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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**Proposed Information Collection; Comment Request; Information Collection for Self-Certification to the Swiss-U.S. Privacy Shield Framework**

**AGENCY:** International Trade Administration (ITA).

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** Direct all written comments to Jennifer Jessup,

Departmental Paperwork Clearance Officer, Department of  
Commerce, Room 6616, 14th and Constitution Avenue, NW,  
Washington, DC 20230 (or via the Internet at [jjessup@doc.gov](mailto:jjessup@doc.gov) .

**FOR FURTHER INFORMATION CONTACT:** Requests for additional  
information or copies of the information collection instrument  
and instructions should be directed to **David Ritchie, Department  
of Commerce, International Trade Administration, Room 20001,  
1401 Constitution Avenue, NW, Washington, DC, (or via the  
Internet at [privacyshield@trade.gov](mailto:privacyshield@trade.gov), and tel. 202-482-1512).**

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

The United States and Switzerland share the goal of  
enhancing privacy protection for their citizens, but take  
different approaches to protecting personal data. Given those  
differences, the Department of Commerce (DOC) developed the  
Swiss-U.S. Privacy Shield Framework (Privacy Shield) in  
consultation with the Swiss Administration, as well as with  
industry and other stakeholders, to provide organizations in the  
United States with a reliable mechanism for personal data

transfers to the United States from Switzerland while ensuring the protection of the data as required by Swiss law.

On January 12, 2017, the Swiss Administration deemed the Privacy Shield Framework adequate to enable data transfers under Swiss law. To provide organizations the time needed to review the Privacy Shield Principles and the commitment that they entail, the DOC will begin accepting self-certification submissions from organizations on April 12, 2017. More information on the Privacy Shield is available at: <https://www.privacyshield.gov/welcome>.

The DOC has issued the Privacy Shield Principles under its statutory authority to foster, promote, and develop international commerce (15 U.S.C. § 1512). The International Administration (ITA) administers and supervises the Privacy Shield, including by maintaining and making publicly available an authoritative list of U.S. organizations that have self-certified to the DOC. U.S. organizations submit information to ITA to self-certify their compliance with Privacy Shield.

U.S. organizations considering self-certifying to the Privacy Shield should review the Privacy Shield Framework. In summary, in order to enter the Privacy Shield, an organization must (a) be subject to the investigatory and enforcement powers

of the Federal Trade Commission (FTC), the Department of Transportation, or another statutory body that will effectively ensure compliance with the Principles; (b) publicly declare its commitment to comply with the Principles; (c) publicly disclose its privacy policies in line with the Principles; and (d) fully implement them.

Self-certification to the DOC is voluntary; however, an organization's failure to comply with the Principles after its self-certification is enforceable under Section 5 of the Federal Trade Commission Act prohibiting unfair and deceptive acts in or affecting commerce (15 U.S.C. § 45(a)) or other laws or regulations prohibiting such acts.

In order to rely on the Privacy Shield for transfers of personal data from Switzerland, an organization must self-certify its adherence to the Principles to the DOC, be placed by ITA on the Privacy Shield List, and remain on the Privacy Shield List. To self-certify for the Privacy Shield, an organization must provide to the DOC a self-certification submission that contains the information specified in the Privacy Shield Principles. The Privacy Shield self-certification form would be the means by which an organization would provide the relevant information to ITA.

ITA has committed to follow up with organizations that have been removed from the Privacy Shield List. ITA will send questionnaires to organizations that fail to complete the annual certification or who have withdrawn from the Privacy Shield to verify whether they will return, delete, or continue to apply the Principles to the personal information that they received while they participated in the Privacy Shield, and if personal information will be retained, verify who within the organization will serve as an ongoing point of contact for Privacy Shield-related questions.

In addition, ITA has committed to conduct compliance reviews on an ongoing basis, including through sending detailed questionnaires to participating organizations. In particular, such compliance reviews shall take place when: (a) the DOC has received specific non-frivolous complaints about an organization's compliance with the Principles, (b) an organization does not respond satisfactorily to inquiries by the DOC for information relating to the Privacy Shield, or (c) there is credible evidence that an organization does not comply with its commitments under the Privacy Shield.

The proposed information collection for the Swiss-U.S. Privacy Shield Framework is substantially similar to the

previously approved information collection for the EU-U.S. Privacy Shield Framework (OMB Control Number: 0625-0276).

## **II. Method of Collection**

The Privacy Shield self-certification is submitted electronically by organizations through the DOC's Privacy Shield website (<https://www.privacyshield.gov/>). It is anticipated that the Privacy Shield questionnaires and the corresponding responses provided by organizations would be conveyed electronically via e-mail or through the DOC's Privacy Shield website.

## **III. Data**

*OMB Control Number: None.*

*Form Number(s): None.*

*Type of Review: Regular submission.*

*Affected Public: primarily businesses or other for-profit organizations.*

*Estimated Number of Respondents: 2,700.*

*Estimated Time Per Response: 38 minutes.*

*Estimated Total Annual Burden Hours: 2,215.*

*Estimated Total Annual Cost to Public: \$2,118,150.*

#### **IV. Request for Comments**

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

**Sheleen Dumas,**

*PRA Departmental Lead, Office of the Chief Information Officer.*

**Billing Code: 3510-DS-P**

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