

## **Salesforce's Data Processing Addendum and Transfers of European Personal Data**

*At Salesforce, trust is our #1 value and nothing is more important than the success of our customers and the privacy of our customers' data. We have a robust privacy program that meets the highest standards in the industry. Salesforce's data processing addendum incorporates binding corporate rules, the EU-U.S. Privacy Shield, and the European Commission's standard contractual clauses.*

### ***What are binding corporate rules, the EU-U.S. Privacy Shield, and the EU standard contractual clauses?***

Binding corporate rules (or "BCRs") are company-specific, group-wide data protection policies approved by European data protection authorities to facilitate transfers of personal data from the European Economic Area ("EEA") to other countries. BCRs are based on strict privacy principles established by European Union ("EU") data protection authorities and require intensive consultation with European data protection authorities. Salesforce is the first top 10 software company in the world to achieve approval for its BCR. Additional information about BCRs is available at the European Commission's Web site.

The EU-U.S. Privacy Shield is a framework designed by the U.S. Department of Commerce and the European Commission to provide companies with a mechanism to comply with European data protection requirements when transferring personal data from the EU to the U.S. Companies may self-certify to comply with the EU-U.S. Privacy Shield framework, and compliance is subject to oversight and enforcement by the U.S. Federal Trade Commission.

The EU standard contractual clauses are legal contracts entered into between contracting parties who are transferring personal data from Europe to other countries located outside the EEA. The standard contractual clauses were drafted and approved by the European Commission.

### ***Who approved Salesforce's binding corporate rules?***

Salesforce has received approval for its Binding Corporate Rules for the Processing of Personal Data ("Salesforce Processor BCR") from European data protection authorities. The French data protection authority, known as the CNIL, served as Salesforce's lead authority, and the Dutch and Bavarian data protection authorities served as co-lead authorities. In accordance with requirements established by EU data protection authorities in their "Article 29 Working Party," all EU data protection authorities in addition to the data protection authorities of EEA member states of Iceland, Liechtenstein, and Norway, were part of the approval process.<sup>1</sup> This means the Salesforce Processor BCR is officially recognized across the EEA.

### ***How does Salesforce's data processing addendum benefit my company?***

Salesforce's data processing addendum gives our customers contractual assurance that Salesforce has multiple legal mechanisms to help customers validate transfers of personal data from the EEA to Salesforce's services.

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<sup>1</sup> With the exception of Portugal and Hungary (where the national law prevents or prevented the authority from recognizing BCRs).

***To which services do the Salesforce Processor BCR, the EU standard contractual clauses, and Salesforce's certification to the EU-U.S. Privacy Shield apply?***

The Salesforce Processor BCR applies to data submitted to Salesforce's services branded as Sales Cloud, Service Cloud, Chatter, Communities, and Force.com.

Customers using services not within the scope of the Salesforce Processor BCR, as well as customers who are in jurisdictions that do not yet recognize BCRs or who have not completed locally required formalities, may take advantage of Salesforce's certification under the EU-U.S. Privacy Shield for the services described [here](#), or may use the EU standard contractual clauses to legalize the international transfer of European personal data to Salesforce's services. The Privacy Shield framework applies automatically to services within the scope of Salesforce's certification, and the standard contractual clauses continue to be incorporated into Salesforce's data processing addendum for these situations.

***How does my company incorporate Salesforce's data processing addendum into my Salesforce contract?***

Customers may complete, sign and return the data processing addendum to [dataprocessingaddendum@salesforce.com](mailto:dataprocessingaddendum@salesforce.com).

***What additional steps does my company need to take to benefit from the Salesforce Processor BCR?***

In addition to completing, signing, and returning Salesforce's data processing addendum, in some jurisdictions Salesforce's customers may need to complete specific formalities with their data protection authorities under applicable local law.

If you have questions on these steps, please open a case with the Salesforce customer support team via the Help & Training success community at [help.salesforce.com](https://help.salesforce.com).

***Does last year's European Court of Justice decision regarding the EU-U.S. Safe Harbor Framework impact the Salesforce Processor BCR, the EU standard contractual clauses, or the EU-U.S. Privacy Shield?***

On October 6, 2015, the European Court of Justice determined that the EU-U.S. Safe Harbor does not provide a legal basis for transfer of personal data from Europe to the U.S. Additionally, the European Court of Justice confirmed that EU member state data protection authorities have authority to question the validity of data transfer mechanisms.

On October 16, 2015, the Article 29 Working Party confirmed that both standard contractual clauses and BCRs remain valid legal mechanisms for transferring personal data from the EU. This has also been reiterated by the European Commission in a November 4, 2015 communication to the European Parliament and the Council of the EU.

On July 12, 2016, the EU and the U.S. formally entered the EU-U.S. Privacy Shield, a new framework intended to replace the EU-U.S. Safe Harbor. The U.S. Department of Commerce has accepted Salesforce's self-certification under the new framework for the services described [here](#). The Privacy Shield framework further strengthens transfers of EU personal data to the U.S. by offering new commitments from the U.S. government regarding protection of data belonging to EU citizens, including the creation of an ombudsperson role to oversee governmental requests for access to personal data. This complements recent changes to U.S. law including the passage of a redress act giving EU citizens access to U.S. courts to enforce

privacy rights.

***What if I have additional questions?***

Please open a case with the Salesforce customer support team via the Help & Training success community at [help.salesforce.com](https://help.salesforce.com).