

## The Elephant in the Room: International Personal Data Transfers

Mikołaj Rogowski (Poland), Class of 2014/15



Mikołaj is a privacy and technology counsel and educator with over a decade of experience gained in a wide variety of legal and creative environments incl. international institutions. Recently he joined Arcadis as a director of privacy (legal). For many years, he has been a privacy counsel at Intel, where he served as lead for its data-heavy units (Mobileye, Moovit, R&D labs and global HR) and one of the main architects, within the company, of GDPR compliance. He has authored several publications on privacy and IP law and is a past faculty member

of MIPLC where he lectured on privacy law. Mikołaj specializes in personal data protection law, technology law, IP and in issues related to their impact on social norms and culture. He studied law in Poland, Germany, China, Italy and Sweden.

### Abstract

The presentation aims to partially demystify the dreaded personal data transfer rules under the GDPR and shed light on why the risk-based regulation make them such a burden on the private sector, regulators and data subjects. That personal data protection is a human right under the EU law will be highlighted against the backdrop of being often misunderstood or outright ignored. Following this, the presentation will outline different short term and long-term factors key to shaping the level of protection awarded to personal data in non-European Economic Area territories. Insight will also be provided into how the level of protection is affected by the relationship between various groups of actors in the personal data space. Relying on scholarship from social sciences and economics, these key factors are then categorized to offer a stable set of conclusions both *de lege lata* and *ferenda*.