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The Bavarian Data Protection Authority barred an European online magazine from using the U.S.-based email marketing service Mailchimp.

But why should we care if we are not in Bavaria?!

Because the DPA based its decision on the ruling by the Court of Justice of the European Union in [#SchremsII](#) and concluded that the transfer of email addresses to servers in the U.S. was impermissible under [#GDPR](#).

Mailchimp was certified under the [#PrivacyShield](#) framework.

Once SchremsII invalidated it, Mailchimp had to offer its EU customers an alternative transfer mechanism ([#SCC](#)) with the caveat that, to effectively protect [#personaldata](#), additional safeguards needed to be implemented. Since the European company had no documentation to prove that it assessed whether these additional safeguards were required, the DPA ruled that the company breached its statutory obligations under GDPR. Particularly, because Mailchimp is considered an “electronic communication service provider” subjected to the Cloud Services Act in the U.S. Notably, the Bavarian DPA didn't impose a fine because of the low sensitivity of the data transferred and the limited scope of the transmission (2 newsletters were sent).

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- a. [Bavarian DPA \(BayLDA\) calls for German company to cease the use of 'Mailchimp' tool - European Data Protection Board - European Data Protection Board](#)