Honourable Members to the answers given to parliamentary questions E-000520/2025 and E-000540/2025 ⁽³⁾, where the Commission has addressed the issues raised.

As explained in those answers, the Board has been established by a law adopted by Congress providing that it is composed of five members appointed by the President and confirmed by the Senate. It also requires bi-partisan membership as no more than three members can be of the same political party.

The Commission is closely following the developments concerning the Privacy and Civil Liberties Oversight Board (PCLOB) and will continue to monitor relevant developments in the United States

As also explained in those answers, for any adequacy decision, the Commission has the power to propose its suspension, amendment or repeal if it concludes that the required level of protection is no longer ensured.

¹ <https://news.bloomberglaw.com/privacy-and-data-security/trump-terminates-trio-of-democrats-from-privacy-oversight-board>

² <https://www.datatilsynet.no/aktuelt/aktuelle-nyheter-2025/informasjon-om-overforinger-til-usa/>

³ This question is supported by a Member other than the authors: Julie Rechagneux (Pfe)

⁽¹⁾ Executive Order 14086 on 'Enhancing Safeguards for United States Signals Intelligence Activities'.

⁽²⁾ Its requirements and safeguards have also been recently assessed in the Commission's report of 9 October 2024 to the European Parliament and the Council on the first periodic review of the functioning of the adequacy decision on the EU-US Data Privacy Framework COM(2024) 451 final: https://commission.europa.eu/document/25695177-8073-4ce3-bf81-eb816dc6b468_en

⁽³⁾ https://www.europarl.europa.eu/doceo/document/E-10-2025-000520-ASW_EN.html