About the Safe Harbor Frameworks

Data protection laws in the European Union (EU) countries and Switzerland prohibit transfers of data to destinations, including the United States, that do not meet their “adequacy” standards for privacy protection. The US-EU and US-Swiss Safe Harbor Frameworks were created in 2000 and 2009 respectively, to allow U.S. businesses a streamlined means to continue receiving personal data from Europe. Companies participating in the Safe Harbor Frameworks must self-certify their adherence to seven Safe Harbor Privacy Principles for personal data they receive from the EU and Switzerland. Participating companies are required to provide an independent dispute resolution option for privacy complaints from EU and Swiss citizens whose personal data they process.

About the BBB EU SAFE HARBOR Dispute Resolution Program

The Council of Better Business Bureaus' BBB EU SAFE HARBOR dispute resolution program provides a secure, independent online mechanism for handling privacy complaints by European consumers and data subjects against more than 700 participating businesses. The objectives of this self-regulatory program are to ensure that privacy concerns of individual complainants are addressed expeditiously and fairly, and to promote privacy accountability among companies participating in the program. The service is provided free of charge to individuals, who can readily access the program’s online complaint form through a link placed in the website privacy policy of each participating company. The program’s consumer-facing Web pages also provide a mailing address for complainants who prefer to communicate by regular mail. Language translation and interpretation services are available free of charge to complainants on an as-needed basis.

As provided in the program’s Procedure Rules¹, CBBB staff process incoming complaints by first obtaining sufficient information to determine complaint eligibility. Staff then will work with the complainant and the participating business to facilitate a resolution of the complaint. This conciliation step is voluntary, and the complainant may choose at any point to proceed to a hearing before an independent panelist on the program’s Data Privacy Board. Participating companies that fail to comply with this procedure, or to take agreed upon or mandated corrective action, may be referred to the appropriate federal government agency. In such cases, the annual Procedure Report will include a summary of the facts of the case and the Procedure action in the matter, and will include the name of the participating company.

2014 BBB EU Safe Harbor Casework

During the review period of this Report, staff received, reviewed and analyzed 118 complaints from consumers specifically directed to BBB EU SAFE HARBOR via postal mail or through the dedicated online complaints intake system at http://www.bbb.org/council/eusafeharbor/bbb-eu-safe-harbor-dispute-resolution-program/.

Note that this data does not reflect the total number of EU-related complaints.
received by the BBB system as a whole during the review period. This Report does not address product quality, customer service or other complaints unrelated to privacy received from consumers in the EU and Switzerland by the Better Business Bureau Online Complaint System against participating companies during the review period, nor does it include privacy complaints by EU or Swiss consumers against non-participants. It also excludes complaints by U.S. consumers against BBB EU SAFE HARBOR participants that may have been handled by that System during the period.2

Of the 118 BBB EU SAFE HARBOR complaints received in the review period:

107 complaints were determined to be outside the program’s jurisdiction, because they did not concern a BBB EU SAFE HARBOR participating business, or the consumer was not an EU or Swiss citizen or resident, and/or the complaint was unrelated to privacy.

For each ineligible complaint concerning a U.S. business, the Procedure directed the complainant to the Better Business Bureau Online Complaint System as an alternative avenue for resolving the complaint.

2 complaints contained insufficient information for an eligibility determination. One omitted information about the complainant’s attempt to contact the business directly. Neither included sufficient information to determine if the complaint related to a privacy concern. In each case, the Procedure asked the complainant to supply additional information. Neither complainant responded or pursued the matter further through the Procedure.

9 cases were found eligible for resolution by the Procedure.

- In 7 instances the case was resolved by settlement following conciliation by Procedure staff, and satisfactory performance of the settlement was verified with the consumer.
- 2 eligible cases remained pending at the end of the calendar year.

Settled cases were resolved in an average of 21 business days.

The countries of origin for settled cases were the United Kingdom (4), Spain (2), and The Netherlands (1).

The primary subject matter of settled complaints is as follows:

4 Unable to delete personal data
2 Unable to unsubscribe from communications
1 Unable to access personal data

1 See http://www.bbb.org/council/eusafeharbor/about/rules/

2 The Better Business Bureau Online Complaint System, hosted on the BBB national website at https://www.bbb.org/consumer-complaints/file-a-complaint/get-started, receives about 1 million complaints annually against U.S. businesses from consumers in the United States and worldwide. During the review period, the System received over 1,300 customer service complaints, including privacy complaints, from consumers in the EEA and Switzerland. Unless identified as BBB EU Safe Harbor privacy complaints against participating businesses, these complaints were routed directly to the appropriate local BBB for handling and are not reported in the “ineligible” numbers for the program.