

Letter on Frequently Asked Questions from Ambassador Aaron

April 30, 1999

Dear Colleagues:

Please find attached the second tranche of "Safe Harbor" documents for public comment and review. General background on the Department of Commerce's discussions with the European Commission regarding the Safe Harbor is provided in my April 19 letter that covered the first tranche of documents released for public review and comment. As explained in that letter, these new documents -- Frequently Asked Questions (FAQs) -- supplement the Safe Harbor Principles and are intended to provide additional guidance to U.S. organizations that may voluntarily ascribe to the Safe Harbor Principles. They have been developed in response to specific issues raised during our discussions with the Commission and in consultations with interested parties in the United States.

The new postings are:

[FAQ on Self-Certification](#)

[FAQ on Sensitive Data](#)

[FAQ on Verification](#)

[FAQ on Journalistic Exceptions](#)

[FAQ on Risk Management](#)

[FAQ on Human Resources Data](#)

[FAQ on Secondary Liability](#)

[FAQ on Headhunters, Investment Banking and Audits](#)

At this point, all the FAQs we contemplate providing (with the important

exceptions of pharmaceuticals/medical products and air transport) have been posted on our website (www.ita.doc.gov/ecom).

Previously posted documents are:

- 1. Revised safe harbor principles;**
- 2. Frequently asked questions and answers (FAQs) on access; and**
- 3. A draft European Commission document on complaint procedures for organizations within the safe harbor (and other Commission "adequacy" decisions)**

As noted in last week's letter, the two sides have achieved a substantial level of consensus on the content of the principles, on the content of more specific guidance (FAQs), and on the safe harbor procedures and benefits. All these documents are still in draft form and under negotiation with the European Commission. Points of difference between the two sides have been identified in footnotes in the text and mark those parts of the document that are most likely to be revised further. The European Commission is also providing these documents to the Member States for their review and comment.

Because we are posting these documents later than originally planned, we are extending the deadline for comment until Friday, May 14, 1999. This new deadline will apply to all the documents posted on April 19, and on these new documents. Please note, however, that the deadline to conclude our work with the Commission is fast approaching and we would very much appreciate receiving your comments at your earliest convenience.

All documents available for review and comment are posted on our web site at <http://www.ita.doc.gov/ecom>. We hope you will take time to review the entire Safe Harbor package and share your views on the material. To submit your comments, please refer to the instructions posted on April 19.

Sincerely,

Ambassador David L. Aaron