

# EU-US Data Privacy Framework Readiness Record

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The Lucid EU-US DPF Readiness Record is a quick tool to ascertain your business's readiness to join the US Department of Commerce's Data Privacy Framework Program.

## About the EU-U.S. Data Privacy Framework:

The EU - U.S. Data Privacy Framework has replaced the Privacy Shield framework, which was declared invalid in 2020 through the Schrems II decision. Designed by the U.S. Department of Commerce and the European Commission, the EU-US Data Privacy Framework provides organizations with an approved mechanism to comply with EU data protection law when engaging in transatlantic data transfers.

Lucid Privacy's EU-US Data Privacy Framework Readiness Assessment is designed to identify key areas where operational changes will be required, and to assist your organization in prioritizing efforts along the path to certification under the EU-US Data Privacy Framework. The Assessment can be completed at any stage during your organization's compliance efforts, and can be revisited periodically to assess the progress of operational changes.

## Joining the Program:

The Department of Commerce has identified necessary steps organizations must follow before self-certifying to the Data Privacy Framework:

- Determine whether your company is eligible.
- Craft a DPF-compliant privacy policy.
- Establish an independent recourse mechanism.
- Have a compliance verification mechanism and assessment in place.
- Designate a contact for all things Data Privacy Framework-related.

Additional information on joining the EU-US Data Privacy Framework can be found in the Department of Commerce's "[How to Join Data Privacy Framework](#)" and accompanying [Frequently Asked Questions](#).

## About the questions in the Readiness Record:

This survey lays out the essential questions that need to be answered and the operational/legal areas that will need to be covered prior to application submission. This document forms the basis of a 'self-certification' against the EU - US Data Privacy Framework program's requirements.

*Please address the following questions as comprehensively as possible so that we*

can carry out an assessment of your business activities against EU – US Data Privacy Framework participation requirements that are relevant to your operations.

	QUESTIONS	RESPONSES
	<b>Company:</b>	
	<b>Brief description of the business activities:</b> For example, whether the focus is B2B or B2C, and what the sources of revenue are.	
	<b>Your name and contact details:</b>	
	<b>Date prepared:</b>	
	<b>Geographical impact of the data practices</b>	
1.	<b>Is any EU/EEA, Swiss or UK-based legal entity involved in the collection, use and general processing of data?</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details of the entity and its geographic location:</i>
2.	<b>Do the data practices affect EU/EEA, Swiss or UK-based individuals?</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details of the entity and its geographic location:</i>
3.	<b>What kinds of individuals are concerned?</b>	<i>Select all that apply:</i> <input type="checkbox"/> Customers <input type="checkbox"/> Children <input type="checkbox"/> Employees <input type="checkbox"/> Job Applicants <input type="checkbox"/> Patients <input type="checkbox"/> Prospects <input type="checkbox"/> Vendors <input type="checkbox"/> Website Visitor <input type="checkbox"/> Other  <i>If OTHER, please explain.</i>
	<b>Nature of the data</b>	

<p><b>4.</b></p>	<p><b>Do the data practices involve the collection, use or disclosure of "personal data"?</b></p> <p>This includes any information that allows an individual to be singled out from other members of a group, even if their name, email address or other personally identifiable information is unknown.</p> <p>It can also include things like:</p> <ul style="list-style-type: none"> <li>● Cookies</li> <li>● IP addresses</li> <li>● MAC, MAID, UDIDs</li> <li>● Interests, demographics, psychographics</li> <li>● Transactional information</li> <li>● Behavioral information</li> <li>● Inferred information</li> </ul>	<p><input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO</p> <p><i>If YES, please identify the main types of personal data collected, used or disclosed:</i></p>
<p><b>5.</b></p>	<p><b>Do the data practices involve the collection, use or disclosure of key-coded patient data?</b></p> <p><i>The Data Privacy Framework Program expands the scope of covered data to include 'key-coded patient data' useful for medical and scientific research.</i></p> <p><i>This is patient data where the identity of the individual trial participant has been replaced with other data such as pseudonymous identifiers.</i></p>	<p><input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO</p> <p><i>If YES, please provide details:</i></p>
<p><b>6.</b></p>	<p><b>Do the data practices involve the collection, use or disclosure of "sensitive personal data"?</b></p> <p>Sensitive personal data includes information relating to:</p> <ul style="list-style-type: none"> <li>● Racial or ethnic origin</li> <li>● Political opinions</li> <li>● Religious or other beliefs</li> <li>● Trade union membership</li> <li>● Health conditions</li> <li>● Sex life and orientation</li> <li>● Criminal convictions</li> <li>● Children.</li> </ul>	<p><input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO</p> <p><i>If YES, please provide details:</i></p>
<p><b>7.</b></p>	<p><b>Do the data practices involve data accessed from, or stored in, an individual's device?</b></p>	<p><input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO</p>

	For example, storing cookies on an individual's browser or retrieving a MAC address from an individual's mobile device.	<i>If YES, please provide details:</i>
<b>Responsibility for data practices</b>		
8.	<b>Who is the "owner" of the data used in the context of the data practices?</b>	<input type="checkbox"/> We or our subsidiaries <input type="checkbox"/> Customers <input type="checkbox"/> Other  <i>Please explain your response and provide details of the relevant entities and / or customers:</i>
9.	<b>Who is responsible for making decisions about the collection, use, storage and / or disclosure of data in the context of the data practices?</b>	<input type="checkbox"/> We or our subsidiaries <input type="checkbox"/> Customers <input type="checkbox"/> Other  <i>Please explain your response and provide details of the role of [Company] and /or the customer in relation to this decision-making:</i>
10.	<b>Does any group entity carry out any activities involving data on behalf of or for the benefit of another group entity?</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO  <i>If YES, please provide details:</i>
11.	<b>Does any group entity carry out any activities involving data on behalf of or for the benefit of business customers?</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO  <i>If YES, please provide details:</i>
<b>Participation requirements (Non-HR)</b>		
<b>Notice</b>		
12.	<b>Does your public privacy policy state that your organization participates in the Data Privacy Framework and include a link to the Data Privacy Framework list on the Department of Commerce website?</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO  <i>If YES, please provide details / link:</i>
13.	<b>Does your public privacy policy state that your entities or subsidiaries (where applicable) adhere to the Data Privacy Framework Principles?</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO  <i>If YES, please provide details:</i>

14.	Does your public privacy policy state the types of personal data collected?	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>
15.	Does your public privacy policy state the purposes for which personal data is collected and used?	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>
16.	Does your public privacy policy state that the organization is committed to complying with the Data Protection Framework Principles?	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>
17.	Does your public privacy policy state how to contact the organization with inquiries or complaints, including any relevant establishment in the EU, Switzerland or UK that can respond?	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>
18.	<p>Does your public privacy policy state the types of third parties to which it discloses personal data, and the purposes for which it discloses it?</p> <p><i>For example, processors (service providers), business partners, customers, agents, data brokers etc.</i></p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>
19.	Does your public privacy policy state that individuals have a right to Access their personal data?	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>
20.	<p>Does your public privacy policy state the choices and means the organization offers individuals for limiting the use and disclosure of their personal data? Notably to opt-out of the out-of-context disclosure of their data to third parties?</p> <p><i>Note that disclosures to processors are exempt from opt-out requirements.</i></p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>
21.	Does your public privacy policy state the independent dispute resolution provider?	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>

22.	Does your public privacy policy state that individuals may invoke, under certain conditions, binding arbitration?	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>
23.	Does your public privacy policy state which US regulatory body you are within the jurisdiction of?  <i>Note that at this time only organizations regulated by the Federal Trade Commission and Department of Transportation may participate in the Framework.</i>	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>
24.	Does your public privacy policy state that the organization is required to disclose personal data in response to lawful requests to meet national security or law enforcement requirements?	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>
25.	Does your public privacy policy state that the organization is liable in cases of onward transfers to third parties?	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>
26.	Is your public privacy policy provided in clear and conspicuous language and provided before, or as soon after as practicable, individuals are asked to provide personal data?	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>
<b>Choice</b>		
27.	Do you either disclose personal data to third parties, or use it for purposes that are materially different from the purposes for which it was originally collected or subsequently authorized by the individuals?	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>
28.	Do you either disclose sensitive personal data to third parties, or use it for something other than the original purpose?	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>
29.	Do you engage in direct / electronic marketing?	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>

Accountability for Onward Transfer		
<b>30.</b>	<p><b>Please describe all the intended purposes for onward transfers.</b></p> <p>For example, for human resource, customer or vendor management purposes, targeted advertising or analytics purposes, etc.</p>	<p><i>Please provide details:</i></p>
<b>31.</b>	<p><b>Do you carry out automated data practices aimed at analyzing or predicting someone's performance at work, economic situation, health, personal preferences, interests, reliability, behavior, location or movements?</b></p>	<p><input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p><i>If YES, please provide details:</i></p>
<b>32.</b>	<p><b>Is the data shared with any other third party controllers?</b></p>	<p><input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p><i>If YES, please provide details of all potential recipients and the likely uses of the data made by those recipients:</i></p>
<b>33.</b>	<p><b>If Yes, do your contracts provide for the following?</b></p>	<p><input type="checkbox"/> That such data may only be processed for limited and specified purposes consistent with the consent provided by the individual</p> <p><input type="checkbox"/> That the recipients will provide the same level of protection as the Principles</p> <p><input type="checkbox"/> That the recipients will notify your organization if it determines that it can no longer meet this obligation</p> <p><input type="checkbox"/> That when such a determination is made the third party controller ceases processing or takes other reasonable and appropriate steps to remediate</p> <p><i>Please provide any additional details:</i></p>
<b>34.</b>	<p><b>Is the data shared with any other third parties including contractors and agents?</b></p>	<p><input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p><i>If YES, please provide details of all potential recipients and the likely uses of the data made by those recipients:</i></p>
<b>35.</b>	<p><b>Do you meet the following contract, due diligence, and vendor management</b></p>	<p><input type="checkbox"/> Transfer the personal data only for limited and specified purposes</p>

	<p>requirements?</p>	<p><input type="checkbox"/> Ascertain that the agent is obligated to provide at least the same level of privacy protection as is required by the Principles</p> <p><input type="checkbox"/> Take reasonable and appropriate steps to ensure that the agent effectively processes the personal data transferred in a manner consistent with the organization's obligations under the Principles</p> <p><input type="checkbox"/> Upon notice, take reasonable and appropriate steps to stop and remediate unauthorized processing</p> <p><input type="checkbox"/> Provide a summary or a representative copy of the relevant privacy provisions of its contract with that agent to the Department of Commerce upon request</p> <p><i>Please provide any additional details:</i></p>
<b>Security of Transferred Data</b>		
<p>36.</p>	<p><b>Do you have an information security program that protects personal data from loss, misuse and unauthorized access, disclosure, alteration and destruction, taking into due account the risks involved in the processing and nature of the personal data?</b></p>	<p><input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO</p> <p><i>If YES, please provide details of your security strategy, applied framework and/or applicable certifications:</i></p>
<p>37.</p>	<p><b>Are the data practices subject to any of the following?</b></p>	<p><input type="checkbox"/> Physical security measures</p> <p><input type="checkbox"/> An information security policy</p> <p><input type="checkbox"/> Controls on access to information</p> <p><input type="checkbox"/> A business continuity plan</p> <p><input type="checkbox"/> Internal training programme on security systems and procedures</p> <p><input type="checkbox"/> Procedure to investigate breaches of security when they occur</p> <p><input type="checkbox"/> A recognised standard on information security standard</p> <p><i>Please provide further details about any options selected:</i></p>
<p>38.</p>	<p><b>Do any third party vendors process transferred data on your behalf?</b></p>	<p><input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO</p>



		<p><i>If YES, please provide details of all relevant third parties and their role:</i></p> <p><i>Please also attach copies of any written contract governing that relationship.</i></p>
39.	<p><b>Do you have in place policies or procedures to determine whether a security incident up to and including a personal data breach needs to be notified to any third party or competent data protection authority?</b></p>	<p><input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO</p> <p><i>If YES, please provide details:</i></p>
<p><b>Data Integrity and Purpose Limitation</b></p>		
40.	<p><b>Do you limit the collection of personal data to only that which is relevant for the processing?</b></p>	<p><input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO</p> <p><i>If YES, please provide details:</i></p>
41.	<p><b>Do you only process personal data for purposes compatible with the original purpose of collection or as subsequently authorized by the individual?</b></p>	<p><input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO</p> <p><i>If YES, please provide details:</i></p>
42.	<p><b>How is data received kept accurate, reliable for its intended use, complete and up to date?</b></p>	<p><i>If YES, please provide details:</i></p>
43.	<p><b>How long is the data stored for?</b></p> <p>Please provide details of any periodic description / destruction of obsolete data if relevant.</p>	<p><i>If YES, please provide details:</i></p>
44.	<p><b>How is the data disposed of when no longer required?</b></p>	<p><i>If YES, please provide details:</i></p>
45.	<p><b>Do you ensure that you will adhere to the Data Privacy Framework Principles for if your organization retains information it collected under its Data Privacy Framework certification?</b></p>	<p><input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO</p> <p><i>If YES, please provide details:</i></p>
<p><b>Access and Other Privacy Rights</b></p>		
46.	<p><b>Do you have mechanisms and/or procedures in place to respond to individuals' requests to access, correct, amend, or delete their personal data? To</b></p>	<p>YES</p> <p><input type="checkbox"/> NO</p> <p><i>If YES, please provide details:</i></p>

	opt-out of out-of-context disclosures of the data to third parties?	
<b>Recourse, Enforcement and Liability</b>		
47.	Do you have an independent recourse mechanism in place to resolve complaints with individuals and enforce your compliance?	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>
48.	Do you have a process in place to notify the appropriate dept. (e.g., legal) when an individual has exhausted their independent dispute resolution rights and provides you with notice that they have invoked binding Data Privacy Framework arbitration?	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>
49.	Do you have a vendor compliance management process?	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>
<b>Compliance Review and Verification</b>		
50.	<p><b>Have you verified your compliance with the Principles?</b></p> <p>To meet the verification requirements of the Recourse, Enforcement and Liability Principle, an organization must verify such attestations and assertions either through self-assessment or outside compliance reviews.</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>
51.	Does your compliance verification indicate that your privacy policy is accurate, comprehensive, prominently displayed, completely implemented and accessible?	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>
52.	Does your compliance verification indicate that your privacy policy conforms to the Data Privacy Framework Principles?	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>
53.	Does your compliance verification indicate that individuals are informed of any in-house arrangements for handling complaints and of the independent mechanisms through which they may pursue complaints?	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>

54.	Does your compliance verification indicate the process you have for training employees around complaint handling and disciplining employees who fail to follow it?	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>
55.	Do you have a process for conducting an ongoing compliance assessment at least once a year and having it signed by a corporate officer?	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>
<b>Participation requirements (HR)</b>		
<b>Human Resources</b>		
56.	Do you intend to use the Data Privacy Framework to cover human resource data?  <i>This includes current, former and prospective employees and contractors.</i>	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>
57.	Does your employee privacy policy state that your organization participates in the Data Privacy Framework and include a link to the Data Privacy Framework list on the Department of Commerce website?	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>
58.	Does your employee privacy policy state which of your entities or subsidiaries (where applicable) adhere to the Principles?	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>
59.	Does your employee privacy policy state the types of personal data collected?	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>
60.	Does your employee privacy policy state that the organization is committed to subjecting personal data, received from the EU in reliance on the Data Privacy Framework, to the Principles?	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>
61.	Does your employee privacy policy state the purposes for which personal data is collected and used?	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>
62.	Does your employee privacy policy state how to contact the organization with inquires or complaints, including any relevant establishment in the EU that can respond?	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>

63.	Does your employee privacy policy state the types or identities of third parties to which it discloses personal data, and the purposes for which it discloses it?	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>
64.	Does your employee privacy policy state that individuals have a right to access their personal data?	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>
65.	Does your employee privacy policy state the choices and means the organization offers individuals for limiting the use and disclosure of their personal data?	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>
66.	Does your employee privacy policy state that complaints arising out of the processing of human resources information should be directed to the EU data protection authorities or local labor authorities?	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>
67.	Does your employee privacy policy state that individuals may invoke, under certain conditions, binding arbitration?	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>
68.	Does your employee privacy policy state which regulatory body can investigate and enforce Data Privacy Framework attestations against the organization (i.e., FTC or Department of Transportation)?	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>
69.	Does your employee privacy policy state that the organization is required to disclose personal data in response to lawful requests to meet national security or law enforcement requirements?	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>
70.	Does your employee privacy policy state that the organization is liable in cases of onward transfers to third parties?	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>
71.	Is your employee privacy policy provided in clear and conspicuous language and provided before, or as soon after as practicable, individuals are asked to provide personal data?	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>
72.	Do you make reasonable efforts to accommodate employee privacy preferences?	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>
73.	Do you have a company policy that prohibits the organization from restricting EU/EEA or Swiss or UK employment opportunities or taking any punitive action against those employees based on the employee's exercise of the Choice Principle?	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>

<b>74.</b>	<b>Do you have a process in place to allow EU/EEA or Swiss or UK employees access to their data where required by applicable law, despite the other limitations of the Supplemental Principle on Access?</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, please provide details:</i>
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