Transfer Impact Assessment (TIA)

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1. Purpose and standard

This Transfer Impact Assessment evaluates, following the standards of the CJEU judgment C-311/18 (Schrems II) and EDPB Recommendations 01/2020, whether a level of protection essentially equivalent to that of the EU is ensured when using the EchoCall platform. It supplements the DPA and the Standard Contractual Clauses (Annex 4 to the DPA) and is reviewed at least annually and on relevant occasions.

2. Baseline: where is data actually processed?

- Production data (database, files, application operation): exclusively EU (IONOS data centres Germany/France)
- Voice and chat processing including LLM inference of the default profiles: entirely EchoCall's own software with its own models on EchoCall infrastructure in the EU, no external speech or model provider. Optional external model profiles are not covered by this TIA; selecting them is the customer's sole responsibility
- Phone number procurement: EU (Ireland); SIP trunk on EchoCall infrastructure in the EU
- Payment data: with the respective payment provider (EU/USA, PCI-DSS)
- The customers' contracting party is EchoCall LLC, a company under US law (Wyoming) operating from Germany

The relevant third-country aspect therefore lies less in a physical data export than in the provider's legal form and the US group affiliation of individual sub-processors: US authorities could theoretically attempt to demand access to data stored in the EU via US legal entities (CLOUD Act).

3. Relevant US legal bases

- FISA Section 702: obliges "electronic communication service providers" to assist foreign intelligence collection. In practice these programs target large communications and cloud providers; EchoCall is a small B2B SaaS company without a profile typical for Section 702 programs.
- CLOUD Act (18 U.S.C. § 2713): allows US authorities to require US providers to disclose data in their possession or control, regardless of storage location. This would concern data EchoCall LLC has access to.
- Executive Order 14086 and the EU-US adequacy decision of 10 July 2023 (Data Privacy Framework): limit access to what is necessary and proportionate and create a remedy for EU data subjects through the Data Protection Review Court. These safeguards apply regardless of whether a provider is DPF-certified.

4. Practical risk assessment

- Government requests to date: as of the date of this document, EchoCall LLC has not received a single request from a US authority (or any other third-country authority) for the disclosure of customer data.

- Data categories: B2B conversation and configuration data of small and medium-sized businesses; not a target profile typical for foreign intelligence.
- Data location and access paths: data resides in the EU; access would require a legally enforceable disclosure demand addressed to EchoCall LLC and would not occur unnoticed at the infrastructure level.
- Sub-processors with US ties either process in the EU (EU ingest) or receive only limited data categories (payment data, sales contact data); conversation content never reaches a US provider. All are safeguarded by SCC and in part additionally by the Data Privacy Framework.

5. Supplementary measures

- Technical: EU data residency by default, TLS 1.3, encryption of data at rest at storage level, encrypted storage of credentials and 2FA secrets, strict tenant separation, configurable retention periods, zero-PII mode (details in the TOM document)
- Organizational: EchoCall reviews every governmental disclosure demand for legality, challenges disproportionate or unlawful demands with all reasonable legal remedies, discloses only the legally required minimum and informs the affected customer in advance where legally permitted
- Contractual: EU Standard Contractual Clauses (Modules 2 and 3) agreed with all customers; equivalent obligations passed on to all sub-processors; transparency commitment (the zero-requests status is updated if it changes)

6. Conclusion

Taking into account the actual EU processing, the data categories, the request history to date, the safeguards of Executive Order 14086 and the technical, organizational and contractual measures described, EchoCall assesses the residual risk of disproportionate third-country access as low. The transfer scenarios can be based on the Standard Contractual Clauses in conjunction with the supplementary measures. Customers may use this TIA for their own documentation under Art. 44 ff. GDPR.

Next scheduled review: August 2027, or earlier if warranted (legal changes, new sub-processors, first governmental request).
