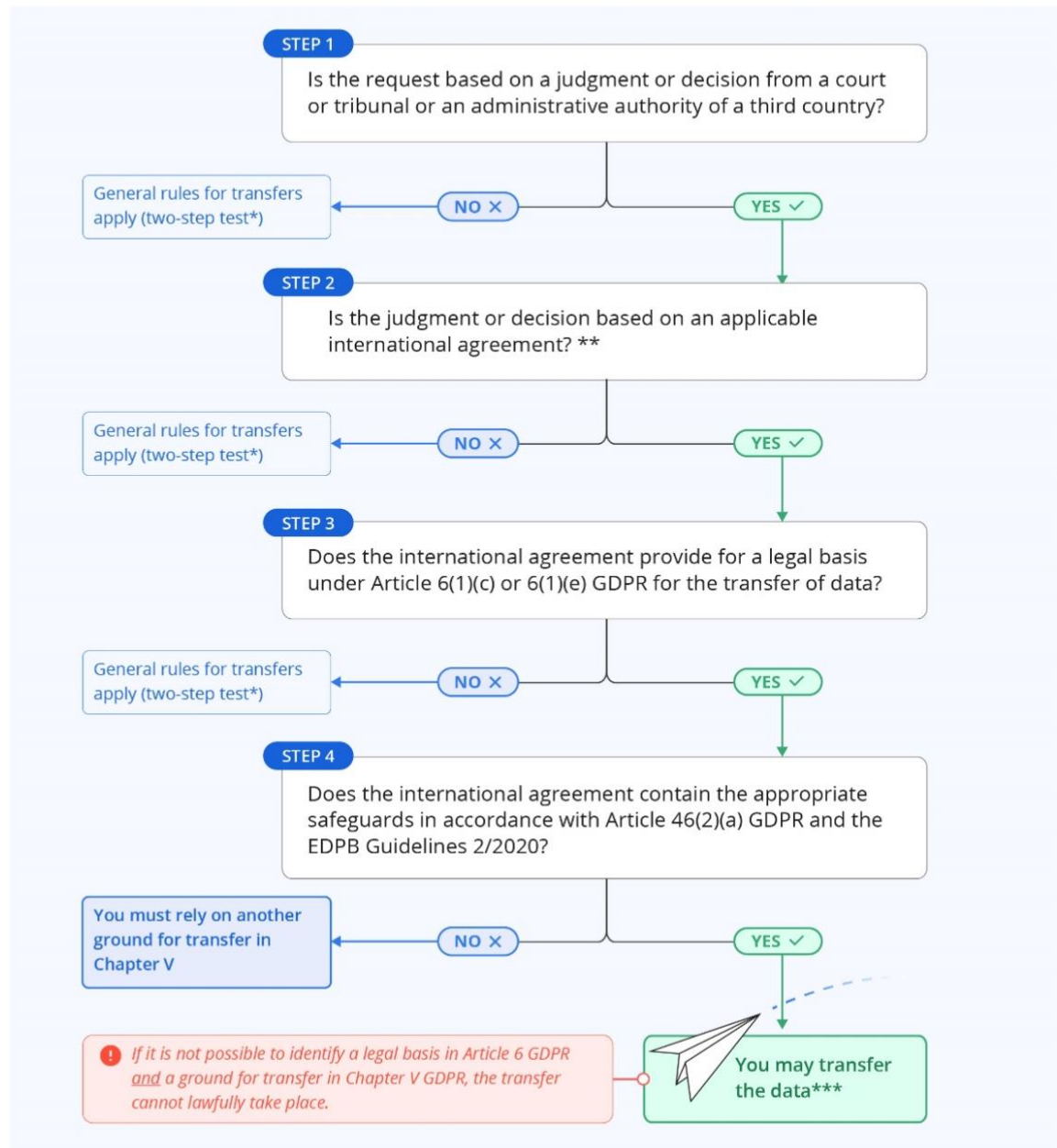


Article 48 refers to the situation where a public body in a third country requests a controller or processor in the EU to transfer data to that authority and the request stems from a judgment or decision of a court or tribunal or an administrative authority of the third country.

When receiving a **request** for personal data from an authority in a third country, a controller or processor²⁶ in the Union should answer the following questions in order to decide if the request can be complied with:



*Two-step test: A lawful transfer requires a legal basis in Article 6 GDPR and a ground for transfer in Chapter V GDPR.

** In this particular situation, an applicable international agreement would mean an international agreement providing for the possibility of direct requests from public authorities in third countries for access to personal data processed by private entities in the EU. If there is no such agreement but an international agreement provides for cooperation between public authorities in that specific area, such as a mutual legal assistance treaty (MLAT), private entities in the EU should generally refer the requesting third country authority to its national competent authority, in line with the procedure provided by the MLAT or agreement (see also footnote 3 of the guidelines).

***Provided that compliance with the other relevant provisions of the GDPR is ensured.

²⁶ If the recipient of the request is a processor, this processor must inform the controller without undue delay and should follow the controller's instructions with regard to the request, unless Union law or Member State law to which the processor is subject prohibits them to inform the controller on "important grounds of public interest" (see to that effect Article 28(3)(a) GDPR and EDPB Guidelines 07/2020 on the concepts of controller and processor in the GDPR, adopted on 7 July 2021).