

To: All Members and other interested parties

Ref: 19/069 (LME Notice Reference)
19-015 (LME Clear Notice Reference)

Classification: General updates

Date: 07 March 2019

Subject: **PERSONAL DATA TRANSFERS FROM THE EU TO THE LME GROUP AFTER BREXIT**

Executive summary

1. Following a “no deal” or “WTO Rules” Brexit, entities in the EEA wishing to transfer personal data to the UK (including to the LME Group) will need to take additional steps in order to ensure that they are compliant with the General Data Protection Regulation (GDPR).
2. The LME Group is making available a set of standard contractual clauses which can be obtained on request. They are pre-signed by the LME Group. They can be countersigned to assist EEA-based entities with their GDPR compliance.

Background

3. Members or other interested parties with EEA operations may be aware that, in the event of a “no deal” or “WTO Rules” Brexit, the UK would become a “third country” for the purposes of cross-border transfers of personal data.
4. This means that entities sending such data to the UK would need to take certain steps to ensure that they comply with Chapter V of GDPR (transfers of personal data to third countries or international organisations).

Who does this apply to?

5. This Notice will only be of interest to those entities based in the EEA **who send personal data from the EEA (excluding the UK) to the LME Group in the UK**. This may include certain Members, Warehouse operators, market data customers, and suppliers.

LONDON METAL EXCHANGE AND LME CLEAR

10 Finsbury Square, London, EC2A 1AJ | Tel +44 (0)20 7113 8888

London Metal Exchange is registered in England no. 2128666.

LME Clear Limited is a private limited company and is registered in England no.

07611628. Registered offices as above.

[LME.COM](https://www.lme.com)



6. “Personal Data” has the meaning given in the GDPR and includes names, email addresses, and any other information from which an individual can be identified.
7. Those affected should have taken their own advice on GDPR compliance as part of their Brexit contingency planning. We hope, however, that by making the standard contractual terms available on request, we have made solving this issue as straightforward as possible for those affected.

Solution

8. Pre-signed standard contractual clauses (SCCs) can be requested from the LME Group.
9. By signing them, those affected in the EEA can meet their obligations under Article 46 of the GDPR.
10. To use the SCCs, please follow this process:
 - i. Email privacyofficer@lme.com and request a copy of the pre-signed SCCs.
 - ii. The LME Group will send you an email attaching a copy of the pre-signed SCCs.
 - iii. Fill out the “data exporter” entity details (entity name and address).
 - iv. Counter-sign on behalf of the entity where required.
 - v. Scan the completed and counter-signed SCCs and email the scanned document to privacyofficer@lme.com.
11. Note that Annex B has already been populated by the LME Group to describe the categories and purposes of personal data that we receive from such data transfers from the EEA.
12. Please further note that the content of the SCCs is set out by the European Commission. As such we will not enter into negotiations on the content of the SCC obligations.

Questions

13. To reiterate, this Notice and the SCCs are **only** relevant to those sending personal data **from within the EEA (excluding UK) to the LME Group in the**



UK. The SCCs are also not required to transfer data from Switzerland to the UK as the UK is a recognised country by the Swiss Data Protection Authority¹.

14. If you have any questions or would like to discuss further, please contact Nathan Lawrence on +44 (0)20 7113 8017 or privacyofficer@lme.com in the first instance.

Richard Armstrong

Senior Legal Counsel

1

<https://www.edoeb.admin.ch/dam/edoeb/en/dokumente/2018/Brexit.pdf.download.pdf/Text%20Brexit%20EN.pdf>.