

# Questionnaire on Protecting Personal Data

**AS PER GDPR**

This form helps to clarify if a service provider can guarantee a sufficient level of data protection.

## Service recipient information

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Company	<input type="text"/>
Contact	<input type="text"/>
Telephone	<input type="text"/>
Email	<input type="text"/>

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## Service provider information

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Company	<input type="text"/>
Address	<input type="text"/>
Country	<input type="text"/>
Industry	<input type="text"/>

## Service provider contact for data protection issues

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Name	<input type="text"/>
Telephone	<input type="text"/>
Fax	<input type="text"/>
Email	<input type="text"/>

## Contract information

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Contract number or similar

Contractually agreed services

When was the contract signed?

Is personal data processed?

 Yes  No

Data processing location(s)

In cases of data processing outside of the European Union:  
How is adequate data protection as per GDPR ensured?

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In light of the ruling by the European Union Court in C-311/18, Section II in the Annex to Decision 2001/915 /EC and/or Section 5(b) in the Annex to Decision 2010/87, we request immediate clarification of the following questions:

### 1. Direct application of 50 U.S.C. §1881a (= FISA 702)

Are you or another relevant U.S. institution (data controller or processor) that processes or has access to personal data transferred by us to you subject to one of the following definitions in 50 U.S.C. §1881(b)(4), which could make you or the other institutions(s) directly subject to 50 U.S.C. §1881a (= FISA 702)?

Yes  No  We are legally bound to not answer this question

### 2. Processing as per EO 12.333

Do you or another relevant U.S. institution (data controller or processor) that processes or has access to personal data transferred by us to you work in some capacity with U.S. authorities who monitor communication as per EO 12.333, irrespective of whether the cooperation is voluntary or obligatory?

Yes  No  We are legally bound to not answer this question

### 3. Other relevant laws

Are you or another relevant U.S. institution (data controller or processor) that processes or has access to personal data transferred by us to you subject to any other law that could be viewed as undermining the protection of personal data as per Art. 44 GDPR?

Yes  No  We are legally bound to not answer this question

If yes, please indicate the exact law

### 4. Protection against mass and arbitrary processing during data transfer

The European Court has also underscored the necessity of ensuring that personal data is not subject to mass monitoring during its transfer. Therefore, we require the following clarification from you:

Have you implemented sufficient technical and organizational measures for each step of the data processing process (see Art. 32 GDPR) to ensure that the mass or arbitrary processing of personal data is not possible by or on behalf of transit authorities (e.g. within the framework of the Upstream program in the USA)?

Yes  No  We are legally bound to not answer this question

If yes, please specify which technical and organizational measures (including encryption) have been implemented to ensure that neither content nor metadata can be processed by highly sophisticated state actors with direct access to the Internet data transfer, network switches, hubs, lines, or similar.

### 5. Termination of contract and liability

We would like to reference Section II in the Annex to Decision 2004/915/EC and/or Section 5(b) in the Annex to Decision 2010/87, in which you are obligated to inform us of any such law or such practices in the USA, if they apply to you.

In the event that you cannot demonstrate complete compliance with the SCCs (standard contractual clauses), we reserve the right to terminate the contract and/or claim damages in accordance with applicable law (including Section III(a) in the Annex to Decision 2004/915/EC), which have resulted from this non-compliance.

### 6. Completing the questionnaire

We ask you to complete this questionnaire promptly and no later than five business days from today.

# Binding declaration of service provider

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## We hereby confirm that

- we have received the complete questionnaire.
- our inquiries have been answered with sufficient clarity.
- the information we have provided in this form and its annexes is accurate, applicable, and comprehensive.
- we fully agree with the further processing and use of the provided information to the extent specified.

## We understand that

- the information we have provided is part of/will be part of (resulting therefrom) a contractual obligation.
- providing false information can result in the immediate termination of the pre-selection process or an ongoing contractual relationship.

## We undertake to

- inform  (company name of service recipient) of all substantial changes immediately, and furthermore unsolicited and in writing.

Place, date

Name (please print)

Signature

Stamp