

# Client Alert: How Wide is the Territorial Application of the GDPR? The English High Court Offers Some Guidance

## Publications

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By now, it is generally understood that the General Data Protection Regulation (GDPR)[1] can apply extraterritorially; that is to say that it can apply to entities established outside of the European Union. The true extent of this extraterritorial application, however, has not often been tested, and as the English High Court's decision in *Soriano v Forensic News LLC and Others*[2] (*Soriano*) has shown, will take time to be determined as data protection authorities and private litigants bring proceedings against non-European controllers and processors. Ultimately, *Soriano* is useful in that it identifies some benchmarks as to what is not sufficient to trigger extraterritorial application of GDPR. However, given how fact-dependant the ruling is, *Soriano* leaves much to the imagination with respect to other fact patterns that might result in a different result.

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