EDPB on onward transfers: when other model contractual clauses can be used with EU SCCs

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Short answer: the European Data Protection Board said on 13 November 2026 that model contractual clauses from the Council of Europe and from the Ibero-American Data Protection Network may also be used for onward transfers of personal data received under the EU Standard Contractual Clauses, under conditions in the European Commission's FAQs. This gives data importers further instruments for passing data on. It matters to lawyers who negotiate transfer chains across several countries.

TL;DR The short version

- The EDPB said on 13 November 2026 that model clauses from the Council of Europe and the Ibero-American Data Protection Network may be used for onward transfers of data received under EU SCCs.
- This applies under conditions in the European Commission's FAQs and gives data importers further instruments.
- Privacy lawyers should review transfer chains across countries and record which instrument covers each step.

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What are onward transfers and these model clauses?

An onward transfer happens when a recipient outside the European Union passes personal data to another recipient. Model contractual clauses are template terms developed by organisations and third countries. The EDPB statement concerns two sets: the Council of Europe model clauses and the clauses of the Ibero-American Data Protection Network, known as RIPD.

How the mechanism works

- The data first reaches the importer under the EU Standard Contractual Clauses (SCCs).
- The importer wants to send it further.
- Subject to the conditions in the Commission's SCC FAQs, the Council of Europe or RIPD clauses may provide the basis for that next step.
- Under those conditions, the Board says an appropriate level of protection under European law may be ensured.

What is new

The Commission updated its FAQs on the SCCs to recognise these instruments, and the Board adopted a statement welcoming that and giving practical guidance to organisations that want to rely on them. The EDPB says it worked closely with the Commission.

What the source reports

- The statement was adopted at the latest plenary and announced on 13 November 2026.
- It covers use for onward transfers of data received under the EU SCCs.
- It does not say these clause sets replace the SCCs for the original transfer out of the EU.

Limitations and open questions

- This article is based on the EDPB news item. The conditions are in the Commission’s FAQs and the practical points are in the EDPB statement; read both before relying on either clause set.
- Local law in the destination country and transfer assessments may still raise issues.
- Module choice, liability and audit terms need case-by-case review. This is not legal advice. Sources were read on 26 November 2026. Products, rules and standards change, so check the linked originals before you rely on any detail.

How to review a transfer chain

1. Map who receives the data, from the EU exporter through every later recipient and country.
2. Identify which links currently rely on SCCs and which importer plans an onward transfer.
3. Check the Commission FAQ conditions for the clause set you want to use, and confirm each is met.
4. Compare data subject rights, enforcement and audit terms with the obligations the importer already accepted.
5. Record the analysis, update records of processing and notify affected parties where the contract requires.

What it means for privacy lawyers and procurement

Where a counterparty in a third country already uses one of these clause sets, you may be able to avoid drafting a bespoke back-to-back agreement. That is only a saving if the conditions are checked and documented. Add an onward-transfer clause to your template review so the question is raised at signature, not during an audit.

Frequently asked questions

- **What did the EDPB say about onward transfers?** That Council of Europe and RIPD model clauses may also be used for onward transfers of data received under EU SCCs, subject to Commission FAQ conditions.
- **Do these clauses replace the SCCs?** The statement concerns onward transfers, not replacement of the SCCs for the first transfer.
- **Where are the conditions?** In the European Commission’s FAQs on the SCCs.
- **When was this announced?** On 13 November 2026.

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Sources and further reading

1. European Data Protection Board. EDPB supports use of other models of contractual clauses for onward transfers of personal data. 13 November 2026. edpb.europa.eu/news/edpb-supports-use-of-other-models-of-contractual-clauses-for-onward-transfers-of-personal-data_en

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